HOUSE OF REPRESENTATIVES—*Monday, October 3 , 1991*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 3, 1994.

I hereby designate the Honorable ALCEE L. HASTINGS to act as Speaker pro tempore on this day.

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

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994 and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

THE OSHA PLAGUE

Mr. HEFLEY. Mr. Speaker, here is the lead from an article in The Chieftain, the leading newspaper in Pueblo, CO:

> Pueblo's construction boom came to a halt this week but not because of the weather, economics, or labor problems. What shut down many of the new homebuilding projects in the city and county was word that the Occupational Safety and Health Administration was in town. * * * One stucco contractor said he visited a number of sites in the city and in Pueblo West and found no one working. "It was like a plague," he said, "Really spooky."

The OSHA plague. Employers across the country are protesting the activities of the Occupational Safety and Health Administration, and with good reason.

OSHA fines have quadrupled in recent years, even as onsight inspections have declined. Worse, the Clinton administration is proposing regulations covering indoor air—price, $8 billion; ergonomic regulations, $10 billion; and mandatory workplace safety committees, $25 billion.

Before these regulations become final, I believe it's time Congress had a real debate on OSHA. Instead of debating how to expand OSHA's mission, we should debate the mission itself.

After 24 years and billions of dollars, it's time to ask OSHA for an honest accounting.

IMPERIAL FOOD

Let me give you an example of what is wrong. We have all heard about the fire at Imperial Food Products chicken processing plant. That fire killed 25 employees and injured an additional 55.

Imperial Food's owners is currently serving a 20-year-sentence for manslaughter. He's bankrupt and facing millions in lawsuits.

Meanwhile, $16 million in workers compensation has been distributed to the victims and survivors.

What did OSHA have to do with any of this? Nothing.

OSHA failed to prevent the fire or the injuries. The law used to convict the owner was a State manslaughter law not the OSHA law. Finally, OSHA itself was sued by the victims for failing its mission.

As an OSHA official from North Carolina pointed out, the whole purpose of OSHA is to prevent this type of tragedy from happening. But somewhere along the way, OSHA's mission of prevention took a backseat to its enforcement activities.

In the process, safety has been shortchanged.

WHAT OSHA DOES BEST

How did OSHA lose sight of its mission? Through Congress, of course.

Consider the 1990 Budget Reconciliation Act. That act called on OSHA to increase its collections by $900 million over 5 years.

After some lipservice to safety, the conference report states:

> Changes in OSHA Act civil penalties will produce nearly $900 million in new Federal revenues over 5 years. The conferees expect OSHA to assess significantly higher penalties across the board given the sevenfold increase in the maximum allowable penalty. All revenues collected will be deposited in the U.S. Treasury for purposes of Federal deficit reduction.

OSHA has responded to this mandate with gusto. In 1992, Builder magazine noted that fines of homebuilders almost quadrupled in 2 years.

In my State of Colorado, OSHA penalties rose from $298,000 in 1990 to $803,000 in 1992, an increase of 170 percent.

I think it is obvious that Colorado's workplaces weren't three times as dangerous in 1992 as they were in 1990—but then, it is also obvious these fines have little to do with safety.

Consider that of the top 10 most frequently cited fines, paperwork violations make up the top 7. Almost 70 percent of OSHA citations are paperwork violations.

So instead of working to ensure the safety of their employees, employers are forced to spend their time filling out forms and posting signs.

But then, that is what you get when you put bureaucrats in charge of safety—safety on paper.

LET THE MARKET WORK

While OSHA is busy collecting fines for missing files and warning labels, the market is busy making the workplace safer.

Market economics and criminal laws combine to punish employers who recklessly endanger the lives of their employees. Consider the following:

According to Robert Reich, employers in 1992 paid out $52 billion in workers compensation. Wage replacement and medical costs add an additional $38 billion. Finally, William Ford points out that injuries cost employers $116 billion in lost production.

Add those numbers up, and you get $206 billion lost by employers in 1992 due to workplace deaths and injuries.

That same year, OSHA proposed $72 million in penalties for workplace safety violations.

Which has a bigger impact?

CONCLUSION

We need to reform OSHA. Not expand it—refocus its efforts into more profitable channels. If OSHA is supposed to prevent accidents, then let's allow OSHA officials to concentrate their efforts on prevention.

That means taking away OSHA's enforcement powers and expanding its consulting responsibilities. If Congress thinks it is necessary for the Federal Government to preach safety to employers, we can do it without the bullyboy mentality.

The bottom line was summed up nicely by Robert Reich when he noted that "work accidents make up only 20 percent of all accidents." All things being equal, you're safer on the job.

I'm introducing legislation to reform OSHA, and focus it on prevention, which was what it was supposed to do in the first place.

RECESS

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

Accordingly (at 10 o'clock and 36 minutes p.m.) the House stood in recess until 12 noon.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

□ 1200

AFTER RECESS

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

PRAYER

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

We remember with gratitude the affection, our former colleague and friend, Claude Harris of Alabama, who died yesterday. We recall his great service to this institution and his dedication to the values of justice and integrity. May Your blessing, O God, be with his family and assure them of Your peace that passes all human understanding.

Our petition this day is for a vision to see great opportunities of service in our lives. We pray, gracious God, that we will not be content with the ordinary things that only meet the least of our expectations, but open our eyes to the grandeur of our world and the promises of a better day. Give us, we pray, the gifts of faith, hope and love—a faith that gives renewed confidence, a hope that lifts us to new courage, and a love that never lets us go. Bless us this day and every day, 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the District of Columbia [Ms. NORTON] please come forward and lead the House in the Pledge of Allegiance.

Ms. NORTON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3694. An act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child; and

H.R. 4543. An act to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the "Matthew J. Perry, Jr. United States Courthouse."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3485. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996;

H.R. 4228. An act to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California, and

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4950) "An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. SARBANES, and Mr. HELMS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4299) "An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

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

S. 1225. An act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission;

S. 1422. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe;

S. 2345. An act to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes;

S. 2372. An act to authorize for three years the Commission on Civil Rights, and for other purposes;

S. 2395. An act to designate the United States Courthouse in Detroit, Michigan, as the "Theodore Levin Courthouse", and for other purposes;

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; and

S.J. Res. 227. Joint resolution to approve the location of a Thomas Paine Memorial.

DECISION UPHELD IN JOHN DEMJANJUK MATTER

(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, there still may be some hope for the Constitution. The U.S. Supreme Court upheld the decision of the Sixth Circuit Court in the matter of John Demjanjuk, accused of being Ivan the Terrible. They upheld the fact that the Justice Department knowingly and willingly withheld key evidence that sentenced this man to the hangman's noose, and they did it deliberately, with knowledge, full scope, that perpetrated a fraud on the courts. Thank God.

Ladies and gentlemen, no one has suffered more sharp attacks than I have in this case, but let me say this: After reviewing documents and after uncovering certain documents, it was evident that Demjanjuk was not Ivan the Terrible.

Let me say this, Congress: When we allow the rights of one American to be violated, we allow the rights of all Americans to subsequently be endangered. Shame when the word "Nazi" can waive the Constitution. No one around here supports Nazis. Neither do I. I am tired of the accusation. I am proud of the fact that someone at least in this Congress intervened. Now it is time for Attorney General Janet Reno to do her job and investigate fully this matter. The rights of the American people deserve that investigation.

THE DEMOCRATS' NEAR PANIC

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

Mr. HEFLEY. Mr. Speaker, the New York Times recently described the Democrats as being in a "near panic over how they are perceived by the public." Everyone saw the Democrats on the floor last week. The only thing they can do is attack the Republicans' contract with America—they have no platform of their own to stand on because their President and his administration has failed to deliver on their promises.

People in a near panic try to distort their opponent's platform to cover up the fact that they have no platform—that is exactly what the Democrats are doing. People in a near panic make wild accusations about their opponent's issues because they have no issues of their own to talk about—that is exactly what the Democrats are doing. People in a near panic try to paint their opponent as the bad guy because they cannot portray themselves as the good guy based on their own merits—that is exactly what the Democrats are doing. Mr. Speaker, the Democrats are in a near panic, and it is showing.

REPUBLICAN LEADERSHIP WILL END POLITICS AS USUAL

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

Ms. DUNN. Mr. Speaker, if the American people decide to elect a Republican majority in the House this November, we will end politics as usual.

On the very first day of the new Congress, the Republican majority would immediately pass the following reforms and write them into the rules of the House of Representatives that determine how it conducts its business for the whole 2 years.

One, require all laws that apply to the rest of the country to apply equally to the Congress.

Two, select a major independent auditing firm to conduct a comprehensive audit of Congress' own finances for waste, for fraud, and for abuse.

Three, cut the number of House committees and cut committee staffs by one-third.

Four, limit the terms of all committee chairmen.

Five, ban the casting of proxy or ghost voting in committees.

Six, require all committee meetings and hearings to be open to the public, the Sunshine Act.

Seven, require a three-fifths majority vote to pass any tax increase.

Eight, require zero-based budgeting which means no more accounting gimmicks to call a special increase a spending increase.

Mr. Speaker, give us a chance to govern this House of Representatives. We will change the way business is done in the U.S. Congress.

COLUMBUS DAY

(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, a week from now the Nation celebrates Columbus Day.

We recognize him of course, for discovering America over 500 years ago. Amazingly, that is a feat the President and his party have yet to accomplish.

I say this because they continue to oppose the only document in Washington today that encompasses America's demand for change: Republican's contract with America.

By opposing a balanced budget amendment, term limits, a line-item veto, and help for America's families, Democrats have missed the boat. The President and his party insist on mimicking the flat-earthers of yesterday who could not see beyond the horizon.

Five hundred years ago, they would have remained in Spain, firmly attached to the Old World rather than attempting to find the New.

They would have waved good-bye at the docks, full of reasons why it could not, should not, or would not be done. And when the ships returned, they would have been just as full of doubts that America had been found.

Republicans are reenacting Columbus' voyage because like him, we have discovered America and we have the contract to prove it.

□ 1210

GATT IS BAD FOR AMERICA

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

Mr. ROHRABACHER. Mr. Speaker, I voted for NAFTA, I voted for fast track, and now I feel totally betrayed by what is in GATT and the dishonest way it is being handled here in the Congress. I voted for fast track because it gave Congress 90 days to look at and discuss this very important trade treaty.

Instead of open and adequate discussion, we have secrecy, and not just fast track but grease track. The President has broken faith with all of us by putting secret provisions into GATT in the first place, and then instead of giving us 90 days to look at GATT, he put it before us and gives us only 1 or 2 days here at the last part of the session to look at GATT, further breaking faith in that there are provisions in GATT or in the implementing legislation that are not even required by GATT.

I would ask my friends who believe in free trade, and do I believe this free trade, my voting record demonstrates this, let us not get hustled. GATT is horrible for the American people. Let us take out the rip-off provisions for our inventors, for example, that slipped into GATT, and let us spend some time looking at this treaty rather than just pushing it on through. It is going to hurt America otherwise.

FEDERAL PAYMENT FORMULA REVISION ACT OF 1993

Mr. STARK. Mr. Speaker, I call up the bill (H.R. 2902) to amend the District of Columbia Self-Government and Governmental Reorganization Act to revise and make permanent the use of a formula based on adjusted District General Fund revenues as the basis for determining the amount of the annual Federal payment to the District of Columbia, and for other purposes, and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. BLILEY. Mr. Speaker, reserving the right to object, under my reservation I yield to the chairman of the committee, the gentleman from California [Mr. STARK], for an explanation of the bill.

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman for yielding. I would like to thank the committee ranking member, the gentleman from Virginia [Mr. BLILEY], for his efforts on behalf of this legislation, and I thank the delegate from the District of Columbia.

Mr. Speaker, the purpose of H.R. 2902 is to reauthorize the Federal payment to the District of Columbia for fiscal year 1996. Last week, the House District Committee adopted a bipartisan substitute which maintains the 1996 Federal payment authorization at the 1995 appropriation level; namely, $660 million. This is an interim approach, and I will continue to advocate use of a formula in future years.

The bill as reported, Mr. Speaker, also includes a framework for performance and accountability standards, which the District must begin to implement almost immediately.

Micromanagement of the District of Columbia is not the role of the Congress. Nevertheless, we must receive accurate details about the city's financial and management practices in order to carry out our responsibilities.

It is important that the Congress complete action on this bill now so that the city and OMB can better plan for fiscal year 1996. I urge its adoption.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, I am pleased to support the bipartisan compromise we have crafted together as the committee substitute to H.R. 2902. It has been a pleasure working with Chairman STARK and the gentlewoman from the District, Ms. NORTON.

With only a few hours left in the 103d Congress, this is no time to abandon the road we have taken together this year. It would have been easy to put off reauthorization of the Federal payment until next year, but that would not have been fair to the people of the District of Columbia. We cannot realistically expect the District government to prepare its budget without this authorization. We cannot ask someone else to do our job for us next year.

This compromise merits the support of all Members on both sides of the aisle. It contains important changes to the Home Rule Act which will assist the District in its planning, setting priorities, and budgeting. It will greatly assist us in discharging our constitutional duties by helping us measure the local government's performance. We have delegated authority to the local government. But we cannot abdicate our responsibilities. These changes will benefit the District and Congress alike.

The Federal payment to the government of the District of Columbia is an important connection between Americans and their capital city. Since the city's first home rule charter was

signed during Jefferson's Presidency, the historical record consistently shows that the Federal interest in building, safeguarding, maintaining, and improving the Nation's Capital could never be dependent solely upon the financial welfare of the local economy. An 1835 Senate report concluded that:

In the investigation of the subject committed to them, and of the relief to be proposed, the committee have [sic] been unable to separate the interests of the District from the interests of the United States. They regard it as the child of the Union, as the creation of the Union for its own purposes.[1]

If this had not been the design, a temporary or permanent seat of Government would have been selected in some populous city, or some territory, subject to State jurisdiction; and if this was the design it is not easy to comprehend either the principle which would prevent the Government from a liberal appropriation of the national resources to accomplish the object, or the policy which could confine the city to the means possessed by the inhabitants for its improvement.[2]

Thus, it has always been apparent that the cost of building and maintaining the Nation's Capital could never be shouldered by only those who reside here. This cost includes the burden of having the Federal Government as the largest landowner in the District. The Federal payment itself can be traced back at least to the 1840's when annual appropriations were made by Congress to the local government. A June 1, 1874, committee report from the House Committee on the Judiciary, "Legal Relations of the District of Columbia and the United States" (the Poland Report), affirmed that the obligations of the Federal Government to the city are rooted firmly by the founders:

The Federal city was to be a temple erected to liberty, toward which the wishes and expectations of all true friends of every country would necessarily be directed; and, considered under such important points of view as evidently controlled the minds of the founders, it could not be calculated on a small scale. Everything about it was to correspond with the magnitude of the object for which it was intended. It foresaw a far distant future when it was to be the center of a continent under one form of government looking to it for its laws and for its protection. *It was to be a city where all improvements made and expenses incurred were to be for the benefit of the whole people* (emphasis added).[3]

As to the mutual obligations of the Federal Government and the citizens to defray these expenses, the committee find little difficulty. It is clear, if this national capital was founded for the use of the United States, and was placed under its exclusive government and control, and upon a scale of magnificence appropriate only for a national capital, it could never have been contemplated that the burden of expenditures should fall upon those citizens of the United States who might temporarily or permanently take up residence at the capital.[4]

Nor, indeed, would it have been just to impose this burden upon them; for, upon the theory upon which the capital was founded, all these expenditures would ultimately be for the benefit of the whole people, and justice would dictate that the burden should fall upon the whole people.[5]

Despite the rhetoric however, ever since George Washington himself appealed to the Maryland Legislature for an emergency loan to continue building, cash shortages and mismanagement have plagued the local government. In many respects, the problems of the District government so well documented this year are a familiar repeat of history.

In 1991, it was clear that the local government had again reached a crisis point. Revenues had been overestimated by at least $176 million the local government faced a deficit of more than $300 million.

In response, Republicans and Democrats forged a series of bipartisan agreements to rescue the Nation's Capital from the brink of fiscal collapse. A $100 million emergency supplemental appropriation was passed. Whereas the Federal payment to the District had been flat for 4 straight years at $430.5 million from 1987 to 1991, we increased the payment by $200 million for fiscal year 1992. Despite great uncertainty, the mayor, the council, and Congress agreed on a controversial $331 million bond obligation which would straighten out the District's cash flow roller coaster and even allow for a rainy day fund. Perhaps most importantly, we passed an authorization bill which for the first time established a formula for the Federal payment—Public Law 102-102.

Together, we enacted a program which would provide a cash infusion of more than $1 billion to the District between 1991 and today. Between 1990 and 1994, Federal assistance to the District has increased by nearly 30 percent compared to a 9-percent increase in general fund local revenues. In 1990, the Federal Government provided for 49 cents for every dollar raised in local revenues. The Federal Government now provides 58 cents for every dollar. The Federal Government will provide more than $1.5 billion to the District this year.

In spite of these efforts, however, the financial condition of the District in January 1995 will closely resemble the situation we witnessed in January 1991. To adequately prepare its new budget, the District must know what the Federal payment will be. But, the District must also know that we have asked enough of the American taxpayers. Accordingly, H.R. 2902, as amended, freezes the fiscal year 1996 Federal payment at this year's level. I believe that a majority of Members want to be assured that the District government is changing for the better in how it conducts its affairs before higher levels of Federal resources are committed. A freeze is a fair deal for the District and the national taxpayers.

In terms of managing these resources, our work is far from over. The Federal financial assistance to the city was never designed to be a one-way street. There has always been, and should continue to be, a linkage between the payment and performance. Appropriate Federal oversight has always been a part of the equation. The Home Rule Act does not sever the District from its obligations as the Federal city.

We recognize that the problems facing the District extend at least to the end of the century. We cannot merely wish for better management, we must demand accountability. We have a fiduciary responsibility to the American taxpayers to ensure that these and future funds are spent wisely. This legislation contains a number of important permanent changes to the Home Rule Act. It requires the District government to design and implement a series of performance reviews. These programs will help the government evaluate both strengths and weaknesses in government service and personnel performance. Over time, these evaluations and scorecards can be used to improve service delivery and to right size its labor force. Both the programs and their annual reviews will be reviewed by the General Accounting Office and presented to Congress.

This legislation protects the requirements of this year's appropriation bill that the District government send to Congress a series of financial reports. No longer will Congress be blindsided by inadequate information about the District's true financial condition. But H.R. 2902 goes even further by requiring the District prospectively to report what it intends to do to ensure that its 5-year financial program stays in balance. The District will also have to evaluate its performance over the past year and explain any deviation from its previously announced plans. Together with quarterly cash flow statements required to be sent to Congress, these reports will allow Congress not only to examine each year's plan in advance but to track performance over time to ensure that the District government sticks to a steady course toward financial responsibility.

The quarterly reports will also include appropriate information about the personnel levels in the District government. Many Members have raised concerns about the size of the District government. With this legislation, we will have the information we need to separate fact from fiction.

Some Members have expressed concern about the timing of this reauthorization. Let me assure my colleagues that this is wholly consistent with the fiscal year 1995 appropriations bill and builds upon the action we took on a bipartisan basis. If we do not pass H.R. 2902 before the end of the 103d Congress, we will have taken a giant step backward.

[1] Footnotes at end of article.

Without this bill, the District government will not properly be able to prepare its budget for our review next year. Our demands of fiscal responsibility would be hollow. We will not have established the important plans we need to evaluate the District's performance. Waiting until next year will only lead to confusion and possibly misguided action by the next city administration. Little, if any, additional useful information will be available before the middle of next year on which to base a more informed decision than we have at present. We will have missed the opportunity to shape the relationship between the American people and their capital city.

Nearly 200 years ago when much of Washington, DC was nothing but a swamp, Thomas Johnson, one of the first Federal city commissioners appointed by President George Washington wrote to Washington, "the success of the City has now become important to your reputation." How Congress deals with the fiscal distress of the Nation's Capital today and over the next few years is important to all of our individual and collective reputations. There is nothing good to be gained by declining this opportunity to act and allowing the District to slide back into the fiscal swamp.

I am pleased that this legislation is offered on a bipartisan basis and has the support of the membership on both sides of the committee. I thank my Republican colleagues for their cooperation and support. Let me also thank Mr. MCDADE, the ranking Republican on the Appropriations Committee, and Mr. WALSH, the ranking Republican on the D.C. Appropriations Subcommittee, for their assistance. Many of their ideas have been incorporated into this legislation.

This legislation appropriately balances the interests of the District of Columbia with the Federal interest. I strongly support H.R. 2902 as amended.

FOOTNOTES

[1] House of Representatives. Committee on the Judiciary. *Legal Relations of the District of Columbia and the United States.* 43rd Congress. Report No. 627. Reprinted in House of Representatives. Committee on the District of Columbia. 96th Congress. August 14, 1979. Serial No. S-1. (U.S. Government Printing Office, Washington: 1979) p. 201.

[2] Ibid. p. 202.

[3] Ibid. p. 198.

[4] Ibid. p. 199.

[5] Ibid. p. 199.

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

Mr. BLILEY. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I want to thank the ranking member and Chairman STARK for working to get this early authorization through so that the District can begin on its budget, which virtually is beginning now.

I want to thank Chairman Pete STARK and ranking member TOM BLILEY, for their hard work in fashioning an early reauthorization for the 1996 Federal payment in light of the District's severe financial crisis. The District will begin work on its fiscal year 1996 budget in November after Congress has adjourned. Since Congress will not return until January, the District would be left to take substantial steps in drawing its budget with no guidance on what figure the officials have to work with as to the amount of the Federal payment.

Even if the District were in normal financial condition, it would always be important for District officials to know the amount of the Federal payment at the time they are preparing the budget. That is why we enacted a formula for the Federal payment in 1991. Despite the best efforts of Congress and the District, however, actual practice demonstrated that the formula was flawed. With no experience in developing a formula, unforeseen and arcane factors related to the District's budget process have arisen.

It will take additional time and effort to fashion a trouble-free formula for the Federal payment. It is important to design a workable formula that will not produce new uncertainties or create more problems than it solves. In the past, for example, the District and the Congress have arrived at good faith differences in their calculations of the formula amount.

Yet the predictability afforded by a formula is more necessary now then ever before. The District must engage in serious and accurate multiyear planning if the city's finances are to be stabilized and the new congressional requirements that have been imposed this year are to be met. Guessing at the Federal payment would make stabilizing the District's finances virtually impossible.

Pending a new formula, there must be no room for error or miscalculation, considering the present crisis surrounding the District's finances. The District is undergoing an extremely difficult congressionally mandated budget cutting process unprecedented in the city's existence under home rule. The required $140 million in savings will be difficult enough to achieve, and to meet other expenses and the terms of the appropriations bill, it now seems clear that considerably more savings than Congress has specifically required will be necessary.

H.R. 2902 authorizes a flat $660 million figure for fiscal year 1996, the same amount that the District received in fiscal year 1995. Thus the District is assured of at least as much money as it received from the Federal Government last year without the possibility that this amount might be precipitously lowered and worsen the city's financial condition. At the same time the amount is frozen and therefore there will be no additional burden on the Federal budget.

In order to achieve what H.R. 4649, the District of Columbia appropriations bill requires, the District will need all the help it can get, including additional funds from the Congress. For the time being, however, the House has required cuts necessary to forestall the possibility of insolvency. It appears that achieving the mandated savings has become a threshold for the additional Federal money the District will surely require. I very much appreciate this early authorization, which will facilitate the budgeting and planning necessary to allow the District to get through the difficult year ahead.

Mr. BLILEY. 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 bill, as follows:

H.R. 2902

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 "Federal Payment for Formula Revision Act of 1993".

SEC. 2. PERMANENT USE AND REVISION OF FORMULA TO DETERMINE AMOUNT OF ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 503 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-3406.1, D.C. Code) is amended to read as follows:

"FEDERAL PAYMENT FORMULA

"SEC. 503. (a) Subject to subsection (b), there is authorized to be appropriated as the annual Federal payment to the District of Columbia for a fiscal year (beginning with fiscal year 1995) an amount equal to the applicable percentage of the adjusted District General Fund revenues for the second fiscal year preceding such fiscal year, as such revenues are reported in the independent audit of the financial operations of the government of the District of Columbia conducted under section 4(a) of Public Law 94-399 and as reviewed by the Comptroller General under section 715(e) of title 31, United States Code.

"(b) Notwithstanding subsection (a), the amount authorized to be appropriated under such subsection for a fiscal year may not be less than an amount equal to the average of the annual Federal payments made to the District of Columbia pursuant to this title during the 3 fiscal years immediately preceding such fiscal year.

"(c) In this section, the following definitions shall apply:

"(1) The term 'applicable percentage' means—

"(A) with respect to fiscal year 1995, 25 percent; and

"(B) with respect to each succeeding fiscal year, the lesser of—

"(i) the applicable percentage determined under this paragraph for the preceding fiscal year increased by 1.0, or

"(ii) 30 percent.

"(2) The term 'adjusted District General Fund revenues' means all revenues of the General Fund of the government of the District of Columbia, adjusted to include operating transfers from the Lottery and Games Fund to such General Fund (but no other payments or transfers to such fund from any other intragovernmental source), and not including—

"(A) revenues that are required to be accounted for in a fund other than such General Fund; and

"(B) revenues from Federal sources.

"(3) The term 'revenues from Federal sources' means revenues derived from payments made by the Federal Government to the District of Columbia, including fees or charges for products or services, grants, payments in lieu of taxes, and direct appropriations.".

SEC. 3. REPORTING REQUIREMENTS.

(a) INDEPENDENT ANNUAL AUDIT OF DISTRICT FINANCIAL OPERATIONS.—The first sentence of section 4(a) of Public Law 94-399 (sec. 47-119(a), D.C. Code) is amended by

striking "a report of the revenues" and all that follows and inserting the following: "a report of the adjusted District General Fund revenues for the fiscal year (as described in section 503(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act).".

(b) REVIEW BY COMPTROLLER GENERAL.—Section 715(e) of title 31, United States Code, is amended by striking "report of the breakdown" and all that follows and inserting the following: "report of the adjusted District General Fund revenues for the preceding fiscal year that is included in the independent annual audit of the financial operations of the government of the District of Columbia conducted for such fiscal year under section 4(a) of Public Law 94-399.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to fiscal years beginning with fiscal year 1995.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Payment Reauthorization Act of 1994".

SEC. 2. AUTHORIZATION OF ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA FOR FISCAL YEAR 1996.

Section 503 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-3406.1, D.C. Code) is amended by adding at the end the following new subsection:

"(c) There is authorized to be appropriated as the annual Federal payment to the District of Columbia for fiscal year 1996 $660,000,000.".

SEC. 3. PERFORMANCE AND FINANCIAL ACCOUNTABILITY REQUIREMENTS FOR DISTRICT GOVERNMENT.

(a) IN GENERAL.—Subpart 2 of part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended—

(1) in the heading for such subpart, by striking "Audit" and inserting "Audits and Accountability Requirements"; and

(2) by adding at the end the following new section:

"PERFORMANCE AND FINANCIAL ACCOUNTABILITY

"SEC. 456. (a) PERFORMANCE ACCOUNTABILITY PLAN.—

"(1) SUBMISSION OF ANNUAL PLAN.—Not later than March 1 of each year (beginning with 1995), the Mayor shall develop and submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability plan for all departments, agencies, and programs of the government of the District of Columbia for the subsequent fiscal year.

"(2) CONTENTS OF PLAN.—The performance accountability plan for a fiscal year shall contain the following:

"(A) A statement of measurable, objective performance goals established for all significant activities of the government of the District of Columbia during the fiscal year (including activities funded in whole or in part by the District but performed in whole or in part by some other public or private entity) that describe an acceptable level of performance by the government and a superior level of performance by the government.

"(B) A description of the measures of performance to be used in determining whether the government has met the goals established under subparagraph (A) with respect to an activity for a fiscal year. Such measures shall analyze the quantity and quality of the activities involved, and shall include measures of program outcomes and results.

"(C) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

"(3) DESCRIPTION OF ACTIVITIES SUBJECT TO COURT ORDER.—In addition to the material included in the performance accountability plan for a fiscal year under paragraph (2), the plan shall include a description of the activities of the government of the District of Columbia that are subject to a court order during the fiscal year and the requirements placed on such activities by the court order.

"(b) PERFORMANCE ACCOUNTABILITY REPORT.—

"(1) SUBMISSION OF REPORT.—Not later than March 1 of each year (beginning with 1997), the Mayor shall develop and submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability report on activities of the government of the District of Columbia during the fiscal year ending on the previous September 30.

"(2) CONTENTS OF REPORT.—The performance accountability report for a fiscal year shall contain the following:

"(A) For each goal of the performance accountability plan submitted under subsection (a) for the year, a statement of the actual level of performance achieved compared to the stated goal for an acceptable level of performance and the goal for a superior level of performance.

"(B) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

"(C) A statement of the status of any court orders applicable to the government of the District of Columbia during the year and the steps taken by the government to comply with such orders.

"(3) EVALUATION OF REPORT.—The Comptroller General, in consultation with the Director of the Office of Management and Budget, shall review and evaluate each performance accountability report submitted under this subsection and not later than April 15 of each year shall submit comments on such report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

"(c) FINANCIAL ACCOUNTABILITY PLAN AND REPORT.—

"(1) DEVELOPMENT AND SUBMISSION.—Not later than March 1, of each year (beginning with 1995) the Mayor shall develop and submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a 5-year financial plan for the government of the District of Columbia that contains a description of the steps the government will take to eliminate any differences between expenditures from, and revenues attributable to, each fund of the District of Columbia during the first 5 fiscal years beginning after the submission of the plan.

"(2) REPORT ON COMPLIANCE.—

"(A) SUBMISSION OF REPORT.—Not later than March 1 of every year (beginning with 1997), the Mayor shall submit a report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, the Comptroller General, and the Director of the Congressional Budget Office on the extent to which the government of the District of Columbia was in compliance during the preceding fiscal year with the applicable requirements of the financial accountability plan submitted for such fiscal year under this subsection.

"(B) EVALUATION OF REPORT.—The Comptroller General, in consultation with the Director of the Congressional Budget Office, shall review and evaluate the financial accountability compliance report submitted under subparagraph (A) and not later than April 15 of each year shall submit comments on such report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

"(d) QUARTERLY FINANCIAL REPORTS.—

"(1) SUBMISSION OF QUARTERLY FINANCIAL REPORTS.—Not later than fifteen days after the end of every calendar quarter (beginning with a report for the quarter beginning October 1, 1994), the Mayor shall submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on the District of Columbia of the Committees on Appropriations of the House of Representatives and the Senate, a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

"(2) CONTENTS OF REPORT.—Each quarterly financial report submitted under paragraph (1) shall include the following information:

"(A) A comparison of actual to forecasted cash receipts and disbursements for each month of the quarter, as presented in the District's fiscal year consolidated cash forecast which shall be supported and accompanied by cash forecasts for the general fund and each of the District government's other funds other than the capital projects fund and trust and agency funds.

"(B) A projection of the remaining months cash forecast for that fiscal year.

"(C) Explanations of (i) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (ii) any changes in the remaining months forecast as compared to the original forecast for such months of that fiscal year.

"(D) The effect of such changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year.

"(E) Explanations of the impact on meeting the budget, how the results may be reflected in a supplemental budget request, or how other policy decisions may be necessary which may require the agencies to reduce expenditures in other areas.

"(F) An aging of the outstanding receivables and payables, with an explanation of how they are reflected in the forecast of cash receipts and disbursements.

"(G) For each department or agency, the actual number of full-time equivalent positions, the actual number of full-time employees, the actual number of part-time employees, and the actual number of temporary employees, together with the source of funding for each such category of positions and employees.".

(b) CLERICAL AMENDMENTS.—The table of contents of the District of Columbia Self-Government and Governmental Reorganization Act is amended—

(1) in the item relating to subpart 2 of part D of title IV, by striking "Audit" and inserting "Audits and Accountability Requirements"; and

(2) by inserting after the item relating to section 455 the following new item:

"Sec. 456. Performance and financial accountability.".

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

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

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

The title of the bill was amended so as to read: "A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2902, the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

RECESS

The SPEAKER pro tempore. The Chair declares a recess for 5 minutes.

Accordingly (at 12 o'clock and 18 minutes p.m.), the House stood in recess for 5 minutes.

□ 1221

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 o'clock and 21 minutes p.m.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on those bills which will be called up on today by the Committee on the Judiciary.

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

There was no objection.

INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4781) to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes, as amended.

The Clerk read as follows:

H.R. 4781

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 "International Antitrust Enforcement Assistance Act of 1994".

SEC. 2. DISCLOSURE TO A FOREIGN ANTITRUST AUTHORITY OF ANTITRUST EVIDENCE.

In accordance with an antitrust mutual assistance agreement in effect under this Act, subject to section 8, and except as provided in section 5, the Attorney General of the United States and the Federal Trade Commission may provide to a foreign antitrust authority with respect to which such agreement is in effect under this Act, antitrust evidence to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority, or

(2) in enforcing any of such foreign antitrust laws.

SEC. 3. INVESTIGATIONS TO ASSIST A FOREIGN ANTITRUST AUTHORITY IN OBTAINING ANTITRUST EVIDENCE.

(a) REQUEST FOR INVESTIGATIVE ASSISTANCE.—A request by a foreign antitrust authority for investigative assistance under this section shall be made to the Attorney General, who may deny the request in whole or in part. No further action shall be taken under this section with respect to any part of a request that has been denied by the Attorney General.

(b) AUTHORITY TO INVESTIGATE.—In accordance with an antitrust mutual assistance agreement in effect under this Act, subject to section 8, and except as provided in section 5, the Attorney General and the Commission may, using their respective authority to investigate possible violations of the Federal antitrust laws, conduct investigations to obtain antitrust evidence relating to a possible violation of the foreign antitrust laws administered or enforced by the foreign antitrust authority with respect to which such agreement is in effect under this Act, and may provide such antitrust evidence to the foreign antitrust authority, to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of such foreign antitrust laws, or

(2) in enforcing any of such foreign antitrust laws.

(c) SPECIAL SCOPE OF AUTHORITY.—An investigation may be conducted under subsection (b), and antitrust evidence obtained through such investigation may be provided, without regard to whether the conduct investigated violates any of the Federal antitrust laws.

(d) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled in connection with an investigation under this section to give testimony or a statement, or to produce a document or other thing, in violation of any legally applicable right or privilege.

(e) CONFORMING AMENDMENTS.—

(1) ANTITRUST CIVIL PROCESS ACT.—The Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) is amended—

(A) in section 2—

(i) in subsection (d)—

(I) by striking "or any" and inserting ", any", and

(II) by inserting before the semicolon "or, with respect to the International Antitrust Enforcement Assistance Act of 1994, any of the foreign antitrust laws", and

(ii) by adding at the end the following:

"(k) The term 'foreign antitrust laws' has the meaning given such term in section 12 of the International Antitrust Enforcement Assistance Act of 1994.", and

(B) in the first sentence of section 3(a)—

(i) by inserting "or, with respect to the International Antitrust Enforcement Assistance Act of 1994, an investigation authorized by section 3 of such Act" after "investigation", and

(ii) by inserting "by the United States" after "proceeding".

(2) FEDERAL TRADE COMMISSION ACT.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(A) in section 6 by inserting after subsection (h) the following:

"(i) With respect to the International Antitrust Enforcement Assistance Act of 1994, to conduct investigations of possible violations of foreign antitrust laws (as defined in section 12 of such Act).";

(B) in section 20(a) by amending paragraph (8) to read as follows:

"(8) The term 'antitrust violation' means—

"(A) any unfair method of competition (within the meaning of section 5(a)(1));

"(B) any violation of the Clayton Act or of any other Federal statute that prohibits, or makes available to the Commission a civil remedy with respect to, any restraint upon or monopolization of interstate or foreign trade or commerce;

"(C) with respect to the International Antitrust Enforcement Assistance Act of 1994, any violation of any of the foreign antitrust laws (as defined in section 12 of such Act) with respect to which a request is made under section 3 of such Act; or

"(D) any activity in preparation for a merger, acquisition, joint venture, or similar transaction, which if consummated, may result in any such unfair method of competition or in any such violation.".

SEC. 4. JURISDICTION OF THE DISTRICT COURTS OF THE UNITED STATES.

(a) AUTHORITY OF THE DISTRICT COURTS.—On the application of the Attorney General made in accordance with an antitrust mutual assistance agreement in effect under this Act, the United States district court for the district in which a person resides, is found, or transacts business may order such person to give testimony or a statement, or to produce a document or other thing, to the Attorney General to assist a foreign antitrust authority with respect to which such agreement is in effect under this Act—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority, or

(2) in enforcing any of such foreign antitrust laws.

(b) CONTENTS OF ORDER.—

(1) USE OF APPOINTEE TO RECEIVE EVIDENCE.—(A) An order issued under subsection (a) may direct that testimony or a statement be given, or a document or other thing be produced, to a person who shall be recommended by the Attorney General and appointed by the court.

(B) A person appointed under subparagraph (A) shall have power to administer any necessary oath and to take such testimony or such statement.

(2) PRACTICE AND PROCEDURE.—(A) An order issued under subsection (a) may prescribe the practice and procedure for taking testimony and statements and for producing documents and other things.

(B) Such practice and procedure may be in whole or in part the practice and procedure of the foreign state, or the regional economic integration organization, represented by the foreign antitrust authority with respect to which the Attorney General requests such order.

(C) To the extent such order does not prescribe otherwise, any testimony and statements required to be taken shall be taken, and any documents and other things required to be produced shall be produced, in accordance with the Federal Rules of Civil Procedure.

(c) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled under an order issued under subsection (a) to give testimony or a statement, or to produce a document or other thing, in violation of any legally applicable right or privilege.

(d) VOLUNTARY CONDUCT.—This section does not preclude a person in the United States from voluntarily giving testimony or a statement, or producing a document or other thing, in any manner acceptable to such person for use in an investigation by a foreign antitrust authority.

SEC. 5. LIMITATIONS ON AUTHORITY.

Sections 2, 3, and 4 shall not apply with respect to the following antitrust evidence:

(1) Antitrust evidence that is received by the Attorney General or the Commission under section 7A of the Clayton Act (15 U.S.C. 18a), as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. Nothing in this paragraph shall affect the ability of the Attorney General or the Commission to disclose to a foreign antitrust authority antitrust evidence that is obtained otherwise than under such section 7A.

(2) Antitrust evidence that is matter occurring before a grand jury and with respect to which disclosure is prevented by Federal law, except that for the purpose of applying Rule 6(e)(3)(C)(iv) of the Federal Rules of Criminal Procedure with respect to this section—

(A) a foreign antitrust authority with respect to which a particularized need for such antitrust evidence is shown shall be considered to be an appropriate official of any of the several States, and

(B) a foreign antitrust law administered or enforced by the foreign antitrust authority shall be considered to be a State criminal law.

(3) Antitrust evidence that is specifically authorized under criteria established by Executive Order 12356, or any successor to such order, to be kept secret in the interest of national defense or foreign policy, and—

(A) that is classified pursuant to such order or such successor, or

(B) with respect to which a determination of classification is pending under such order or such successor.

(4) Antitrust evidence that is classified under section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162).

SEC. 6. EXCEPTION TO CERTAIN DISCLOSURE RESTRICTIONS.

Section 4 of the Antitrust Civil Process Act (15 U.S.C. 1313), and sections 6(f) and 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b-2), shall not apply to prevent the Attorney General or the Commission from providing to a foreign antitrust authority antitrust evidence in accordance with an antitrust mutual assistance agreement in effect under this Act and in accordance with the other requirements of this Act.

SEC. 7. PUBLICATION REQUIREMENTS APPLICABLE TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) PUBLICATION OF PROPOSED ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.—Not less than 45 days before an antitrust mutual assistance agreement is entered into, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such agreement and any modification to such proposed text, and

(2) a request for public comment with respect to such text or such modification, as the case may be.

(b) PUBLICATION OF PROPOSED AMENDMENTS TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS IN EFFECT.—Not less than 45 days before an agreement is entered into that makes an amendment to an antitrust mutual assistance agreement, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such amendment, and

(2) a request for public comment with respect to such amendment.

(c) PUBLICATION OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS, AMENDMENTS, AND TERMINATIONS.—Not later than 45 days after an antitrust mutual assistance agreement is entered into or terminated, or an agreement that makes an amendment to an antitrust mutual assistance agreement is entered into, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the text of the antitrust mutual assistance agreement or amendment, or the terms of the termination, as the case may be, and

(2) in the case of an agreement that makes an amendment to an antitrust mutual assistance agreement, a notice containing—

(A) citations to the locations in the Federal Register at which the text of the antitrust mutual assistance agreement that is so amended, and of any previous amendments to such agreement, are published, and

(B) a description of the manner in which a copy of the antitrust mutual assistance agreement, as so amended, may be obtained from the Attorney General and the Commission.

(d) CONDITION FOR VALIDITY.—An antitrust mutual assistance agreement, or an agreement that makes an amendment to an antitrust mutual assistance agreement, with respect to which publication does not occur in accordance with subsections (a), (b), and (c) shall not be considered to be in effect under this Act.

SEC. 8. CONDITIONS ON USE OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) DETERMINATIONS.—Neither the Attorney General nor the Commission may conduct an investigation under section 3, apply for an order under section 4, or provide antitrust evidence to a foreign antitrust authority under an antitrust mutual assistance agreement, unless the Attorney General or the Commission, as the case may be, determines in the particular instance in which the investigation, application, or antitrust evidence is requested that—

(1) the foreign antitrust authority—

(A) will satisfy the assurances, terms, and conditions described in subparagraphs (A), (B), and (E) of section 12(2), and

(B) is capable of complying with and will comply with the confidentiality requirements applicable under such agreement to the requested antitrust evidence,

(2) providing the requested antitrust evidence will not violate section 5, and

(3) conducting such investigation, applying for such order, or providing the requested antitrust evidence, as the case may be, is consistent with the public interest of the United States, taking into consideration, among other factors, whether the foreign state or regional economic integration organization represented by the foreign antitrust authority holds any proprietary interest that could benefit or otherwise be affected by such investigation, by the granting of such order, or by the provision of such antitrust evidence.

(b) LIMITATION ON DISCLOSURE OF CERTAIN ANTITRUST EVIDENCE.—Neither the Attorney General nor the Commission may disclose in violation of an antitrust mutual assistance agreement any antitrust evidence received under such agreement, except that such agreement may not prevent the disclosure of such antitrust evidence to a defendant in an action or proceeding brought by the Attorney General or the Commission for a violation of any of the Federal laws if such disclosure would otherwise be required by Federal law.

(c) REQUIRED DISCLOSURE OF NOTICE RECEIVED.—If the Attorney General or the Commission receives a notice described in section 12(2)(H), the Attorney General or the Commission, as the case may be, shall transmit such notice to the person that provided the evidence with respect to which such notice is received.

SEC. 9. LIMITATIONS ON JUDICIAL REVIEW.

(a) DETERMINATIONS.—Determinations made under paragraphs (1) and (3) of section 8(a) shall not be subject to judicial review.

(b) CITATIONS TO AND DESCRIPTIONS OF CONFIDENTIALITY LAWS.—Whether an antitrust mutual assistance agreement satisfies section 12(2)(C) shall not be subject to judicial review.

(c) RULES OF CONSTRUCTION.—

(1) ADMINISTRATIVE PROCEDURE ACT.—The requirements in section 7 with respect to publication and request for public comment shall not be construed to create any availability of judicial review under chapter 7 of title 5 of the United States Code.

(2) LAWS REFERENCED IN SECTION 5.—Nothing in this section shall be construed to affect the availability of judicial review under laws referred to in section 5.

SEC. 10. PRESERVATION OF EXISTING AUTHORITY.

(a) IN GENERAL.—The authority provided by this Act is in addition to, and not in lieu of, any other authority vested in the Attorney General, the Commission, or any other officer of the United States.

(b) ATTORNEY GENERAL AND COMMISSION.—This Act shall not be construed to modify or affect the allocation of responsibility between the Attorney General and the Commission for the enforcement of the Federal antitrust laws.

SEC. 11. REPORT TO THE CONGRESS.

In the 30-day period beginning 3 years after the date of the enactment of this Act and with the concurrence of the Commission, the Attorney General shall submit, to the Speaker of the

House of Representatives and the President pro tempore of the Senate, a report—

(1) describing how the operation of this Act has affected the enforcement of the Federal antitrust laws,

(2) describing the extent to which foreign antitrust authorities have complied with the confidentiality requirements applicable under antitrust mutual assistance agreements in effect under this Act,

(3) specifying separately the identities of the foreign states, regional economic integration organizations, and foreign antitrust authorities that have entered into such agreements and the identities of the foreign antitrust authorities with respect to which such foreign states and such organizations have entered into such agreements,

(4) specifying the identity of each foreign state, and each regional economic integration organization, that has in effect a law similar to this Act,

(5) giving the approximate number of requests made by the Attorney General and the Commission under such agreements to foreign antitrust authorities for antitrust investigations and for antitrust evidence,

(6) giving the approximate number of requests made by foreign antitrust authorities under such agreements to the Attorney General and the Commission for investigations under section 3, for orders under section 4, and for antitrust evidence, and

(7) describing any significant problems or concerns of which the Attorney General is aware with respect to the operation of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "antitrust evidence" means information, testimony, statements, documents, or other things that are obtained in anticipation of, or during the course of, an investigation or proceeding under any of the Federal antitrust laws or any of the foreign antitrust laws.

(2) The term "antitrust mutual assistance agreement" means a written agreement, or written memorandum of understanding, that is entered into by the United States and a foreign state or regional economic integration organization (with respect to the foreign antitrust authorities of such foreign state or such organization, and such other governmental entities of such foreign state or such organization as the Attorney General and the Commission jointly determine may be necessary in order to provide the assistance described in subparagraph (A)), or jointly by the Attorney General and the Commission and a foreign antitrust authority, for the purpose of conducting investigations under section 3, applying for orders under section 4, or providing antitrust evidence, on a reciprocal basis and that includes the following:

(A) An assurance that the foreign antitrust authority will provide to the Attorney General and the Commission assistance that is comparable in scope to the assistance the Attorney General and the Commission provide under such agreement or such memorandum.

(B) An assurance that the foreign antitrust authority is subject to laws and procedures that are adequate to maintain securely the confidentiality of antitrust evidence that may be received under section 2, 3, or 4 and will give protection to antitrust evidence received under such section that is not less than the protection provided under the laws of the United States to such antitrust evidence.

(C) Citations to and brief descriptions of the laws of the United States, and the laws of the foreign state or regional economic integration organization represented by the foreign antitrust authority, that protect the confidentiality of antitrust evidence that may be provided under such agreement or such memorandum. Such citations and such descriptions shall include the enforcement mechanisms and penalties applicable under such laws and, with respect to a regional economic integration organization, the applicability of such laws, enforcement mechanisms, and penalties to the foreign states composing such organization.

(D) Citations to the Federal antitrust laws, and the foreign antitrust laws, with respect to which such agreement or such memorandum applies.

(E) Terms and conditions that specifically require using, disclosing, or permitting the use or disclosure of, antitrust evidence received under such agreement or such memorandum only—

(i) for the purpose of administering or enforcing the foreign antitrust laws involved, or

(ii) with respect to a specified disclosure or use requested by a foreign antitrust authority and essential to a significant law enforcement objective, in accordance with the prior written consent that the Attorney General or the Commission, as the case may be, gives after—

(I) determining that such antitrust evidence is not otherwise readily available with respect to such objective,

(II) making the determinations described in paragraphs (2) and (3) of section 8(a), with respect to such disclosure or use, and

(III) making the determinations applicable to a foreign antitrust authority under section 8(a)(1) (other than the determination regarding the assurance described in subparagraph (A) of this paragraph), with respect to each additional governmental entity, if any, to be provided such antitrust evidence in the course of such disclosure or use, after having received adequate written assurances applicable to each such governmental entity.

(F) An assurance that antitrust evidence received under section 2, 3, or 4 from the Attorney General or the Commission, and all copies of such evidence, in the possession or control of the foreign antitrust authority will be returned to the Attorney General or the Commission, respectively, at the conclusion of the foreign investigation or proceeding with respect to which such evidence was so received.

(G) Terms and conditions that specifically provide that such agreement or such memorandum will be terminated if—

(i) the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, and

(ii) adequate action is not taken both to minimize any harm resulting from the violation and to ensure that the confidentiality required under such agreement or such memorandum is not violated again.

(H) Terms and conditions that specifically provide that if the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, notice of the violation will be given—

(i) by the foreign antitrust authority promptly to the Attorney General or the Commission with respect to antitrust evidence provided by the Attorney General or the Commission, respectively, and

(ii) by the Attorney General or the Commission to the person (if any) that provided such evidence to the Attorney General or the Commission.

(3) The term "Attorney General" means the Attorney General of the United States.

(4) The term "Commission" means the Federal Trade Commission.

(5) The term "Federal antitrust laws" has the meaning given the term "antitrust laws" in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) but also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(6) The term "foreign antitrust authority" means a governmental entity of a foreign state or of a regional economic integration organization that is vested by such state or such organization with authority to enforce the foreign antitrust laws of such state or such organization.

(7) The term "foreign antitrust laws" means the laws of a foreign state, or of a regional economic integration organization, that are substantially similar to any of the Federal antitrust laws and that prohibit conduct similar to conduct prohibited under the Federal antitrust laws.

(8) The term "person" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(9) The term "regional economic integration organization" means an organization that is constituted by, and composed of, foreign states, and on which such foreign states have conferred sovereign authority to make decisions that are binding on such foreign states, and that are directly applicable to and binding on persons within such foreign states, including the decisions with respect to—

(A) administering or enforcing the foreign antitrust laws of such organization, and

(B) prohibiting and regulating disclosure of information that is obtained by such organization in the course of administering or enforcing such laws.

SEC. 13. AUTHORITY TO RECEIVE REIMBURSEMENT.

The Attorney General and the Commission are authorized to receive from a foreign antitrust authority, or from the foreign state or regional economic integration organization represented by such foreign antitrust authority, reimbursement for the costs incurred by the Attorney General or the Commission, respectively, in conducting an investigation under section 3 requested by such foreign antitrust authority, applying for an order under section 4 to assist such foreign antitrust authority, or providing antitrust evidence to such foreign antitrust authority under an antitrust mutual assistance agreement in effect under this Act with respect to such foreign antitrust authority.

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

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

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

Mr. Speaker, I rise in support of H.R. 4781, the International Antitrust Enforcement Assistance Act of 1994, which authorizes the Department of Justice and the Federal Trade Commission to enter into reciprocal written agreements with foreign antitrust authorities to cooperate in international antitrust investigations.

H.R. 4781 sets out the required contents for such agreements, under which the Department and the FTC will be able to share antitrust information in their possession on a confidential basis, as well as assist the foreign antitrust authority in obtaining antitrust evidence located in the United States in turn, the foreign antitrust authority must agree to provided reciprocal assistance.

The Antitrust Division reportedly has 30 international investigations underway. Yet, it is often exceedingly difficult for U.S. antitrust enforcers to obtain evidence located abroad without the assistance of a foreign government. H.R. 4781 helps to rectify that enforcement situation.

By taking this needed procedural step to enhance antitrust enforcement activity between the United States and its economic partners, we will be in a strong position next Congress to move on to considering how to harmonize substantive doctrines that currently place this country at a competitive disadvantage in the international marketplace.

I want to commend our ever-vigilant Assistant Attorney General for Antitrust, Anne Bingaman, for her very strong advocacy of this measure. I also want to heartily commend my cosponsor, Mr. FISH, for his important leadership in helping craft the product before us.

H.R. 4781 enjoys bipartisan support both here and in the Senate, as well as broad support within the business community and the antitrust bar. I urge its approval by the House.

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

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

Mr. Speaker, this measure authored by Chairman Brooks and myself is about effective international antitrust enforcement. The enactment of the International Antitrust Enforcement Assistant Act of 1994 (H.R. 4781) will greatly strengthen the ability of the Attorney General and the Federal Trade Commission to obtain evidence located abroad, for use in U.S. antitrust investigations and prosecutions.

Specifically, H.R. 4781 would establish a statutory framework for the Attorney General to enter into mutual assistance agreements with foreign antitrust authorities. These agreements will provide for international cooperation in antitrust investigations and provide for sharing evidence to assist in antitrust enforcement.

As we all know, Mr. Speaker, the United States is now part of a global economy. Export and import trade now account for nearly one-quarter of our gross domestic product. The development of a global marketplace means that U.S. businesses and American consumers have a much greater risk of being harmed by anticompetitive conduct arising from abroad or occurring abroad.

Enforcing our antitrust laws is always a complicated, fact-based business—and the limitations on discovery procedures with respect to foreign nationals and foreign companies pose basic evidentiary problems. Because we are in a global marketplace, evidence in antitrust investigations is increasingly located abroad. No company that does business in the United States should be permitted to escape U.S. antitrust liability simply by maintaining its business records in a foreign jurisdiction.

Today, the United States antitrust enforcement agencies—the Antitrust Division of the Department of Justice and the Federal Trade Commission—routinely deal with international antitrust enforcement. For example, the Antitrust Division currently has some 30 active antitrust investigations that have major international aspects. This is nearly double the number that were ongoing just a year ago. The FTC has also encountered an increase in the instances of foreign conduct that has anticompetitive impact in the United States. The Antitrust Division and the Commission also frequently review mergers that involve foreign firms or have other important international aspects.

The Antitrust Division has testified that foreign individuals or firms with information and documents relevant or essential to its investigations are frequently beyond the reach of U.S. process, either because those individuals or entities cannot be served or because process cannot be enforced for lack of personal jurisdiction. This bill would enable both the Department of Justice and the Federal Trade Commission to gain access to important evidence by offering reciprocal investigative opportunities to foreign antitrust enforcement agencies.

Given the increasingly international scope of the antitrust agencies' work, it is crucial that they have sufficient legal authority to obtain information located abroad that would help them protect American consumers and businesses from antitrust abuses.

During our hearing on August 8, witnesses representing the business community expressed concerns about certain aspects of this legislation. First of all, questions were raised with respect to the provisions of the bill that authorize the Antitrust Division to obtain a court order to turn over grand jury information to a foreign government in furtherance of an antitrust mutual assistance agreement. These concerns focus on a situation where the United States has granted immunity to a witness testifying in a grand jury proceeding and whether the foreign government requesting that evidence should be required to grant that individual the same scope of immunity, as a prior condition for receiving this evidence. Unless a criminal investigation would be compromised, the Attorney General should seek an arrangement with the foreign antitrust authority which provides that individual with the same grant of immunity he or she received under U.S. law.

Another concern is whether or not affected companies should be routinely notified when a foreign antitrust authority requests documents or other evidence relating to their activities and those documents or evidence are in the custody of the Antitrust Division or the FTC. Here again, it would be my view that American companies should be notified unless the Attorney General believes that such notice would not be "consistent with the public interest".

Finally, the legislation does contain language that protects the confidentiality of materials submitted under the pre-merger notification statute, known as the Hart-Scott-Rodino Act. Most importantly, here, the Antitrust Division and the FTC should make every effort to ensure that a company's future business plans or product plans are not turned over to a foreign government. Rarely is this type of information significant for law enforcement purposes and its disclosure could be extremely harmful to a company's competitive position.

These examples are the reasons why section 9(a)(3) of the bill gives the Attorney General and the Federal Trade Commission the discretion to not conduct a particular investigation or to not provide the evidence requested, unless it is deemed "consistent with the public interest of the United States." The legislative history of H.R. 4781 reflects the fact that Congress believes that both the Attorney General and the Federal Trade Commission should be particularly careful to avoid unnecessary or unwarranted disclosure of sensitive and proprietary information to foreign governments.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill (H.R. 4781), as amended.

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

A motion to reconsider was laid on the table.

LIMITING STATE TAXATION OF CERTAIN PENSION INCOME

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 546) to limit State taxation of certain pension income, and for other purposes, as amended.

The Clerk read as follows:

H.R. 546

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

SECTION 1. LIMITATION ON STATE INCOME TAXATION OF CERTAIN PENSION INCOME.

(a) AMENDMENT.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

§114. Limitation on State income taxation of certain pension income

"(a) Except as provided in subsection (b), no State may impose an income tax on any qualified pension income of an individual who is not a resident or domiciliary of such State (as determined under the laws of such State).

"(b)(1) Subsection (a) shall not apply to the extent that the aggregate amount of qualified pension income of an individual for any calendar year exceeds $30,000. There shall not be taken into account under the preceding sentence any amount which is exempt from State taxation by reason of other Federal law.

"(2) If more than 1 State would (but for this section) impose an income tax on qualified pension income received by an individual during a calendar year, the dollar amount otherwise applicable under paragraph (1) for such calendar year shall be allocated among such States in such amounts as such individual may determine.

"(3) If more than 1 individual receives qualified pension income during a calendar year which is attributable to services performed by 1 individual—

"(A) all such individual receiving such income shall be treated as 1 individual, and

"(B) the dollar amount applicable under paragraph (1) shall be allocated among such individuals in proportion to their respective shares of such income received during such calendar year.

"(c) For purposes of this section—

"(1) The term 'qualified pension income' means any income from—

"(A) a qualified trust under section 401(a) of the Internal Revenue Code that is exempt under section 501(a) from taxation;

"(B) a simplified employee pension as defined in section 408(k) of such Code;

"(C) an annuity plan described in section 403(a) of such Code;

"(D) an annuity contract described in section 403(b) of such Code;

"(E) an individual retirement plan described in section 7701(a)(37) of such Code;

"(F) an eligible deferred compensation plan (as defined in section 457 of such Code);

"(G) a governmental plan (as defined in section 414(d) of such Code); or

"(H) a trust described in section 501(d)(18) of such Code.

Such term includes any retired or retainer pay of a member or former member of a uniform service computed under chapter 71 of title 10, United States Code.

"(2) The term 'income tax' has the meaning given such term by section 110(c).

"(3) The term 'State' includes any political subdivision of a State, the District of Columbia, and the possessions of the United States.

"(d) In the case of any calendar year after 1995, the dollar amount contained in subsection (b) shall be increased by the amount determined by the Secretary of the Treasury to be equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) of such Code by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof. If any increase determined under the preceding sentence is not a multiple of $1,000, such increase shall be rounded to the nearest multiple of $1,000. Not later than December 1 of each calendar year, the Secretary of the Treasury shall publish in the Federal Register the amount determined under this subsection which is applicable to the following calendar year.

"(e) Nothing in this section shall be construed as having any effect on the application of section 514 of the Employee Retirement Income Security Act of 1974."

"(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"114. Limitation on State income taxation of certain pension income.".

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 1994.

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

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

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

Mr. Speaker, I rise in support of H.R. 546 which restricts the authority of States to tax the pension income of nonresidents. The bill was introduced and tirelessly advocated by the gentlelady from Washington [Mrs. UNSOELD]. She deserves great credit in this body and from retirees all across the Nation for her good work on the issue.

The Supreme Court has upheld the right of States to tax income earned within their borders by those who live in other States. A number of States, relying on this source-based theory of taxation, presently tax the pension income of former residents—individuals who have retired and moved to other States. Unfortunately, these pension source taxes frequently saddle lower income retirees with unreasonable burdens.

As reported by the Judiciary Committee, H.R. 546 addresses the source tax issue in a manner that preserves vital State taxing interests while providing much-needed relief to thousands of our Nation's retirees.

It would prohibit States from taxing the first $30,000 in annual qualified pension income received by any former resident—whether in the form of a monthly pension check or a lump-sum payment. The exemption would be adjusted annually to account for inflation.

Mr. Speaker, on three separate occasions in the past two Congresses, the Senate has approved source tax restrictions. The substitute before us was adopted by the Judiciary Committee with board bipartisan support. I urge its adoption by the full House.

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

□ 1230

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

Mr. Speaker, our consideration today of H.R. 546 is the culmination of many years of hard work by my colleague from Nevada, Mrs. VUCANOVICH and the sponsor of this bill, Mrs. UNSOELD. I have been a supporter and cosponsor of this legislation for the past several Congresses, and I am pleased that the House is finally voting on this measure today.

Mr. Speaker, since the mid-1980's, some States have attempted to collect taxes on the pension income of individuals who are no longer residents of those States. This practice affected so many retirees that, in 1988, the organization, Retirees to Eliminate State Income Source Tax [RESIST], was formed to fight it. That organization now has thousands of members nationwide, and the support of other national organizations including the National Association of Retired Federal Employees and the National Taxpayers Union.

These citizens argue that it is unfair for a State to tax the retirement income of individuals who have moved to a different State, and who no longer benefit from services of the taxing State. Some States, like California, have been particularly aggressive in attempting to collect taxes on the pension income of retirees who once worked in California but have since moved to other States to live out their retirement years. These States consider pension income to be deferred compensation, upon which taxes were withheld to encourage participation in retirement plans. They argue that they should not be deprived of this revenue simply because they chose to tax it at a later time.

H.R. 546 strikes a compromise between nonresident pensioners and State taxing authorities by imposing a ceiling of $30,000 below which nonresident retiree's pension income may not be taxed. The legislation does not distinguish between single lump-sum payouts or equally distributed payouts, it simply imposes a $30,000 ceiling across-the-board. This limitation is the result of a substitute amendment adopted in the Judiciary Committee and represents a compromise which is supported by the sponsors of the legislation and by citizens' organizations which initiated this legislative effort.

Mr. Speaker, H.R. 546 ensures that nonresident pensioners are treated fairly, and that has been the goal of this legislation from the beginning. I support H.R. 546 and urge my colleagues to support the bill.

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

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the chairman for yielding. I rise today in support of H.R. 546, my legislation to relieve our Nation's retirees from onerous out-of-State taxes on their pensions.

My thanks to Representative SYNAR, Representative VUCANOVICH, and Senator REID for their hard work on this legislation.

But most of all, I thank Chairman BROOKS. With 10,000 more important bigger pieces of legislation all clamoring for his attention, he did not forget these people who worked hard all their lives and earned their pensions and a right to retire with peace of mind and security.

I am also particularly grateful for the spirit of cooperation and compromise that produced this final version of the bill and allowed it to come to the floor today.

The American Revolution was fought some 200 years ago in large part to end the injustice of taxation without representation. But because of source taxes, hundreds of thousands of retired Americans are still fighting that battle.

For these people it is blatantly unfair that several States assess so-called source taxes on retirees who once worked within their borders but now live in other States. These taxes are an injustice because the retirees forced to pay them are not allowed to vote in the States levying the income taxes, nor do they benefit from those States' police or roads or other services.

The source tax relief legislation on the floor today is a strong expression of the American tradition that people should be able to live where they want and enjoy the pension incomes they have earned over a lifetime of work.

Once again, I thank Chairman BROOKS for his leadership in coming to the help of these freedom-loving Americans and I urge this House to support this effort to restore the rights of our Nation's retirees.

Mr. FISH. Mr. Speaker, I forget how many years ago it was, certainly two or three Congresses ago, that the gentlewoman from Nevada [Mrs. VUCANOVICH] approached our committee and asked for a hearing on this subject. Largely through her tenacity and interest in this legislation, we are here today finally as a House of Representatives to deal with this issue.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to lend my strong support to H.R. 546, a measure that curtails the source tax. Source taxing States levy taxes on the pension income of retirees who no longer reside in the taxing State.

Just as I have in every Congress since 1988, at the beginning of the 103d Congress I introduced H.R. 702, legislation that would prohibit States from collecting the source tax. My bill has 179 bipartisan cosponsors. Other similar measures that have been introduced in this Congress also share widespread support from both sides of the aisle.

I have heard from countless retirees, not only in my own State of Nevada, but also from other parts of the country, who are understandably irate at having to pay taxes to a State they do not live in—and in many cases these people moved from the taxing State years ago.

The legislation we are considering this afternoon goes a long way in protecting retirees from this unjust tax, and I commend the chairman and ranking member of the Judiciary Committee for moving it forward.

The only substantive difference between my bill, H.R. 702, and the measure we are considering today, is that H.R. 546 includes a $30,000 annual ceiling on the amount of pension income exempted from the source tax. While my bill includes no such ceiling, I fully and strongly support H.R. 546.

Even with the ceiling, it is estimated that more than 80 percent of all those subject to the source tax will no longer have to pay these taxes to a State in which they no longer live.

Moreover, the $300,000 ceiling is indexed for inflation. Since many, if not most, pensions do not receive a full inflation adjustment each year, the net effect of the inflation adjustment in the compromise amendment will be to gradually increase the real value of the ceiling.

Finally, Mr. Speaker, I would like to thank Bill Hoffman of Carson City, the president of Retirees to Eliminate State Income Source Tax [RESIST] of America. RESIST has done more than any other organization to see this bill pass, and I want Bill to know how much I appreciate his tireless efforts to put an end to the source tax.

Mr. Speaker, I want to again thank the gentleman from Texas [Mr. BROOKS], the chairman of the committee, and the ranking member, the gentleman from New York [Mr. FISH].

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY] who has worked tirelessly trying to draft this legislation. He is a stalwart leader.

Mr. BILBRAY. I thank the chairman for yielding this time to me.

Mr. Speaker, I rise today in strong support of H.R. 546, a bill which prohibits States from levying source taxes or taxes on the pension income of retirees who no longer reside in the taxing State or, in some cases, have never actually lived in the State but their pension funds are based in that State.

It often comes as a shock to retirees who left the State where they were employed to come to a State like Nevada, with no income taxes, and receive a notice in the mail that former State of residence expects them to continue paying taxes. Also in some cases, they actually have a tax bill based on their entire income, even that part which is not part of the retirement fund. With penalties and interest and so forth, it is far in excess of the amount paid. These people come to my office constantly in dire shape, some with very limited pensions. The fact is it was unfair from the very beginning.

As I stated before, you do not even have to have lived in that State at sometime in your life. You could just have your pension fund based in that State and they would turn around and tax you as if you had been a resident all along.

I know Senator BRYAN, Senator REID, and I met with the chairman of the committee, the gentleman from Texas, Mr. BROOKS, just a few months ago asking for his help in moving this legislation. I commend my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], for the work she has done, and the gentleman from New York [Mr. FISH], for his cooperation. We will sorely miss him in this House, but hope we will have another Fish taking his place. I again would like to thank, gratefully, our chairman for the help he has given us in this. I know he will be glad now that I will not be constantly grabbing him every time he comes to the floor asking where the bill on source tax was and what can we do about it.

□ 1240

Mr. Speaker, I thank the committee for their work on this, and, Mr. Speaker, I yield back the balance of my time.

Mr. SYNAR. Mr. Speaker, the subject of State source taxation is an issue that has long been before this Congress and it is an issue that will continue to hound us until we pass into law a reasonable compromise solution.

As my colleagues know, the right of States to raise tax revenues in a manner of their own choosing is essential to preserving a strong and vibrant Federal system in this Nation. However, there are times when State taxing policies may impose unreasonable burdens on taxpayers. I believe taxing the pension income of former residents is one of those times. Therefore, I feel this is one of those infrequent situations where commonsense Federal action is necessary.

But any action we take here in Washington must be reasonable and balanced so as to preserve the legitimate interests States have in this issue. I believe the compromise bill we have before us today passes these two tests.

As most of my colleagues know, Mrs. UNSOELD, Mrs. VUCANOVICH, and Senator REID from the other body have led the efforts to reform State source tax practices. Their efforts have been tireless and I am heartened that they have agreed to support the compromise version of the legislation before us today.

The approach which they originally championed would allow retirees who elect to receive their pension income in the form of periodic payments to exempt all of that income from any State income tax applied by a State in which they formerly resided. Additionally, their approach mandates that those retirees who elect to take a one-time lump-sum payment or an irregular series of payments over

the years would only enjoy a one-time exemption of $25,000 and all amounts in excess of this exemption would be subject to tax.

While I understand the motivations behind this approach, I have some serious concerns about an approach that hinges source tax protection on the form and the timing of pension payments. I also think that relatively high-income retirees should be subject to some tax.

Therefore the amendment I offered during the Judiciary Committee's consideration of this legislation, which is before us today provides an annual exemption of $30,000 that would apply to both periodic payments and lump sum distributions. In other words, the first $30,000 in qualified pension income received by an individual would be exempt from source taxes by a State of former residence. Amounts in excess of this exemption would remain taxable. Additionally this exemption amount would be adjusted periodically to account for increases in costs of living.

I believe this is a fair and balanced approach to the source tax conundrum facing Congress. I urge all Members to support this bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 546 not only because it limits the ability of any State to tax the pensions of nonresidents but because it ensures that all States treat the pension incomes of nonresidents similarly.

Under current law, a State may, in addition to taxing the personal income of its residents, tax any income whose source is also in the State. As such, the pension benefits of a person who once worked and contributed to a pension in one State can have his or her benefits taxed by that State although he or she is no longer residing there.

Most States with a personal income tax provide a credit to any resident who pays income taxes to another State. As such, most individuals whose pensions are taxed by the State in which they once worked are not also taxed by the State in which they not reside. For those individuals who now reside in a State without a personal income tax, however, no such credit is provided for income taxes paid to another State.

H.R. 546 would, by prohibiting States from taxing the first $30,000 per year in pension benefits of those who are not residents of the State ensure that the States treat the pension benefits of all nonresidents equitably.

I urge the House to pass H.R. 546.

Mr. KYL. Mr. Speaker, I rise in support of H.R. 546, which will go a long way toward resolving the problem of so-called source taxes.

Mr. Speaker, in recent years, some State governments, desperate for new sources of revenue, have increasingly turned to former residents to supplement their coffers. After all, nonresidents are easy targets: they no longer have a say or a vote in how tax dollars are spent by those States. Moreover, since they don't require any additional services, like police protection, new roads or the like, the taxes they pay represent a pure windfall.

Source taxes may be a boon to some States, but they are inherently unfair to retirees who worked long and hard for their retirement benefits. People should not be penalized simply because they choose to retire to different parts of the country, whether to be with friends or family, to enjoy a better climate, or just to explore new parts of the country.

Retirees can find themselves double-taxed, once by the State in which they currently reside and again by the source-taxing State, unless their home State allows a deduction for amounts paid to other States. But, even if they are allowed a deduction, there is still a problem. Source-taxing States are denying other States revenues to which they are rightly entitled, revenues needed to provide services for their own residents, including source-taxed retirees.

Last year, I cosponsored a bill, H.R. 702, with Representative BARBARA VUCANOVICH of Nevada, to repeal source taxes outright. While I still prefer that measure, the version before us today represents a compromise that largely resolves the problem.

As amended by the Judiciary Committee, H.R. 546 exempts the first $30,000 of annual retirement income from the source tax. That will provide relief to an estimated 85 to 90 percent of all those subject to the tax. Moreover, the $30,000 threshold will be indexed so that inflation does not ultimately push more retirees back under the source tax.

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

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 546, as amended.

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

A motion to reconsider was laid on the table.

CIVIL RIGHTS COMMISSION AMENDMENTS ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4999) to amend the United States Commission on Civil Rights Act of 1983, as amended.

The Clerk read as follows:

H.R. 4999

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 "Civil Rights Commission Amendments Act of 1994".

SEC. 2. AMENDMENT OF 1983 ACT.

That the portion of the United States Commission on Civil Rights Act of 1983 which follows the enacting clause is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Civil Rights Commission Act of 1983'.

"SEC. 2. ESTABLISHMENT OF COMMISSION.

"(a) GENERALLY.—There is established the United States Commission on Civil Rights (hereinafter in this Act referred to as the 'Commission').

"(b) MEMBERSHIP.—The Commission shall be composed of 8 members. Not more than 4 of the members shall at any one time be of the same political party. The initial membership of the Commission shall be the members of the United States Commission on Civil Rights on September 30, 1994. Thereafter vacancies in the membership of the Commission shall continue to be appointed as follows:

"(1) 4 members of the Commission shall be appointed by the President.

"(2) 2 members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.

"(3) 2 members of the Commission shall be appointed by the Speaker of the House of Representatives upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.

"(c) TERMS.—The term of office of each member of the Commission shall be 6 years. The term of each member of the Commission in the initial membership of the Commission shall expire on the date such term would have expired as of September 30, 1994.

"(d) CHAIRPERSON.—(1) Except as provided in paragraphs (2) and (3), the individuals serving as Chairperson and Vice Chairperson of the United States Commission on Civil Rights on September 30, 1994 shall initially fill those roles on the Commission.

"(2) Thereafter the President may, with the concurrence of a majority of the Commission's members, designate a Chairperson or Vice Chairperson, as the case may be, from among the Commission's members.

"(3) The President shall, with the concurrence of a majority of the Commission's members, fill a vacancy by designating a Chairperson or Vice Chairperson, as the case may be, from among the Commission's members.

"(4) The Vice Chairperson shall act in place of the Chairperson in the absence of the Chairperson.

"(e) REMOVAL OF MEMBERS.—The President may remove a member of the Commission only for neglect of duty or malfeasance in office.

"(f) QUORUM.—5 members of the Commission constitute a quorum of the Commission.

"SEC. 3. DUTIES OF THE COMMISSION.

"(a) GENERALLY.—The Commission—

"(1) shall investigate allegations in writing under oath or affirmation relating to deprivations—

"(A) because of color, race, religion, sex, age, disability, or national origin; or

"(B) as a result of any pattern or practice of fraud;

of the right of citizens of the United States to vote and have votes counted; and

"(2) shall—

"(A) study and collect information relating to;

"(B) make appraisals of the laws and policies of the Federal Government with respect to;

"(C) serve as a national clearinghouse for information relating to; and

"(D) prepare public service announcements and advertising campaigns to discourage;

discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice.

"(b) LIMITATIONS ON INVESTIGATORY DUTIES.—Nothing in this or any other Act shall be construed as authorizing the Commission, its advisory committees, or any person under its supervision or control, to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, or any religious organization.

"(c) REPORTS.—

"(1) ANNUAL REPORT.—The Commission shall submit to the President and Congress at least one report annually that monitors Federal civil rights enforcement efforts in the United States.

"(2) OTHER REPORTS GENERALLY.—The Commission shall submit such other reports to the President and the Congress as the Commission, the Congress, or the President shall deem appropriate.

"(d) ADVISORY COMMITTEES.—The Commission may constitute such advisory committees as it deems advisable. The Commission shall establish at least one such committee in each State and the District of Columbia composed of citizens of that State or District.

"(e) HEARINGS AND ANCILLARY MATTERS.—

"(1) POWER TO HOLD HEARINGS.—The Commission, or on the authorization of the Commission, any subcommittee of two or more members of the Commission, at least one of whom shall be of each major political party, may, for the purpose of carrying out this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee deems advisable. Each member of the Commission shall have the power to administer oaths and affirmations in connection with the proceedings of the Commission. The holding of a hearing by the Commission or the appointment of a subcommittee to hold a hearing pursuant to this paragraph must be approved by a majority of the Commission, or by a majority of the members present at a meeting when a quorum is present.

"(2) POWER TO ISSUE SUBPOENAS.—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter. Such a subpoena may not require the presence of a witness more than 100 miles outside the place wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process. In case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

"(3) WITNESS FEES.—A witness attending any proceeding of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(4) DEPOSITIONS AND INTERROGATORIES.—The Commission may use depositions and written interrogatories to obtain information and testimony about matters that are the subject of a Commission hearing or report.

"(f) LIMITATION RELATING TO ABORTION.—Nothing in this or any other Act shall be construed as authorizing the Commission, its advisory committees, or any other person under its supervision or control to study and collect, make appraisals of, or serve as a clearinghouse for any information about laws and policies of the Federal Government or any other governmental authority in the United States, with respect to abortion.

"SEC. 4. ADMINISTRATIVE PROVISIONS.

"(a) STAFF.—

"(1) DIRECTOR.—There shall be a full-time staff director for the Commission who shall—

"(A) serve as the administrative head of the Commission; and

"(B) be appointed by the President with the concurrence of a majority of the Commission.

"(2) OTHER PERSONNEL.—Within the limitation of its appropriations, the Commission may—

"(A) appoint such other personnel as it deems advisable, under the civil service and classification laws; and

"(B) procure services, as authorized in section 3109 of title 5, United States Code, but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

"(b) COMPENSATION OF MEMBERS.—

"(1) GENERALLY.—Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive a sum equivalent to the compensation paid at level IV of the Executive Schedule under section 5315 of title 5, United States Code, prorated on a daily basis for time spent in the work of the Commission.

"(2) PERSONS OTHERWISE IN GOVERNMENT SERVICE.—Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from such member's usual place of residence, under subchapter I of chapter 57 of title 5, United States Code.

"(c) VOLUNTARY OR UNCOMPENSATED PERSONNEL.—The Commission shall not accept or use the services of voluntary or uncompensated persons. This limitation shall apply with respect to services of members of the Commission as it does with respect to services by other persons.

"(d) RULES.—

"(1) GENERALLY.—The Commission may make such rules as are necessary to carry out the purposes of this Act.

"(2) CONTINUATION OF OLD RULES.—Except as inconsistent with this Act, and until modified by the Commission, the rules of the Commission on Civil Rights in effect on September 30, 1994 shall be the initial rules of the Commission.

"(e) COOPERATION.—All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated, to carry out this Act $9,500,000 for fiscal year 1995. None of the sums authorized to be appropriated for fiscal year 1995 may be used to create additional regional offices.

"SEC. 6. TERMINATION.

"This Act shall terminate on September 30, 1995."

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

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

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

Mr. Speaker, H.R. 4999 authorizes $9.5 million for the activities of the U.S. Civil Rights Commission for fiscal year 1995. It authorizes the Commission to conduct antidiscrimination campaigns, and maintains the prohibition against new regional offices. It also clarifies the restrictions on uncompensated services by Commissioners. This language is necessary because of a recent GAO report which found some questionable travel expenditures by some Commissioners.

I wish to thank the gentleman from California [Mr. EDWARDS], chairman of the Subcommittee on Civil and Constitutional Rights, for his leadership on this and every other civil rights issue over the last 30 years, and the gentleman from Illinois [Mr. HYDE], the ranking member, also deserves praise for bringing this legislation forward.

I urge the Members to support this bill.

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

Mr. Speaker, let me say at the outset that the gentleman from California [Mr. EDWARDS] will indeed be missed. I would like to think that he is such a part of this place though that, to reprise a term, I believe, of Oliver Wendell Holmes, he will be a brooding omnipresence over this body rather than someone who is retired and left us. He has been a great person to work with and made so many solid contributions to the jurisprudence, to the civil rights of this country, that his mark is established, and I have been proud to work with him.

The same thing is true with the gentleman from Texas [Mr. BROOKS] who is, among other things, fun to work with. He has a great sense of humor, and he gets things done, and it has been a real pleasure working with him.

And lest this turn into a homecoming celebration, Mr. Speaker, let me say this legislation, as approved by the Committee on the Judiciary, will extend the life of the U.S. Commission on Civil Rights for 1 year. This legislation maintains the current structure of the Commission, eight Commissioners appointed by the President and Congress, and gives the Commission new authority to make public service announcements within the scope of its statutory mandate. The bill, as reported by the Committee on the Judiciary, incorporates several changes requested by the minority which were consistent with the 1983 act. The bill also authorizes appropriation of $9.5 million, which is consistent with the amount appropriated for fiscal year 1995.

Mr. Speaker, I believe the Commission is compromised of men and women of good will who can work together to speak out against discrimination and in favor of equality under the law, and so I enthusiastically support this legislation.

I do want to thank the chairman of the committee, the gentleman from California [Mr. EDWARDS], for his cooperation on moving this bill, and the gentleman from Texas [Mr. BROOKS] for bringing this bill forward, as well as to the staffs, without whose indispensable help we could not have brought this bill forward.

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

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Subcommittee on Civil and Constitutional Rights, the gentleman from California [Mr. EDWARDS], a longtime supporter of civil rights.

Mr. EDWARDS of California. Mr. Speaker, I thank my chairman, the gentleman from Texas [Mr. BROOKS], for bringing this bill promptly to the floor, and I thank him for his gracious personal remarks, as I thank my colleague, the gentleman from Illinois [Mr. HYDE], the ranking minority member of the subcommittee. It has been just an honor and a privilege to serve with Mr. HYDE for many years on this subcommittee. We have done some good things, and we worked together very hard.

Mr. Speaker, this bill, ably and accurately described by both the gentleman from Texas [Mr. BROOKS] and the gentleman from Illinois [Mr. HYDE] does extend the life of the Commission for a year and was approved unanimously by the subcommittee and by the full committee. I urge its passage.

Mr. Speaker, in 1957, creating a U.S. Commission on Civil Rights was a radical idea. It is the only bipartisan, independent Federal factfinding agency reviewing discrimination on the basis of race, color, religion, sex, age, handicap, and national origin or in the administration of justice.

Perhaps it is a temporary agency because we want to believe that some day our racially and culturally diverse Nation will become more unified. I believe it is a good thing that our national will embraces such unity.

For most of its almost 40 years existence the Commission has been our Nation's conscience on civil rights—reminding us of where we have been and where we need to go.

Since it has no enforcement authority, its influence comes from its scholarly reports.

Sadly, we all remember that period, beginning in 1980, when the Commission turned away from its factfinding mission, Congress seriously considered abolishing the agency. However, a compromise bill reconstituting the Commission was enacted in 1983. Commission membership was expanded and the method for appointing Commissioners and selecting the chairperson, vice chairperson and staff director was changed.

The Commission still has not fully resumed its statutory mandate. Those who have followed Commission meetings and hearings for the past 2 years notice an absence of scholarly debate and a penchant for bickering over administrative rather than policy matters.

From 1957 to 1983, the Commissioners and staff director were appointed by the President with the advice and consent of the Senate. I believe there is a direct connection between the Commission's past reputation for scholarly work and the rigors of Senate confirmation. And if, after this reauthorization, the Commission fails to fully resume its factfinding mandate, I hope the next Congress will consider returning to Senate confirmation.

H.R. 4999 rewrites more concisely the 1983 Civil Rights Commission Act. For example, it eliminates provisions of the 1983 act regarding the conduct of Commission hearings. The provisions are unnecessary because the Commission's hearings are subject to the Sunshine in Government Act.

The bill restates the Commission's longstanding factfinding duties with respect to discrimination and denials of equal protection of the laws because of color, race, religion, sex, age, disability, or national origin or in the administration of justice.

New authority is granted to the Commission to prepare public service announcements and advertising campaigns to discourage discrimination. The Commission is also authorized to use depositions and written interrogatories to obtain information and testimony about matters that are the subject of a Commission hearing or report.

Following publication of a report by the General Accounting Office in August 1994, entitled "Commissioners' Travel Activities", the bill clarifies that the longstanding provision prohibiting the Commission from accepting or using the services of voluntary or uncompensated persons applies to the Commissioners.

The Commission's life is extended for 1-year and $9,500,000 is authorized for appropriations in fiscal year 1995. The committee expects that the modest increase in appropriations authorized by this bill will enhance the Commission's ability to return to its factfinding mandate.

Since 1957, when the Commission was created, civil rights issues and solutions have become more complex. I have no doubt that our Nation will benefit greatly from the advice and counsel of a Civil Rights Commission that is committed to vigorously carrying out its statutory mandate. I urge this Commission to meet that challenge and I urge your support of H.R. 4999.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH], the ranking Republican on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, although this Nation has taken monumental steps toward eradicating discrimination and achieving equality for men and women of all races and creeds, there is still much work to be done. The U.S. Commission on Civil Rights plays a pivotal role in helping to point out where we have fallen short and what steps we can take to insure that our civil rights laws are fairly and effectively enforced.

Our experience over the past 3 years, since we last authorized the Commission, is that it has taken steps to becoming more focused and more productive in carrying out its congressional mandate.

H.R. 4999, as reported by the Committee on the Judiciary, authorizes the Commission for 1 year and grants explicit authority to the Commission to make public service announcements. Otherwise, the bill maintains the current structure of the Commission.

I support this legislation and urge my colleagues to do so as well.

Mr. Speaker, I am glad to have the opportunity to speak on this bill. My friend, the gentleman from California [Mr. EDWARDS] is leaving the Congress after 3 decades as the congressional watchdog of civil rights abuses and discrimination and shaping our responses. I have learned from DON EDWARDS and appreciate having worked with him on every civil rights bill considered in the last 25 years. I say to the gentleman, "The Congress and country will miss you DON EDWARDS."

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

Mr. Speaker, the majority party has chairmen, and they get courthouses named after them, and the minority party sometimes is tolerated and retires with kind of in-house glory. I do not want to let this moment pass without saying that the gentleman from New York [Mr. FISH] is the nicest person I have ever met. I have had more sheer joy, pleasure, and professional satisfaction from working with him over these years, and, as he leaves, he will be painfully missed, a gentleman in the fullest sense of the word, and I tried to think of a way to encapsulate him in his chosen profession, and I would refer to him as a diamond in a sea of zircons. He will be sorely missed.

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

Mr. Speaker, I would like at this time to endorse the comments of my very erudite colleague, the gentleman from Illinois [Mr. HYDE].

Mr. Speaker, I yield to our colleague, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am filled with humility and a sense of sadness about leaving colleagues such as those who have

spoken this morning. We have worked together in ways that we thought were for the best interests of our country. The gentleman from New York [Mr. FISH] and the gentleman from Illinois [Mr. HYDE] were amongst the authors of the very important 1982 rewriting of the Voting Rights Act that made it really effective throughout the country.

The gentleman from Illinois [Mr. HYDE] and I traveled throughout the South and other States and found to our dismay that even 17 years after the Voting Rights Act first had been passed, voting privileges were being denied wholesale to Americans because of their race. We worked together, and the gentleman from New York [Mr. FISH], as usual, manfully assisted us as he has done on civil rights and constitutional rights throughout his entire career.

Indeed, Mr. Speaker, I am just honored by this. When I go into retirement in a few months, I am going to look back with nostalgia at the hours and days and months and years I have worked with these finest of public servants.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding this time to me, and I rise in very strong support of H.R. 4999, the Civil Rights Commission Reauthorization Act.

I take this time just to offer my sincerest congratulations and very best wishes to Congressman DON EDWARDS, the distinguished chairman of the subcommittee, not just for this bill but for really all his years of service. He has indeed been the guardian of the Constitution for about eight decades. Nobody has worked harder for civil rights and constitutional rights than has DON EDWARDS over the years.

And the gentleman from New York, Mr. HAMILTON FISH, is also leaving the Congress at the end of this session. HAM FISH is unquestionably one of the experts on immigration as well as civil rights, one of the earliest supporters of civil rights legislation in this Congress.

This body is going to sadly miss DON EDWARDS and HAMILTON FISH. They have been great Members of this body. They are the epitome of what is right about this institution. There are a lot of things right. We hear about all the things that are wrong about Congress and the country, but these are examples of what is right about this institution, and I wish them every success in the years ahead.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 4999, as amended.

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

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2372) to reauthorize for 3 years the Commission on Civil Rights, 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 Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2372

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 "Civil Rights Commission Reauthorization Act of 1994".

SEC. 2. REAUTHORIZATION.

Section 7 of the United States Commission on Civil Rights Act (42 U.S.C. 1975e) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $9,500,000 for fiscal year 1995.".

SEC. 3. TERMINATION.

Section 8 of the United States Commission on Civil Rights Act (42 U.S.C. 1973f) is amended by striking "1994" and inserting "1997".

MOTION OFFERED BY MR. BROOKS

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

The Clerk read as follows:

Mr. BROOKS moves to strike all after the enacting clause of S. 2372 and insert in lieu thereof the provisions of H.R. 4999, as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "A bill to amend the United States Commission on Civil Rights Act of 1983."

A motion to reconsider was laid on the table.

A similar bill (H.R. 4999) was laid on the table.

MADRID PROTOCOL IMPLEMENTATION ACT

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2129) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2129

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 "Madrid Protocol Implementation Act".

SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended (15 U.S.C. 1051 and following) (commonly referred to as the "Trademark Act of 1946") is amended by adding after section 51 the following new title:

"TITLE XII—THE MADRID PROTOCOL

"SEC. 60. DEFINITIONS.

"For purposes of this title:

"(1) MADRID PROTOCOL.—The term 'Madrid Protocol' means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

"(2) BASIC APPLICATION.—The term 'basic application' means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(3) BASIC REGISTRATION.—The term 'basic registration' means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(4) CONTRACTING PARTY.—The term 'Contracting Party' means any country or intergovernmental organization that is a party to the Madrid Protocol.

"(5) DATE OF RECORDAL.—The term 'date of recordal' means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

"(6) DECLARATION OF BONA FIDE INTENTION TO USE THE MARK IN COMMERCE.—The term 'declaration of bona fide intention to use the mark in commerce' means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

"(A) the applicant or holder has a bona fide intention to use the mark in commerce,

"(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce, and

"(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

"(7) EXTENSION OF PROTECTION.—The term 'extension of protection' means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the

international registration, in accordance with the Madrid Protocol.

"(8) HOLDER OF AN INTERNATIONAL REGISTRATION.—A 'holder' of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

"(9) INTERNATIONAL APPLICATION.—The term 'international application' means an application for international registration that is filed under the Madrid Protocol.

"(10) INTERNATIONAL BUREAU.—The term 'International Bureau' means the International Bureau of the World Intellectual Property Organization.

"(11) INTERNATIONAL REGISTER.—The term 'International Register' means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

"(12) INTERNATIONAL REGISTRATION.—The term 'international registration' means the registration of a mark granted under the Madrid Protocol.

"(13) INTERNATIONAL REGISTRATION DATE.—The term 'international registration date' means the date assigned to the international registration by the International Bureau.

"(14) NOTIFICATION OF REFUSAL.—The term 'notification of refusal' means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

"(15) OFFICE OF A CONTRACTING PARTY.—The term 'Office of a Contracting Party' means—

"(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks, or

"(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

"(16) OFFICE OF ORIGIN.—The term 'office of origin' means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

"(17) OPPOSITION PERIOD.—The term 'opposition period' means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

"SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.

"The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, who—

"(1) is a national of the United States,

"(2) is domiciled in the United States, or

"(3) has a real and effective industrial or commercial establishment in the United States,

may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Commissioner.

"SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.

"Upon the filing of an application for international registration and payment of the prescribed fees, the Commissioner shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Commissioner shall transmit the international application to the International Bureau.

"SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.

"With respect to an international application transmitted to the International Bureau under section 62, the Commissioner shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or cancelled, or has expired, with respect to some or all of the goods and services listed in the international registration—

"(1) within 5 years after the international registration date; or

"(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

"SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.

"The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

"(1) directly with the International Bureau, or

"(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Commissioner.

"SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.

"(a) IN GENERAL.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

"(b) IF UNITED STATES IS OFFICE OF ORIGIN.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

"SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.

"(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

"(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

"(1) The international registration date, if the request for extension of protection was filed in the international application.

"(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

"(3) The date of priority claimed pursuant to section 67.

"SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.

"The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

"(1) the international registration contained a claim of such priority; and

"(2)(A) the international application contained a request for extension of protection to the United States, or

"(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

"SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.

"(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Commissioner shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

"(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

"(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

"(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

"(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Commissioner shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

"(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Commissioner shall transmit to the International Bureau any of the following that applies to such request:

"(A) A notification of refusal based on an examination of the request for extension of protection.

"(B) A notification of refusal based on the filing of an opposition to the request.

"(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

"(2) If the Commissioner has sent a notification of the possibility of opposition under

paragraph (1)(C), the Commissioner shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

"(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Commissioner after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

"(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Commissioner shall issue a certificate of extension of protection pursuant to the request.

"(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.

"SEC. 69. EFFECT OF EXTENSION OF PROTECTION.

"(a) ISSUANCE OF EXTENSION OF PROTECTION.—Unless a request for extension of protection is refused under section 68, the Commissioner shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

"(b) EFFECT OF EXTENSION OF PROTECTION.—From the date on which a certificate of extension of protection is issued under subsection (a)—

"(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register, and

"(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

"SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.

"(a) EFFECT OF CANCELLATION OF INTERNATIONAL REGISTRATION.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Commissioner shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was cancelled.

"(b) EFFECT OF FAILURE TO RENEW INTERNATIONAL REGISTRATION.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

"(c) TRANSFORMATION OF AN EXTENSION OF PROTECTION INTO A UNITED STATES APPLICATION.—The holder of an international registration cancelled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed pursuant to section 1 or 44.

"SEC. 71. AFFIDAVITS AND FEES.

"(a) REQUIRED AFFIDAVITS AND FEES.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be cancelled by the Commissioner—

"(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; and

"(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, and at the end of each 10-year period thereafter, unless—

"(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; or

"(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Commissioner.

"(b) CONTENTS OF AFFIDAVIT.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

"SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

"An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

"SEC. 73. INCONTESTABILITY.

"The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Commissioner issues the certificate of the extension of protection under section 69, except as provided in section 74.

"SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.

"An extension of protection shall convey the same rights as an existing registration for the same mark, if—

"(1) the extension of protection and the existing registration are owned by the same person;

"(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

"(3) the certificate of extension of protection is issued after the date of the existing registration.".

SEC. 3. EFFECTIVE DATE.

Subject to the satisfactory resolution of the issues relating to voting rights of member nations under the Madrid Protocol, this Act shall take effect on the date on which the Madrid Protocol enters into force with respect to the United States.

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

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

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

Mr. Speaker, H.R. 2129 provides for procedural changes in United States law which are necessary to implement the Madrid protocol which provides for the international registration of trademarks. Participation in the Madrid protocol by the United States will present United States patent owners with a greatly simplified means of obtaining patent protection in foreign countries. Foreign recognition of U.S. intellectual property will further enhance the global competitiveness of U.S. businesses. Equally important, this expedited protection can be obtained without any substantive change in U.S. patent law.

U.S. participation in the protocol has been held up by a dispute over the voting rights of member parties. The European Union has thus far insisted on having a separate vote from the votes given to its member countries. There is no sound justification for such a double vote requirement, and the United States has understandably opposed this position as posing a very bad precedent for other international agreements. This legislation cannot take effect

until the voting rights issue is favorably resolved.

I wish to thank Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, for his commitment to advancing the protections available to U.S. trademark owners, and Congressman CARLOS MOORHEAD, the ranking member, for his support of this legislation.

I urge the Members to support passage of this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 2129.

Mr. Speaker, I yield 2 minutes to the ranking minority member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH], whom we are going to miss very, very much on his retirement.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding the time to me.

Mr. Speaker, this is important legislation and I want to congratulate the subcommittee chairman, BILL HUGHES, and the ranking Republican, CARLOS MOORHEAD, for pushing it forward even though the State Department would like to put this legislation on hold. If that happens it will be years before the Congress ever sees any legislation on this issue.

In late August early September of last year I met in Geneva with Dr. Arpad Bogsch, Director of the World Intellectual Property Organization [WIPO] and we spent a good deal of time discussing this legislation. After that meeting I was more convinced than ever that we should enact it.

Our business community will benefit substantially from the enactment of this legislation. International registration of trademarks is a simple, inexpensive, and effective way of obtaining legal protection for trademarks in a large number of countries. WIPO will be implementing and administering the protocol. It will be sharing its computer records of international applications and registrations with our Patent and Trademark Office. A U.S. company will be able to file with the U.S. Patent and Trademark Office and then have its application transmitted to WIPO where it will be registered and made available to other countries avoiding separate and expensive country-by-country registration.

This legislation has been endorsed by the American Bar Association, the U.S. business community, and the U.S. Trademark Association. I hope the other body will act promptly on H.R. 2129.

I urge a favorable vote.

□ 1140

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary for yielding time to me.

Mr. Speaker, I rise in support of H.R. 2129, the Madrid Protocol Implementation Act. The purpose of H.R. 2129 is to implement the Madrid Protocol agreement which provides for an international registration system for trademarks.

The implementation of an international trademark registration system operated under the auspices of the International Bureau of the World International Intellectual Property Organization will benefit U.S. trademark owners. Products produced by U.S. companies are recognized and sold throughout the world. In order to ensure that the trademarks identifying these products are protected, registration in foreign countries is essential. The ability to accomplish this registration in the quickest and simplest manner will be advantageous to U.S. Trademark owners.

Although there is still an outstanding issue to resolve relating to the voting rights of member countries in the Madrid protocol, the resolution of the voting rights issue will ensure its approval by the Senate and will move the international trademark registration system closer to implementation.

I urge adoption of H.R. 2129.

Mr. Speaker, I want to thank the distinguished chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and the ranking Republican, the gentleman from New York [Mr. FISH], for their help in moving this legislation. And I particularly want to thank the distinguished gentleman from California [Mr. MOORHEAD], my ranking Republican on the Subcommittee on Intellectual Property and Judicial Administration, for his work in this and on many other measures.

It is a good bill, and I urge the adoption of H.R. 2129.

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

Mr. Speaker, the implementation of the Madrid protocol is legislation we introduced at the close of the last Congress. We did that because it was important to send a signal to the international community that the United States was serious about becoming part of a system for the international registration of trademarks. We have an international system for copyright as members of the Berne Convention—.We have an international system for patents as members of the Paris Convention, but we have nothing on the international scene for trademarks.

There is no opposition to this legislation. Having a system of international registration is so important to our business community it substantially outweighs any procedural difficulty we may have with the European Economic Community.

I think we are doing the right thing in spending this legislation to the other body.

I urge a favorable vote.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 2129, as amended.

The question was taken.

Mr. ROHRABACHER. 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. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 1994

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4608) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1995, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4608

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 "Patent and Trademark Office Authorization Act of 1994".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

There is authorized to be appropriated to the Patent and Trademark Office for Salaries and necessary expenses the sum of $107,000,000 for fiscal year 1995, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund established under section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. note).

SEC. 3. AMOUNTS AUTHORIZED TO BE CARRIED OVER.

Amounts appropriated or made available pursuant to this Act shall remain available until expended.

SEC. 4. EMPLOYMENT LEVEL IN PATENT AND TRADEMARK OFFICE.

Section 3 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) During the 5-year period beginning on October 1, 1994, no reductions may be made in the number of full-time equivalent employees of the Patent and Trademark Office, except to the extent that—

"(A) a law is enacted that requires reductions in personnel or positions specifically in the Patent and Trademark Office, or

"(B) the Commissioner determines that a reduction in the number of full-time equivalents is in the best interests of the Patent and Trademark Office and the public.

"(2) During the 5-year period referred to in paragraph (1), any law imposing a restriction on hiring by executive agencies, or requiring reductions in force in executive agencies, for the purpose of achieving reductions in the Federal work force shall not apply to the Patent and Trademark Office.

"(3) A law may not be construed as suspending or modifying this subsection, except to the extent such law specifically refers to or amends this subsection.".

SEC. 5. COMPENSATION OF COMMISSIONER.

Section 3(d) of title 35, United States Code, is amended by striking "Assistant" each place it appears and inserting "Under".

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

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

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the full committee.

Mr. BROOKS. Mr. Speaker, H.R. 4608 authorizes $107 million for the activities of the Patent and Trademark Office for fiscal year 1995. This money is generated by patent and trademark fees, and from amounts deposited in the Patent and Trademark Office fee surcharge fund created by the 1990 Budget Act.

I share the concern of many Members that patent users must pay a patent user fee surcharge that is not being fully used to support the Patent Office. I hope in the next Congress to work with the appropriate administration officials and congressional committees to rectify this situation.

I congratulate Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, for his careful oversight of the Patent Office. Congressman CARLOS MOORHEAD, the ranking member, also deserves credit for his efforts in this regard.

I urge the Members to support this bill.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 4608, the PTO authorization bill.

Mr. Speaker, I would like to commend the subcommittee chairman, BILL HUGHES, for all the good work he has done over the years in the area of patents, trademarks and copyrights. It can be a complicated area of the law and he mastered it quickly and provided the leadership necessary to resolve some very difficult intellectual property issues. I also would like to commend our chairman, the gentleman from Texas, JACK BROOKS, for all of his work in this area and I would like to commend my good friend and ranking minority member from New York, HAM FISH. He and BILL HUGHES will be very much missed next Congress.

I remember in 1990 when we had to increase the Patent and Trademark Office fees by almost 70 percent and converted the PTO into an agency which is now 100 percent user fee funded. It now receives no taxpayer funds. At that time, we promised the patent community that the money collected would go toward the making of a better and more efficient office. That office is better today than it was in 1990. However, to date, the Appropriations Committee has withheld over $50 million dollars in user fees. The chairman and I have written letters every year to the Appropriations Committee objecting to this process. We have tried, in this legislation, to make clear that the money collected in user fees is to go for the running and maintenance of the Patent and Trademark Office. The Budget Reconciliation Act of 1990 was supposed to expire next year but it has been extended to 1998. We cannot continue to permit this financial drain on this important agency because if we do we are going to see the quality and value of an issued patent substantially reduced. I believe this legislation is a step in the right direction. I urge its adoption.

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

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

Mr. Speaker, I rise in support of H.R. 4608, the Patent and Trademark Office Authorization Act of 1994. The purpose of H.R. 4608 is to authorize appropriations for fiscal year 1995 for the Patent and Trademark Office [PTO]. H.R. 4608 also provides for the PTO to be exempt from Federal workforce reductions and changes the status of the PTO commissioner from an Assistant Secretary of Commerce to an Under Secretary of Commerce.

H.R. 4608 authorizes the full amount of funds, $107,000,000, collected by the PTO as surcharge fees. It is the hope of the committee that during fiscal year 1995, the surcharge fees will be redesignated in order to permit the PTO to fully utilize these funds.

H.R. 4608 exempts the PTO from any Federal workforce reductions unless specifically authorized in legislation requiring reductions in the PTO. The PTO must be able to carry out its responsibilities.

The title of the Commissioner of the PTO will be redesignated to an Under Secretary of Commerce. This redesignation is appropriate given the duties and responsibilities of the office. There are 6 positions in the Department of Commerce that presently carry the title of Under Secretary. Of these, only two Departments have more employees and a larger budget than the Patent and Trademark Office.

I urge adoption of H.R. 4608.

I might say, Mr. Speaker, that since this is perhaps the last bill that I will be moving to the floor, I want to thank again the ranking Republican, the gentleman from California [Mr. MOORHEAD] for his work over the years. I have been very fortunate to have had ranking Republicans who are goal oriented, that wanted to get things done. I could not have a better partner than I do in the gentleman from California [Mr. MOORHEAD] in a very complicated area of the law, as he has indicated, intellectual property and another very important area, judicial administration. I want to thank him for the years that he has worked together with me on many things. We have accomplished a great deal, much to his credit.

□ 1310

Also, Mr. Speaker, I thank the staffs of the committee. We have an excellent professional staff, beginning with our general counsel, Hayden Gregory, to my left, and Jarilyn Dupont, Ed O'Connell and Bill Patry, who have worked on a myriad of issues before our committee and have done yeoman's work.

I also thank Tom Mooney and Joe Wolfe, who serve as ranking minority staff of the committee, for their professional expertise. I also thank the chairmen of the subcommittee and the full committee for their work over the years. It has been a wonderful working relationship, and I thank the gentlemen for that.

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

Mr. HUGHES. I am happy to yield to the gentleman from Texas, the distinguished chairman of the committee.

Mr. BROOKS. Mr. Speaker, I am delighted to say that the gentleman from New Jersey, BILL HUGHES, has one of the finest legal minds that has ever served on the Committee on the Judiciary. He worked in antitrust, he did his homework, he became very competent at it. He did the same thing in administrative law, criminal law, and intellectual property.

I would just say, Mr. Speaker, that he has contributed 20 years of unexcelled legal excellence to this Congress. I am proud of him, and glad to know his as a friend. I think we should accord him the highest honors for this.

Mr. Speaker, I hope as captain of the S.S. *Hughes*, homeported in St. Thomas, he will devote as much time to navigation and seamanship.

Mr. HUGHES. Mr. Speaker, I thank the distinguished chairman for those remarks. I will certainly take that into consideration, I will say to the gentleman. I again thank him for those kind words.

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, today by passing this bill we are acknowledging the vital role played by

patent protection to the economic well-being of our people and our economic competitiveness of our country's businesses in this new era of global enterprise.

Mr. Speaker, over the decade our guarantee of 17 years of patent protection for new inventions has ensured the investment of private research dollars into the development of cutting-edge technology.

Mr. Speaker, I would like to take this opportunity to warn my colleagues about the insidious attempt now being made to directly reduce the patent protection that is now enjoyed by Americans. Although not required by GATT, snuck into the implementation legislation to be voted on this week is a provision that, once implemented, will cut deep into the time our new inventions are protected by patent law.

Mr. Speaker, every inventors' organization in the country has sounded the alarm. Nevertheless, no one seems to hear, because powerful interest groups are engaged in a stealth power play, a power play where billions of dollars in royalties now being paid to American inventors is at stake. Foreign corporations will be able, if these people succeed, to use American technology against us without having to pay royalties to us for using it.

This ripoff, hidden in the GATT implementation legislation, Mr. Speaker, is more than an insult. It is a threat to America's competitive edge. It is a major threat to our future economic well-being, the economic well-being of all Americans.

Later this week, Mr. Speaker, when this body votes on the GATT implementation legislation, I hope this ripoff of American patent rights is understood and this underhanded attack voted down. H.R. 5110 should be defeated.

Mr. Speaker, I say that as a free trader, as someone who has supported NAFTA. I say we should vote down the GATT implementation legislation until this attack on patent rights is taken out. The legislation we vote on right now is meaningless and irrelevant if GATT implementation legislation guts the patent rights of Americans.

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

Mr. Speaker, I just want to say to the gentleman from California that as he knows, GATT is not in this bill. This is a reauthorization. I understand the gentleman's concern about the 20-year term. I understand there is some opposition to that. While we are on different sides of that issue, because I think the 20-year term is in our national interest, that really has no relevance to this particular piece of legislation, which in no way involves GATT, I might say to my colleagues.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4608, as amended.

The question was taken.

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4608, as amended.

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

There was no objection.

TRIBUTE TO THE LATE HONORABLE CLAUDE HARRIS

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

Mr. BEVILL. Mr. Speaker, it is with great sadness that rise today to pay tribute to my good friend and former colleague, Claude Harris, who died Sunday in Alabama.

Claude was one of the finest people I have ever known. He was extremely sincere, he worked hard at everything he did and he cared a great deal about people. As a public servant, Claude had a most outstanding record and his career sets an excellent example for people everywhere.

His untimely death is a very sad loss not only for his family and friends, but also for our State and our Nation.

Before he came to Congress in 1987, Claude Harris already had made a name for himself in the legal field. He had served as a prosecutor in Tuscaloosa County and was elected as a circuit court judge in 1976. He served in that capacity until 1985 and practiced law briefly before being elected to Congress in 1986.

Claude came to Congress with a strong law-and-order background. Not only had he served on the bench, but he also was a colonel in the Alabama Army National Guard.

Claude Harris commanded a great deal of respect for being a no-nonsense, practical, and hard-working Member of Congress. His great potential was recognized early by the House leadership and Claude won a prestigious seat on the House Energy and Commerce Committee.

Throughout the 6 years in Congress, he remained true to his constituents and to the people of Alabama, whom he served with the utmost integrity.

Because of his experience and expertise, Claude Harris was appointed by President Clinton to be the U.S. attorney for north Alabama. He was confirmed by the U.S. Senate in late 1993 and served in that post until his death.

I am deeply saddened to lose a good friend like Claude Harris, especially in the prime of his life. His accomplishments were many and he will long be remembered for his tireless and unselfish service at the State and Federal level.

GRANTING CONSENT OF CONGRESS TO THE KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4896) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

The Clerk read as follows:

H.R. 4896

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

SECTION 1. CONSENT TO COMPACT.

The Congress consents to the Kansas and Missouri Metropolitan Culture District Compact entered into between the State of Kansas and the State of Missouri. The compact reads substantially as follows:

"KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

"ARTICLE I. AGREEMENT AND PLEDGE

"The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the future planning and development of the metropolitan culture district, holding in high trust for the benefit of this people and of the nation, the special blessings and natural advantages thereof.

"ARTICLE II. POLICY AND PURPOSE

"The party states, desiring by common action to fully utilize and improve their cultural facilities, coordinate the services of their cultural organizations, enhance the cultural activities of their citizens, and achieve solid financial support for such cultural facilities, organizations and activities, declare that it is the policy of each state to realize such desires on a basis of cooperation with one another, thereby serving the best interests of their citizenry and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the creation of a metropolitan culture district as the means to implementation of the policy herein declared with the most beneficial and economical use of human and material resources.

"ARTICLE III. DEFINITIONS

"As used in this compact, unless the context clearly requires otherwise:

"(a) 'Metropolitan culture district' means a political subdivision of the states of Kansas and Missouri which is created under and

pursuant to the provisions of this compact and which is composed of the counties in the states of Kansas and Missouri which act to create or to become a part of the district in accordance with the provisions of Article IV.

"(b) 'Commission' means the governing body of the metropolitan culture district.

"(c) 'Cultural activities' means activities which contribute to or enhance the aesthetic, artistic, historical, intellectual or social development or appreciation of members of the general public.

"(d) 'Cultural organizations' means nonprofit and tax exempt social, civic or community organizations and associations which are dedicated to the development, provision, operation, supervision, promotion or support of cultural activities in which members of the general public may engage or participate.

"(e) 'Cultural facilities' means facilities operated or used for participation or engagement in cultural activities by members of the general public.

"ARTICLE IV. THE DISTRICT

"(a) The counties in Kansas and Missouri eligible to create and initially compose the metropolitan culture district shall be those counties which meet one or more of the following criteria:

"(1) The county has a population in excess of 300,000, and is adjacent to the state line;

"(2) The country contains a part of a city with a population according to the most recent federal census of at least 400,000; or

"(3) The county is contiguous to any county described in provisions (1) or (2) of this subpart (a). The counties of Johnson in Kansas and Jackson in Missouri shall be sine qua non to the creation and initial composition of the district. Additional counties in Kansas and Missouri shall be eligible to become a part of the metropolitan culture district if such counties are contiguous to any one or more of the counties which compose the district and within 60 miles of the counties that are required by this article to establish the district;

"(b)(1) Whenever the governing body of any county which is eligible to create or become a part of the metropolitan culture district shall determine that creation of or participation in the district is in the best interests of the citizens of the county and that the levy of a tax to provide on a cooperative basis with another county or other counties for financial support of the district would be economically practical and cost beneficial to the citizens of the county, the governing body may adopt by majority vote a resolution authorizing the same.

"(2) Wherever a petition, signed by not less than the number of qualified electors of an eligible county equal to 5% of the number of ballots cast and counted at the last preceding gubernatorial election held in the county and requesting adoption of a resolution authorizing creation of or participation in the metropolitan culture district and the levy of a tax for the purpose of contributing to the financial support of the district, is filed with the governing body of the county, the governing body shall adopt such a resolution.

"(3) Implementation of a resolution adopted under this subpart (b) shall be conditioned upon approval of the resolution by a majority of the qualified electors of the county voting at an election conducted for such purpose.

"(c)(1) Upon adoption of a resolution pursuant to subpart (b)(1) or subpart (b)(2), the governing body of the county shall request, within 36 months after adoption of the resolution, the county election officer to submit to the qualified electors of the county the question of whether the governing body shall be authorized to implement the resolution. The resolution shall be printed on the ballot and in the notice of election. The question shall be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer. If a majority of the qualified electors are opposed to implementation of the resolution authorizing creation of, or participation in, the district and the levy of a tax for financial support thereof, the same shall not be implemented. The governing body of the county may review procedures for authorization to create or become a part of the district and to levy a tax for financial support thereof at any time following rejection of the question.

"(2) The ballot for the proposition in any county shall be in substantially the following form:

"Shall a retail sales tax of _____ (insert amount, not to exceed ¼ cent) be levied and collected in Kansas and Missouri metropolitan culture district consisting of the county(ies) of _____ (insert name of counties) for the support of cultural facilities and organizations within the district?

YES NO

The governing body of the county may place additional language on the ballot to describe the use or allocation of the funds.

"(d)(1) the metropolitan culture district shall be created when implementation of a resolution authorizing the creation of the district and the levy of a tax for contribution to the financial support thereof is approved by respective majorities of the qualified electors of at least Johnson County, Kansas, and Jackson County, Missouri.

"(2) When implementation of a resolution authorizing participation in the metropolitan culture district and the levy of a tax for contribution to the financial support thereof is approved by a majority of the qualified electors of any county eligible to become a part of the district, the governing body of the county shall proceed with the performance of all things necessary and incidental to participation in the district.

"(e) Any of the counties composing the metropolitan culture district may withdraw from the district by adoption of a resolution and approval of the resolution by a majority of the qualified electors of the county, all in the same manner provided in this Article IV for creating or becoming a part of the metropolitan culture district. The governing body of a withdrawing county shall provide for the sending of formal written notice of withdrawal from the district to the governing body of the other county or each of the other counties comprising the district. Actual withdrawal shall not take effect until 90 days after notice has been sent. A withdrawing county shall not be relieved from any obligation which such county may have assumed or incurred by reason of being a part of the district, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district.

"ARTICLE V. THE COMMISSION

"(a) The metropolitan culture district shall be governed by the metropolitan culture commission which shall be a body corporate and politic and which shall be composed of resident electors of the states of Kansas and Missouri, respectively, as follows:

"(1) A member of the governing body of each county which is a part of the district, who shall be appointed by majority vote of such governing body;

"(2) A member of the governing body of each city, with a population according to the most recent federal census of at least 50,000, located in whole or in part within each county which is a part of the district, who shall be appointed by majority vote of such governing body;

"(3) A member of the arts commission of Kansas or the Kansas commission for the humanities, who shall be appointed by the governor of Kansas; and

"(4) A member of the arts commission of Missouri or the Missouri humanities council, who shall be appointed by the governor of Missouri.

To the extent possible, the gubernatorial appointees to the commission shall be residents of the district. The term of each commissioner initially appointed by a county governing body shall expire concurrently with such commissioner's tenure as a county officer or three years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a county governing body shall expire concurrently with such successor commissioner's tenure as a county officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner initially appointed by a city governing body shall expire concurrently with such commissioner's tenure as a city officer or two years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a city governing body shall expire concurrently with such successor commissioner's tenure as a city officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner appointed by the governor of Kansas or the governor of Missouri shall expire concurrently with the term of the appointing governor, the commissioner's tenure as a state officer, or four years after the date of appointment as a commissioner of the district, whichever occurs sooner. Any vacancy occurring in a commissioner position for reasons other than expiration of terms of office shall be filled for the unexpired term by appointment in the same manner that the original appointment was made. Any commissioner may be removed for cause by the appointing authority of the commissioner.

"(b) The commission shall select annually, from its membership, a chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded in such amounts as the commission may require.

"(c) The commission may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

"(d) The commission shall fix the time and place at which its meetings shall be held. Meetings shall be held within the district and shall be open to the public. Public notice shall be given of all meetings.

"(e) A majority of the commissioners from each state shall constitute, in the aggregate, a quorum for the transaction of business. No action of the commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the commissioners from each state, present at such meeting, shall vote in favor thereof. No action of the commission taken at a meeting thereof shall be binding unless the subject of such action is included in a written agenda for such meeting, the agenda and

notice of meeting having been mailed to each commissioner by postage paid first-class mail at least 14 calendar days prior to the meeting.

"(f) The commissioners from each state shall be subject to the provisions of the laws of the states of Kansas and Missouri, respectively, which relate to conflicts of interest of public officers and employees. If any commissioner has a direct or indirect financial interest in any cultural facility, organization or activity supported by the district or commission or in any other business transaction of the district or commission, the commissioner shall disclose such interest in writing to the other commissioners and shall abstain from voting on any matter relating to such facility, organization or activity or to such business transaction.

"(g) If any action at law or equity, or other legal proceeding, shall be brought against any commissioner for any act or omission arising out of the performance of duties as a commissioner, the commissioner shall be indemnified in whole and held harmless by the commission for any judgment or decree entered against the commissioner and, further, shall be defended at the cost and expense of the commission in any such proceeding.

"ARTICLE VI. POWERS AND DUTIES OF THE COMMISSION

"(a) The commission shall adopt a seal and suitable bylaws governing its management and procedure.

"(b) The commission has the power to contract and to be contracted with, and to sue and to be sued.

"(c) The commission may receive for any of its purposes and functions any contributions or moneys appropriated by counties or cities and may solicit and receive any and all donations, and grants of money, equipment, supplies, materials and services from any state or the United States or any agency thereof, or from any institution, foundation, organization, person, firm or corporation, and may utilize and dispose of the same.

"(d) Upon receipt of recommendations from the advisory committee provided in subsection (g), the commission may provide donations, contributions and grants or other support, financial or otherwise, or in aid of cultural organizations, facilities or activities in counties which are part of the district. In determining whether to provide any such support the commission shall consider the following factors:

"(1) economic impact upon the district;

"(2) cultural benefit to citizens of the district and to the general public;

"(3) contribution to the quality of life and popular image of the district;

"(4) contribution to the geographical balance of cultural facilities and activities within and outside the district;

"(5) the breadth of popular appeal within and outside the district;

"(6) the needs of the community as identified in an objective cultural needs assessment study of the metropolitan area; and

"(7) any other factor deemed appropriate by the commission.

"(e) The commission may own and acquire by gift, purchase, lease or devise cultural facilities within the territory of the district. The commission may plan, construct, operate and maintain and contract for the operation and maintenance of cultural facilities within the territory of the district. The commission may sell, lease, or otherwise dispose of cultural facilities within the territory of the district.

"(f) At any time following five years from and after the creation of the metropolitan cultural district as provided in paragraph (1) of subsection (d) of article IV, the commission may borrow moneys for the planning, construction, equipping, operation, maintenance, repair, extension, expansion, or improvement of any cultural facility and, in that regard, the commission at such time may:

"(1) issue notes, bonds or other instruments in writing of the commission in evidence of the sum or sums to be borrowed. No notes, bonds or other instruments in writing shall be issued pursuant to this subsection until the issuance of such notes, bonds or instruments has been submitted to and approved by a majority of the qualified electors of the district voting at an election called and held thereon. Such election shall be called and held in the manner provided by law;

"(2) issue refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its outstanding indebtedness from time to time whether evidenced by notes, bonds or other instruments in writing. Such refunding notes, bonds or other instruments in writing shall not exceed in amount the principal of the outstanding indebtedness to be refunded and the accrued interest thereon to the date of such refunding;

"(3) provide that all notes, bonds and other instruments in writing issued hereunder shall or may be payable, both as to principal and interest, from sales tax revenues authorized under this compact and disbursed to the district by counties comprising the district, admissions and other revenues collected from the use of any cultural facility or facilities constructed hereunder, or from any other resources of the commission, and further may be secured by a mortgage or deed of trust upon any property interest of the commission; and

"(4) prescribe the details of all notes, bonds or other instruments in writing, and of the issuance and sale thereof. The commission shall have the power to enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers granted herein, without further legislative authority.

"(g) The commission shall appoint an advisory committee composed of members of the general public consisting of an equal number of persons from both the states of Kansas and Missouri who have demonstrated interest, expertise, knowledge or experience in cultural organizations or activities. The advisory committee shall make recommendations annually to the commission regarding donations, contributions and grants or other support, financial or otherwise, for or in aid of cultural organizations, facilities and activities in counties which are part of the district.

"(h) The commission may provide for actual and necessary expenses of commissioners and advisory committee members incurred in the performance of their official duties.

"(i) The commission shall cause to be prepared annually a report on the operations and transactions conducted by the commission during the preceding year. The report shall be submitted to the legislatures and governors of the compacting states, to the governing bodies of the counties comprising the district, and to the governing body of each city that appoints a commissioner. The commission shall publish the annual report in the official county newspaper of each of the counties comprising the district.

"(j) The commission has the power to apply to the congress of the United States for its consent and approval of the compact. In the absence of the consent of congress and until consent is secured, the compact is binding upon the states of Kansas and Missouri in all respects permitted by law for the two states, without the consent of congress, for the purposes enumerated and in the manner provided in the compact.

"(k) The commission has the power to perform all other necessary and incidental functions and duties and to exercise all other necessary and appropriate powers not inconsistent with the constitution or laws of the United States or of either of the states of Kansas or Missouri to effectuate the same.

"ARTICLE VII. FINANCE

"(a) The moneys necessary to finance the operation of the metropolitan culture district and the execution of the powers, duties and responsibilities of the commission shall be appropriated to the commission by the counties comprising the district. The moneys to be appropriated to the commission shall be raised by the governing bodies of the respective counties by the levy of taxes as authorized by the legislatures of the respective party states.

"(b) The commission shall not incur any indebtedness or obligation of any kind; nor shall the commission pledge the credit of either or any of the counties comprising the district or either of the states party to this compact, except as authorized in article VI. The budget of the district shall be prepared, adopted and published as provided by law for other political subdivisions of the party states. No budget shall be adopted by the commission until it has been submitted to and reviewed by the governing bodies of the counties comprising the district and the governing body of each city represented on the commission.

"(c) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

"(d) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states, the counties comprising the district, the cities that appoint a commissioner, and other persons authorized by the commission.

"ARTICLE VIII. ENTRY INTO FORCE

"(a) This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri when it has been entered into law by the legislatures of the respective states.

"(b) Amendments to the compact shall become effective upon enactment by the legislatures of the respective states.

"ARTICLE IX. TERMINATION

"This compact shall continue in force and remain binding upon a party state until its legislature shall have enacted a statute repealing the same and providing for the sending of formal written notice of enactment of such statute to the legislature of the other party state. Upon enactment of such a statute by the legislature of either party state, the sending of notice thereof to the other party state, and payment of any obligations which the metropolitan culture district commission may have incurred prior to the effective date of such statute, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district, the agreement of the party states embodied in

the compact shall be deemed fully executed, the compact shall be null and void and of no further force or effect, the metropolitan culture district shall be dissolved, and the metropolitan culture district commission shall be abolished.

"ARTICLE X. CONSTRUCTION AND SEVERABILITY

"The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either of the party states or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of either of the states party thereto, the compact shall thereby be nullified and voided and of no further force or effect.

"(a) The board of county commissioners of any county which has been authorized by a majority of the electors of the county to create or to become a part of the metropolitan culture district and to levy and collect a tax for the purpose of contributing to the financial support of the district shall adopt a resolution imposing a countywide retailers' sales tax and pledging the revenues received therefrom for such purpose. The rate of such tax shall be fixed in an amount of not more than .25%. Any county levying a retailers' sales tax under authority of this section is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this section, the state director of taxation shall cause such tax to be collected within and outside the boundaries of such county at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to the metropolitan culture district retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any countywide retailers' sales tax collected pursuant to this section shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this section. All countywide retailers' sales tax revenue collected within any county pursuant to this section shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county.

"(b) All revenue received by any county treasurer from a countywide retailers' sales tax imposed pursuant to this section shall be appropriated by the county to the metropolitan culture district commission within 60 days of receipt of the funds by the county for expenditure by the commission pursuant to and in accordance with the provisions of the Kansas and Missouri metropolitan culture district compact. If any such revenue remains upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the county treasurer shall deposit such revenue to the credit of the general fund of the county.

"(c) Any countywide retailers' sales tax imposed pursuant to this section shall expire upon the date of actual withdrawal of the county from the metropolitan culture district or at any time the Kansas and Missouri metropolitan culture district compact becomes null and void and of no further force or effect. If any moneys remain in the metropolitan culture district retailers' sales tax fund upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the state treasurer shall transfer such moneys to the county and city retailers' sales tax fund to be apportioned and remitted at the same time and in the same manner as other countywide retailers' sales tax revenues are apportioned and remitted.".

SEC. 2. RESERVATION OF RIGHTS.

The Congress expressly deserves the right to alter, amend, or repeal this Act.

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

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

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

Mr. Speaker, I rise in support of H.R. 4896, a bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4896 authorizes the formation of a special taxing district to provide financial support for cultural programs and facilities in a metropolitan culture district composed of counties in the States of Kansas and Missouri. Both Kansas and Missouri have enacted identical compact language, and the bill was introduced by our colleagues, the gentleman from Missouri [Mr. WHEAT] and the gentlewoman from Kansas [Mrs. MEYERS].

Mr. Speaker, I urge Members to cast an "aye" vote for this bill.

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Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4896.

Mr. Speaker, this is a noncontroversial bill which merely gives congressional approval, as required under the Constitution, to a compact between Kansas and Missouri establishing the Kansas and Missouri culture district compact.

The district that would be established pursuant to the compact would be a special taxing unit composed of counties on either side of their border that would support cultural programs and facilities.

Mr. Speaker, this compact would not adversely affect other States and should be consented to by the Congress.

I urge support for the measure.

Mr. WHEAT. Mr. Speaker, I rise today in support of H.R. 4896, a bill to grant the consent of Congress to the Missouri and Kansas metropolitan culture district compact. I sponsored this legislation along with Representative MEYERS of Kansas. This proposal has the overwhelming support of the region's elected officials, civic organizations, and cultural groups on both sides of the State line.

Simply put, this compact will allow the voters in five Missouri and Kansas counties to join together as one entity to support cultural activities that benefit the entire region. Let us be clear that this is not a tax increase, nor a mandate for one. It will instead allow taxpayers on both sides of the Missouri-Kansas State line to decide jointly whether to approved increased revenues to improve the quality of life in the region.

The district will be governed by a commission composed of private citizens, public officeholders, and officials of cultural organizations from both States. The commission will encourage a wide variety of museums, art galleries, music festivals, street fairs, and community theater groups to apply for funding.

Missouri and Kansas taxpayers will decide the scope, size, and financing of the district, and they will directly benefit from the increased range of cultural activity in communities large and small across the bistate region. This compact is the fulfillment of a dream to enlist the ideas and support of the people to enhance Kansas City's role as a cultural gem in the "heart of America."

The people of our bistate metropolis have long shared interests, values, and experiences. Nevertheless, the State line between them can still hamper the best intentions of communities in either State. Difficult legal requirements and jurisdictional complications have delayed submission of this compact to the voters of Missouri and Kansas for too long. Enactment of this measure will allow the States to avoid the conflicting laws that have defeated past efforts to establish the culture district.

I thank the chairman of the Judiciary Committee, Mr. BROOKS, and the chairman of the Subcommittee on Administrative Law, Mr. BRYANT, for working so tirelessly to assure passage of H.R. 4896 in this session of Congress. Congressional consent to this unique blueprint for cooperation will allow the people of the Kansas City metro area to decide, in the best tradition of American democracy, how they will improve the life of their community.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] the House suspend the rules and pass the bill, H.R. 4896.

The question was taken.

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

The point of no quorum is considered withdrawn.

ARIZONA WILDERNESS LAND TITLE RESOLUTION ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1233) to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

The Clerk read as follows:

S. 1233

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 "Arizona Wilderness Land Title Resolution Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coast", approved July 27, 1866 (14 Stat. 292), granted a right-of-way in Arizona to the Atlantic and Pacific Railroad Company, together with certain alternate sections of public lands on both sides of the right-of-way;

(2) patents were not issued to some of the lands in the grant described in paragraph (1);

(3) as successors in interest to the Atlantic and Pacific Railroad Company, the Santa Fe Pacific Railroad, and Perrin Properties, Inc., a California corporation—

(A) claim rights to approximately 14,632.72 acres of the lands described in paragraph (1); and

(B) applied to the Secretary of the Interior for a patent to the lands;

(4) the Secretary of the Interior denied the application for the patent, which was filed in the name of the Santa Fe Railroad Company for the benefit of Perrin Properties, Inc., on the ground that the claim had been extinguished by failure to record the claim in accordance with the Act entitled "An Act to require the recordation of scrip, lieu selection, and similar rights", approved August 5, 1955 (69 Stat. 534; 43 U.S.C. 274 note) (commonly known as the "Recordation Act");

(5) on appeal, the United States Court of Appeals for the District of Columbia Circuit ruled in Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior, 830 F.2d 1168 (D.C. Cir. 1987), that such Act was not applicable and did not bar the issuance of a patent;

(6) ultimate resolution of the question of the title to the 14,632.72 acres may require years of additional litigation;

(7) the Arizona Wilderness Act of 1984 (Public Law 98-406) designated certain lands in the Prescott National Forest in Arizona as components of the National Wilderness Preservation System established by the Wilderness Act (16 U.S.C. 1131 et seq.), including the Apache Creek Wilderness and the Juniper Mesa Wilderness;

(8) the 14,632.72 acres are in the Prescott National Forest and comprise large portions of the Apache Creek and Juniper Mesa Wilderness areas; and

(9) if the 14,632.72 acres are patented to private owners, the creation of a checkerboard ownership pattern over the wilderness areas will effectively preclude management of the areas as wilderness.

(b) PURPOSES.—The purposes of this Act are—

(1) to resolve the status of the title to the approximately 14,632.72 acres in the Prescott National Forest described in section 3(c);

(2) to ensure that the lands are permanently retained in Federal ownership; and

(3) to preserve the integrity of the Apache Creek and Juniper Mesa Wilderness areas consistent with the Arizona Wilderness Act of 1984 (Public Law 98-406).

SEC. 3. RESOLUTION OF STATUS OF LANDS.

(a) PAYMENT BY THE SECRETARY OF THE TREASURY.—

(1) PAYMENT.—Subject to subsection (b), the Secretary of the Treasury shall pay to Perrin Properties, Inc., the sum of $3,854,000 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(2) INTEREST.—No funds shall be made available for the payment of interest on the amounts payable under paragraph (1).

(b) CONDITIONS OF PAYMENT.—The Secretary of the Treasury shall make the payment described in subsection (a) if the Attorney General of the United States notifies the Secretary of the Treasury that the appellants in Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior, 830 F.2d 1168 (1987), and Perrin Properties, Inc., have executed in forms satisfactory to the Attorney General all documents necessary—

(1) to dismiss with prejudice all litigation involving the title to the lands described in subsection (c); and

(2) to release and quitclaim to the United States all right, title, and interest of the appellants and of Perrin Properties, Inc., arising out of the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coast", approved July 27, 1866 (14 Stat. 292), in and to lands in the Prescott National Forest.

(c) DESCRIPTION OF LANDS.—The lands described in this subsection are the approximately 14,632.72 acres of land in the Prescott National Forest in Arizona described in the decision by the Interior Board of Land Appeals, Santa Fe Pacific Railroad Co., No. 82-449, 72 IBLA 197 (April 19, 1983).

(d) MANAGEMENT OF LANDS.—Upon the execution of documents and dismissal of the litigation as described in subsection (b), the lands described in subsection (c) shall be managed in accordance with the laws, rules, and regulations pertaining to the National Forest System. Lands described in subsection (c) that lie within the boundaries of a wilderness area, as designated on or before the date of enactment of this Act, shall also be managed in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

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

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

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

Mr. Speaker, I rise in support of S. 1233, to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes.

S. 1233 directs the Secretary of the Treasury to pay to Perrin Properties the sum of $3.84 million from the permanent judgment fund established under 31 United States Code 1304 as a final settlement of its claims to approximately 14,633 acres of land located in the Prescott National Forest in Arizona.

The measure has already passed the Senate and I urge an "aye" vote.

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

Mr. MOORHEAD. Mr. Speaker, I yield myself as much time as I may consume, and I rise in support of S. 1233.

Mr. Speaker, this bill, which has passed the Senate, will settle the title dispute that has surrounded more than 14,000 acres of land in Arizona as a result of the Congress' grant of a railroad right of way in 1966.

The Federal Government has sought reversion of the land to the United States since they comprise a checkerboard of portions within land designated under the Arizona Wilderness Act of 1984.

The most recent court decision concerning the ownership of the land has returned it to a family to which the Santa Fe Pacific Railroad had transferred it in 1896. This legislation would effect a purchase of the lands for the Forest Service for $3.84 million to be paid from the judgment fund.

I urge support of the legislation.

Mr. FAZIO. Mr. Speaker, I rise in strong support of S. 1233, the Arizona Wilderness Land Title Resolution Act. This important legislation will put to rest a longstanding dispute between certain Arizona landowners and the Federal Government. Simply put, this legislation implements a settlement agreement between the landowners and the Federal Government. The settlement requires the U.S. Government to pay the landowners in question $3.84 million to acquire property within the Prescott National Forest. In return, the landowners will drop litigation which is currently pending in the Federal court system.

S. 1233 and the settlement agreement are supported by the U.S. Forest Service, the Department of the Interior, the Department of Justice, and the landowners. Both the House and Senate committees of jurisdiction reviewed this bill and determined that it has significant merit. This is a noncontroversial bill and I am pleased that the House has been able to act on it so swiftly.

Mr. Speaker, I want to take a moment to thank Mr. VENTO, chairman of the Subcommittee on National Parks, Forests and Public Lands; Mr. MILLER, chairman of the Committee on Natural Resources; Mr. BRYANT, chairman of the Subcommittee on Administrative Law and Government Relations; and Mr. BROOKS, chairman of the Committee on the Judiciary, for their efforts in bringing this bill to the floor in an expeditious manner.

Again, Mr. Speaker, I strongly support S. 1233 and urge my colleagues to vote in favor of this important measure.

Mr. VENTO. Mr. Speaker, S. 1233 is a Senate-passed bill that would ratify and implement a settlement of litigation about ownership of

about 14,600 acres of land in the Prescott National Forest, in Arizona, including parts of two existing wilderness areas.

These lands were part of an 1866 landgrant from the United States to a railroad company. In subsequent years, the railroad company and its successors in interest got patents for some of the grant lands, but not for the lands covered by this bill.

When the Prescott National Forest was established by Presidential proclamation in 1907, the forest's boundaries encompassed these previously granted lands.

In 1977, an application was submitted for a patent for the lands involved here. The application was rejected by the Secretary of the Interior, a rejection that was challenged in court.

In 1984, Congress passed the Arizona Wilderness Act. Some of the grant lands are within the boundaries of two of the wilderness areas designated by that act.

In 1987, the Federal Court of Appeals for the District of Columbia Circuit reversed on technical grounds the Secretary's denial of the patent application for the grant lands.

The Forest Service and the claimants then started negotiations toward a settlement, and finally agreed that the claimants would relinquish all their interests in the lands upon payment by the United States of $3.854 million.

According to the Forest Service, if the claimants finally won in court the price for acquisition of the lands might be as much as $10 million, not to mention litigation costs.

After this settlement was reached, the Forest Service and the Department of Justice sought approval to pay the agreed amount from the permanent judgment fund. However, this was denied on the grounds that the judgment fund could only be used for settlement of monetary claims, not land title claims.

The bill would direct payment of the settlement from the judgment fund when the claimants have taken all steps necessary to end the litigation and to relinquish all claims on the lands.

Enactment of the bill will thus remove a serious cloud from the title to these national forest lands, including the two wilderness areas, along lines agreed to by the Forest Service, the Department of Justice, and the private claimants.

The administration strongly supports the measure because it could mean significant cost savings. I know of no controversy about the bill, which was approved without amendment by the Natural Resources Committee and the Judiciary Committee. I urge its passage by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 1233.

The question was taken.

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

The point of no quorum is considered withdrawn.

UPDATING UNITED STATES CODE REFERENCES TO CONGRESSIONAL COMMITTEES

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4777) to make technical improvement in the United States Code by amending provisions to reflect the current names of congressional committees, as amended.

The Clerk read as follows:

H.R. 4777

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

SECTION 1. TITLE 1, UNITED STATES CODE.

Section 112b(a) of title 1, United States Code, is amended by striking "Committee on International Relations" and substituting "Committee on Foreign Affairs".

SEC. 2. TITLE 2, UNITED STATES CODE.

(a) Section 314(e) of the Postal Revenue and Federal Salary of 1967 (2 U.S.C. 74a–2) is amended by striking "Internal Revenue".

(b) Section 1(b) of House Resolution 1047, approved April 4, 1978, and enacted into law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 130–1(b)), is amended by striking "Committee on International Relations" and substituting "Committee on Foreign Affairs".

SEC. 3. TITLE 5, UNITED STATES CODE.

(a) Section 1304(e)(6) of title 5, United States Code, is amended by striking "Committees on Post Office and Civil Service of the Senate and House" and substituting "Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House".

(b) Section 2954 of title 5, United States Code, is amended by striking "Committee on Government Operations of the Senate" and substituting "Committee on Governmental Affairs of the Senate".

SEC. 4. TITLE 7, UNITED STATES CODE.

(a) The following provisions are amended by striking "Committee on Agriculture and Forestry" and substituting "Committee on Agriculture, Nutrition, and Forestry":

(1) section 11(b)(5) of the United States Grain Standards Act (7 U.S.C. 87(b)(5)).

(2) section 407(d) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228(d)).

(3) section 6 of the Act of May 20, 1936 (7 U.S.C. 906).

(4) section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(5) section 317(i)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c(i)(2)).

(6) section 104(c) of the Agricultural Act of 1949 (7 U.S.C. 1444a(c)).

(7) section 345 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1993).

(8) section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005).

(b) Section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a) is amended as follows:

(1) In subsection (a), strike "Committees on Agriculture of the Senate and House" and substitute "Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House".

(2) In subsection (b), strike "Committees on Agriculture of the Senate and House" and substitute "Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House".

SEC. 5. TITLE 15, UNITED STATES CODE.

(a) Sections 6 (paragraphs after subsection (h)) and 18(b)(2) of the Federal Trade Commission Act (15 U.S.C. 46 (paragraphs after subsection (h)), 57a(b)(2)) are amended by striking "Committee on Interstate and Foreign Commerce" each place it appears and substituting "Committee on Energy and Commerce".

(b) The following provisions are amended by striking "Committee on Science and Technology" and substituting "Committee on Science, Space, and Technology":

(1) section 202(1) of the Act of July 15, 1983 (15 U.S.C. 1517(note)).

(2) section 201(d) of the Act of October 15, 1982 (15 U.S.C. 1517(note)).

(3) section 6083 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (15 U.S.C. 1530).

(4) section 304(f)(3) of the Automotive Propulsion Research and Development Act of 1976 (15 U.S.C. 2703(f)(3)).

(5) section 4(d)(3) of the Methane Transportation Research, Development, and Demonstration Act of 1980 (15 U.S.C. 3803(d)(3)).

(6) section 3151(b)(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4631(b)(2)).

(c) The Consumer Product Safety Act is amended as follows:

(1) In section 32(b)(1) (15 U.S.C. 2081(b)(1)), strike "Committee on Interstate and Foreign Commerce of the House of Representatives, and by the Committee on Commerce of the Senate" and substitute "Committee on Energy and Commerce of the House of Representatives, and by the Committee on Commerce, Science, and Transportation of the Senate".

(2) In section 35(c)(2)(D)(iii) and (e)(1) (15 U.S.C. 2082(c)(2)(D)(iii), (e)(1)), strike "Committee on Interstate and Foreign Commerce" and substitute "Committee on Energy and Commerce."

(d) The Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2501 et seq.) is amended as follows:

(1) In section 7(b)(4) (15 U.S.C. 2506(b)(4)), strike "Committee on Science and Technology" and substitute "Committee on Science, Space, and Technology".

(2) In section 10(e)(1) (15 U.S.C. 2509(e)(1))—

(A) strike "Committee on Science and Technology" and substitute "Committee on Science, Space, and Technology"; and

(B) strike "Committee on Commerce" and substitute "Committee on Commerce, Science, and Transportation".

SEC. 6. TITLE 16, UNITED STATES CODE.

(a) The following provisions are amended by striking "Committees on Interior and Insular Affairs of the United States Congress" each place it appears and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives":

(1) section 6 of the Act of August 18, 1970 (16 U.S.C. 1a–3).

(2) section 10(b)(4) of the Grand Canyon National Park Enlargement Act (16 U.S.C. 228i(b)(4)).

(3) section 2(a) and 4(b) Act of July 4, 1976 (16 U.S.C. 410aa–1(a), 410aa–3(b)).

(4) section 1 of the Act of January 3, 1975 (16 U.S.C. 459j).

(5) section 2(a) of the Act of December 27, 1974 (16 U.S.C. 460ff–1(a)).

(6) section 1(c) of the Act of October 11, 1974 (16 U.S.C. 698(c)).

(7) section 1(b)(i) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(b)(i)).

(b) Section 8 of the Act of August 18, 1970 (16 U.S.C. 1a-5) is amended as follows:

(1) In subsection (a), strike "Interior and Insular Affairs" and substitute "Natural Resources".

(2) In subsection (b), strike "Within six months of the date of enactment of this subsection, the Secretary shall submit to the Committee on Interior and Insular Affairs" and substitute "The Secretary shall submit to the Committee on Natural Resources".

(c) Section 12 (a) and (c) of the Act of August 18, 1970 (16 U.S.C. 1a-7(a), (c)), is amended by striking "Committees on Interior and Insular Affairs" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(d) The following provisions are amended by striking "Interior and Insular Affairs" and substituting "Natural Resources".

(1) section 4(b) of the Act of October 24, 1984 (16 U.S.C. 1a-8(b)).

(2) section 1213 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-9).

(3) section 4(d) of the Act of July 27, 1990 (16 U.S.C. 19jj-3(d)).

(4) section 2 of the Joint Resolution of June 19, 1986 (16 U.S.C. 45a-1(note)).

(5) sections 314(b)(1) and 507(c)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 45f(b)(1), 460kk(c)(1)).

(6) section 4 of the Act of July 21, 1968 (16 U.S.C. 47-5).

(7) section 2(c) of the Act of October 2, 1968 (16 U.S.C. 79b(c))

(8) sections 4(b)(3) and 9 of the Wolf Trap Farm Park Act (16 U.S.C. 284c(b)(3), 284h).

(9) section 104(a)(2) and (j) of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8(a)(2), (j)).

(10) section 101 of the Act of June 28, 1980 (16 U.S.C. 410gg).

(11) sections 2(b) and 4(d)(1) of the San Francisco Maritime National Historical Park Act of 1988 (16 U.S.C. 410mm(b), 410nn-2(d)(1)).

(12) section 205 of the Act of June 27, 1990 (16 U.S.C. 410rr-4).

(13) section 105(c)(1) of the Omnibus Insular Areas Act of 1992 (16 U.S.C. 410tt-3(c)(1)).

(14) section 9 of the Marsh-Billings National Historical Park Establishment Act (16 U.S.C. 410vv-7).

(15) sections 1(b)(2)(A) and 3(d) of the Act of December 23, 1987 (16 U.S.C. 426n(b)(2)(A), 426o-1(d)).

(16) section 2(a) of the Act of September 13, 1962 (16 U.S.C. 459c-1(a)).

(17) section 12(e)(4)(B) of the Act of October 21, 1970 (16 U.S.C. 460x-11(e)(4)(B)).

(18) sections 101, 104(b), 302(c), 303(b), and 304(b)(2) of the Act of August 15, 1978 (16 U.S.C. 460ii, 460ii-3(b), 2302(c), 2303(b), 2304(b)(2)).

(19) section 507(c) of the Act of December 31, 1987 (16 U.S.C. 460uu-47(c)).

(20) section 13 of the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv-11).

(21) section 201(c) of West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww(c)).

(22) section 106 of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460xx-5).

(23) section 5(a)(1) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-3(a)(1)).

(24) sections 201(c) and (k) and 503(d) of the Act of November 28, 1990 (16 U.S.C. 460ddd(c), (k), 460eee-1(d)).

(25) section 5 of the Chattahoochee National Forest Protection Act of 1991 (16 U.S.C. 460ggg-3).

(26) section 120(b) of the Act of March 5, 1980 (16 U.S.C. 467b(b)).

(27) section 5(c) of the Act of June 27, 1960 (16 U.S.C. 469a-3(c)).

(28) sections 208(3) and 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 469c-2(3), 470a-1(b)).

(29) sections 101(a)(1)(B), 212(b), and 307 (a) and (b) of the National Historic Preservation Act (16 U.S.C. 470a(a)(1)(B), 470t(b), 470w-6(a), (b)).

(30) section 10 (a) and (c) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ii(a), (c)).

(31) sections 706(a) and 1315(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539e(a), 3203(d)).

(32) section 205(c) of the Act of December 19, 1980 (16 U.S.C. 542d(c)).

(33) section 301 of the California Wilderness Act of 1984 (16 U.S.C. 543).

(34) section 4(c) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544b(c)).

(35) section 498(b) of the Customs and Trade Act of 1990 (16 U.S.C. 620i(b)).

(36) section 4(b)(2)(B) of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698s(b)(2)(B)).

(37) section 2404(a) of the Energy Policy Act of 1992 (16 U.S.C. 797(note)).

(38) section 5 (e) and (f) and 10(a)(2) of the National Trails System Act (16 U.S.C. 1244(e), (f), 1249(a)(2)).

(39) section 2 of the Act of August 3, 1992 (16 U.S.C. 1244(note)).

(40) section 3(a)(19) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(19)).

(41) section 3(1) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3902(1)).

(42) section 605(b)(1) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4503a(b)(1)).

(43) section 7 of the Pacific Yew Act (16 U.S.C. 4806).

(e) Section 603(a) of the Act of October 2, 1968 (16 U.S.C. 90e-2(a)) is amended by striking "Interior and Insular Affairs Committees of the United States Senate and House of Representatives" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(f) Section 101 of the Act of January 8, 1971 (16 U.S.C. 160a), is amended by striking "Committees on Interior and Insular Affairs of both the Senate and the House of Representatives" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(g) Section 3(a)(3) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-1(a)(3)) is amended by striking "Committees on Interior and Insular Affairs of the United States House of Representatives and Senate" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(h) The following provisions are amended by striking "Committees on Interior and Insular Affairs of the Congress of the United States" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House Representatives":

(1) section 1(a) of the Act of June 30, 1976 (16 U.S.C. 410bb(a)).

(2) section 1 of the Act of June 30, 1944 (16 U.S.C. 450bb).

(i) Section 6 of the Act of August 18, 1978 (16 U.S.C. 410dd) is amended as follows:

(1) In subsection (b), strike "Interior and Insular Affairs" and substitute "Natural Resources".

(2) Subsection (h) is repealed.

(j) Section 201 of the Act of November 10, 1978 (16 U.S.C. 410ee) is amended as follows:

(1) In subsection (a), strike "Interior and Insular Affairs" and substitute "Natural Resources".

(2) In subsection (f)(2), strike the last sentence.

(k) Sections 3(c) and (d), 7(a), and 8 of the Zuni-Cibola National Historical Park Establishment Act of 1988 (16 U.S.C. 410pp-1(c), (d), 410pp-5(a), 410pp-6) are amended by—

(1) striking "Interior and Insular Affairs" and substituting "Natural Resources"; and

(2) striking "Select".

(*l*) Section 1 of the Act of October 23, 1972 (16 U.S.C. 459i), is amended by striking "Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(m) Section 9 of the Act of January 3, 1975 (16 U.S.C. 459j-8) is amended as follows:

(1) In subsection (a), strike "Committees on Interior and Insular Affairs of the United States Congress" and substitute "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(2) In subsection (b), strike the last sentence.

(n) The following provisions are amended by striking "Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate" and substituting "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate";

(1) sections 1 and 4 of the Act of March 1, 1972 (16 U.S.C. 460m-8, 460m-11).

(2) section 2(b) of the Act of October 27, 1972 (16 U.S.C. 460bb-1(b)).

(3) section 1(b) of the Act of October 27, 1972 (16 U.S.C. 460cc(b)).

(*o*) Section 2 of the Act of January 3, 1975 (16 U.S.C. 459j-1), is amended by striking "Interior and Insular Affairs of the congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate" and substituting "Natural Resources and Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and the Transportation of the Senate".

(p) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-4 et seq.) is amended as follows:

(1) In section 4(h) (16 U.S.C. 460*l*-6a(h)), strike "Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate" and substitute "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate".

(2) In section 6(f)(7) (16 U.S.C. 460*l*-8(f)(7)), strike "Committees on Interior and Insular Affairs of the United States Congress" and substitute "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate".

(3) In section 7(a)(3) and (c) (16 U.S.C. 460*l*-9(a)(3), (c)), strike "Interior and Insular Affairs" and substitute "Natural Resources".

(q) Section 1(c) of the Act of October 12, 1993 (16 U.S.C. 460jjj(c)), is amended by striking "Select".

(r) Section 17(b) of the National Food Management Act of 1976 (16 U.S.C. 521b) is amended by striking "Agriculture and Forestry" and substituting "Agriculture, Nutrition, and Forestry".

(s) Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(e)(6)) is amended by striking "Agriculture and Forestry" and substituting "Agriculture, Nutrition, and Forestry".

(t) Section 1(2)(C) of the Act of March 3, 1885 (16 U.S.C. 743a(c)), is amended by striking "Committee on Commerce" and substituting "Committee on Commerce, Science, and Transportation".

(u) Section 4(h)(12)(A) of the Pacific Northwest Electric Planning and Conservation Act (16 U.S.C. 839b(h)(12)(A)) is amended by striking "Committees on Interstate and Foreign Commerce and on Interior and Insular Affairs" and substituting "Committees on Energy and Commerce and on Natural Resources".

(v) Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended by—

(1) striking "Committee on Agriculture and Forestry" and substituting "Committee on Agriculture, Nutrition, and Forestry"; and

(2) striking "Committee on Public Works of the Senate and the Committee on Public Works of the House" and substituting "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House".

(w) Section 1 of the Act of September 5, 1962 (16 U.S.C. 1009), is amended by striking "Committee on Public Works of the Senate or the Committee on Public Works of the House" and substituting "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House".

(x) Section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823) is amended as follows:

(1) In subsection (b), strike "Commerce and" and substitute "Commerce, Science, and Transportation and on".

(2) In subsection (d)(2)(B), strike "Commerce" and substitute "Commerce, Science, and Transportation".

(y) Section 806 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3116) is amended by striking "Committee on Interior and Insular Affairs" and substituting "the Committees on Natural Resources".

SEC. 7. TITLE 20, UNITED STATES CODE.

(a) The General Education Provisions Act is amended as follows:

(1) In sections 406(e)(1) and (2)(A), 406A(b), 431(b)(2)(B), (d)(2), and (g), and 448(a) (20 U.S.C. 1221e-1(e)(1), (2)(A), 1221e-1a(b), 1232(b)(2)(B), (d)(2), (g), 1233g(a)), strike "Labor and Public Welfare" and substitute "Labor and Human Resources".

(2) In section 417(a) (20 U.S.C. 1226c(a)), strike "Human Resources" and substitute "Labor and Human Resources".

(b) Section 1523 of the Education Amendments of 1978 (20 U.S.C. 1226c-1) is amended by striking "Human Resources" and substituting "Labor and Human Resources".

(c) Section 107 of The Equal Access Act (20 U.S.C. 3917) is amended by striking "Science and Technology" and substituting "Science, Space, and Technology".

SEC. 8. TITLE 21, UNITED STATES CODE.

The following provisions are amended by striking "Agriculture and Forestry" and substituting "Agriculture, Nutrition, and Forestry":

(1) sections 5(c)(4) and 27 of the Poultry Products Inspection Act (21 U.S.C. 454(c)(4), 470).

(2) sections 20(e) and 301(c)(4) of the Federal Meat Inspection Act (21 U.S.C. 620(e), 661(c)(4)).

(3) section 17 of the Wholesome Meat Act (21 U.S.C. 691).

(4) section 26 of the Egg Products Inspection Act (21 U.S.C. 1054).

SEC. 9. TITLE 22, UNITED STATES CODE.

(a) The following provisions are amended by striking "International Relations" each place it appears and substituting "Foreign Affairs":

(1) section 3 of the Act of June 28, 1935 (22 U.S.C. 276a-1).

(2) section 105(b) of the Legislative Branch Appropriation Act, 1961 (22 U.S.C. 276c-1).

(3) section 1 of the Joint Resolution of June 11, 1959 (22 U.S.C. 276(d).

(4) section 1 of the Joint Resolution of April 9, 1960 (22 U.S.C. 276h).

(5) section 1 of the Joint Resolution of July 11, 1956 (22 U.S.C. 1928a).

(6) sections 116, 502B(c)(1), 505(g)(4)(A), and 634A(a) of The Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2304(c)(1), 2314(g)(4)(A), 2394-1(a)).

(7) sections 5(d)(1), 26(c), and 36(b)(1) and (c)(1) of the Arms Export Control Act (22 U.S.C. 2755(d)(1), 2766(c), 2776(b)(1), (c)(1)).

(8) section 602(c) and (d) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c), (d)).

(b) Section 3 of the International Atomic Energy Agency Participation Act of 1957 (22 U.S.C. 2022) is amended by striking "Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations" and substituting "Committees on Energy and Commerce and on Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources and on Foreign Relations of the Senate".

(c) Section 107 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 3224a) is amended by striking "Science and Technology" and substituting "Science, Space, and Technology".

SEC. 10. TITLE 25, UNITED STATES CODE.

(a) The Act of September 22, 1961 (25 U.S.C. 15), is amended by striking "Committees on Interior and Insular Affairs of the Senate and the House of Respresentatives" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(b) Section 2 of the Act of September 22, 1961 (25 U.S.C. 165), is amended by striking "Committees on Interior and Insular Affairs of the Senate and House of Representatives" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(c) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) in amended as follows:

(1) In section 303(a)(9) (25 U.S.C. 450f(note))—

(A) strike "Select"; and

(B) strike "Interior and Insular Affairs" and substitute "Natural Resources".

(2) In section 107 (25 U.S.C. 450k)—

(A) subsection (b) is repealed; and

(B) in subsection (c), strike "Committees on Interior and Insular Affairs of the United States Senate and House of Representatives" and substitute "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives".

(d) Section 204(b) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 734(b)) is amended by striking "Interior and Insular Affairs" and substituting "Natural Resources of the House of Representatives".

(e)(1) The provisions specified in paragraph (2) of this subsection are amended by—

(A) striking "Select"; and

(B) striking "Interior and Insular Affairs" and substituting "Natural Resources".

(2) Paragraph (1) of this subsection applies to the following provisions:

(A) section 2(e) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1402(e)).

(B) section 218(d)(4) of the Indian Health Care Improvement Act (25 U.S.C. 1621q(d)(4)).

(C) sections 16 and 17(b) of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3415, 3416(b)).

(D) section 2605(m)(1) of the Energy Policy Act of 1992 (25 U.S.C. 3505(m)(1)).

(f) Section 312 of the National Indian Forest Resources Management Act (25 U.S.C. 3111) is amended as follows:

(1) In subsection (a)(4) and (c)—

(A) strike "Select"; and

(B) strike "Interior and Insular Affairs" and substitute "Natural Resources".

(2) In subsection (c), insert "the" after "report to".

SEC. 11. TITLE 30, UNITED STATES CODE.

(a) The following provisions are amended by striking "Interior and Insular Affairs" and substituting "Natural Resources":

(1) sections 17(b)(1)(B), 28(w)(1) and (2), and 31(e) of the Mineral Leasing Act (30 U.S.C. 185(w)(1), (2), 188(e), 226(b)(1)(B)).

(2) section 302(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1752(a)).

(b) Section 201(e) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1141(e)) is amended by striking "Science and Technology" and substituting "Science, Space, and Technology".

SEC. 12. TITLE 33, UNITED STATES CODE.

(a) Section 3 of the Act of June 13, 1902 (33 U.S.C. 541), is amended by striking "Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate" and substituting "Committee on Public Works and Transportation of the House of Representatives, or the Committee on Environment and Public Works of the Senate".

(b) Section 4 of the Act of March 4, 1913 (33 U.S.C. 542), is amended by striking "Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives" and substituting "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives".

(c) The last paragraph of section 3 of the Act of March 1, 1917 (33 U.S.C. 701(last par.)), is repealed.

(d) Section 2 of the Act of January 19, 1948 (33 U.S.C. 701b-7), is amended by striking "Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate" and substituting "Committee on Public Works and Transportation of the House of Representatives or the Committee on Environment and Public Works of the Senate".

SEC. 13. TITLE 39, UNITED STATES CODE.

Section 2401(e) of tile 39, United States Code, is amended by—

(1) striking, in the matter before clause (1), "Committees on Post Office and Civil Service" and substituting "Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives"; and

(2) striking, in the matter after clause (4), "Committee on Post Office and Civil Service of the Senate and the House of Representatives" and substituting "Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives".

SEC. 14. TITLE 40, UNITED STATES CODE.

(a) Section 5(a) of the Public Buildings Amendments of 1972 (40 U.S.C. 602a(a)) is amended by striking "Committee on Public Works of the Senate and House of Representatives" and substituting "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(b) The Public Buildings Act of 1959 (40 U.S.C. 602 et seq.) is amended as follows:

(1) In section 7 (40 U.S.C. 606)—

(A) in subsection (a), strike "Committee on Public Works of the Senate and House of Representatives, respectively" each place it appears and substitute "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives"; and

(B) in subsection (c)—

(i) strike "Committees on Public Works of the Senate and of the House of Representatives, respectively" and substitute "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives"; and

(ii) strike "the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives," and substitute "of those Committees".

(2) In section 11(b) (40 U.S.C. 610(b)), strike "Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives" and substitute "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives".

(c) Section 6 of the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980 (40 U.S.C. 795d) is amended as follows:

(1) In subsection (a)—

(A) strike the subsection designation; and

(B) strike "Senate Committee on Energy and Natural Resources and the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs" and substitute "Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and on Natural Resources".

(2) Subsection (b) is repealed.

(d) Section 5(e)(3) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874(e)(3)) is amended by striking "Interior and Insular Affairs" and substituting "Natural Resources".

(e) Section 403 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 403) is amended by striking "Committee on Public Works of the Senate or the House of Representatives" and substituting "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives".

SEC. 15. TITLE 40, UNITED STATES CODE.

(a) The Public Health Service Act is amended as follows:

(1) In section 1122(b)(1) and (c) (42 U.S.C. 300c-12(b)(1), (c)), strike "Interstate and Foreign Commerce" and substitute "Energy and Commerce".

(2) In section 1450(h) (42 U.S.C. 300j-9(h)), strike "Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House" and substitute "Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House".

(b) Section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4) is amended as follows:

(1) In the first subsection (f), strike "the Committee on Energy and Commerce of the House of Representatives, and the Select Committee on Aging" and substitute "and the Committee on Energy and Commerce".

(2) Redesignate the 2d subsection (f) as subsection (g).

(c) The following provisions are amended by striking "Science and Technology" and substituting "Science, Space, and Technology":

(1) section 5(e)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1864(e)(2)).

(2) section 9 of the National Science Foundation Authorization Act for Fiscal Year 1980 (42 U.S.C. 1882).

(3) section 6 of the National Aeronautics and Space Administration Authorization Act, 1978 (42 U.S.C. 2463).

(4) section 110 of the Act of July 15, 1983 (42 U.S.C. 2565).

(5) section 204(b) and (c)(1) of the National Aeronautics and Space Administration Authorization Act of 1986 (42 U.S.C. 2466c(b), (c)(1)).

(6) section 5(a) and (b) of the Environmental Research, Development, and Demonstration Authorization Act of 1979 (42 U.S.C. 4369(a), (b)).

(7) section 111(b)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5821(b)(1)).

(8) section 106 of the Act of June 3, 1977 (42 U.S.C. 5903c).

(9) sections 19(1)(3) and (m) and 20(d)(1) and (3) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919(1)(3), (m), 5920(d)(1), (3)).

(10) section 218(e)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10198(e)(1)).

(d) Section 201(a) of the Flood Control Act of 1965 (42 U.S.C. 1962d-5(a)) is amended by striking "Committees on Public Works of the Senate and House" and substituting "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House".

(e) The Water Resources Development Act of 1976 is amended as follows:

(1) In section 167(b) (42 U.S.C. 1962d-5g(b)), strike "Committee on Public Works of the Senate" and substitute "Committee on Environment and Public Works of the Senate".

(2) In section 203(g)(1) (42 U.S.C. 1962d-14a(g)(1)), strike "Committees on Public Works and Appropriations of the Senate and House" and substitute "Committees on Environment and Public Works and on Appropriations of the Senate and the Committees on Public Works and Transportation and on Appropriations of the House".

(f) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended as follows:

(1) In section 11 o. (42 U.S.C. 2014(o)), strike "'Joint Committee' means the Joint Committee on Atomic Energy" and substitute "'Energy Committees' means the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives".

(2) In section 51 (42 U.S.C. 2071), strike "Joint Committee" each place it appears and substitute "Energy Committees".

(3) In section 54 a. (42 U.S.C. 2074(a))—

(A) strike "Joint Committee" the first time it appears and substitute "Energy Committees"; and

(B) strike "Joint Committee shall submit a report to the Congress of its views" and substitute "Energy Committees shall submit to their respective houses reports of their views".

(4) In sections 58 and 61 (42 U.S.C. 2078, 2091), strike "Joint Committee" each place it appears and substitute "Energy Committees".

(5) In sections 123, 126, and 128-130 (42 U.S.C. 2153, 2155, 2157-2159), strike "International Relations" each place it appears and substitute "Foreign Affairs".

(6) In section 131 (42 U.S.C. 2160)—

(A) strike "International Relations" each place it appears and substitute "Foreign Affairs"; and

(B) in subsection f. (2), strike "Science and Technology" and substitute "Science, Space, and Technology".

(7) In section 164 (42 U.S.C. 2204), strike "Joint Committee" each place it appears and substitute "Energy Committees".

(8) In section 192 b. (42 U.S.C. 2242(b)), strike "Interior and Insular Affairs and" and substitute "Natural Resources and on".

(g) Section 404(d) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2153c(d)) is amended by striking "International Relations" and substituting "Foreign Affairs".

(h) Section 107(c) of the Act of June 30, 1964 (42 U.S.C. 2204a(c)), is amended by—

(1) striking "Joint Committee" the first time it appears and substituting "Energy Committees (as defined by section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014))"; and

(2) striking "Joint Committee" the 2d time it appears and substituting "Energy Committees".

(i) Section 120 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2349) is amended by—

(1) striking "the Joint Committee on Atomic Energy" the first time it appears and substituting "the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives"; and

(2) striking "the Joint Committee on Atomic Energy" the 2d time it appears and substituting "those Committee".

(j) Section 207 of the national Aeronautics and Space Act of 1958 (42 U.S.C. 2476a) is amended by—

(1) striking "Committee on Science and Astronautics" and substituting "Committee on Science, Space, and Technology"; and

(2) striking "Committee on Aeronautical and Space Sciences" and substituting "Committee on Commerce, Science, and Transportation".

(k) Section 806(c) of the Native American Programs Act of 1974 (42 U.S.C. 2991d-1(c)) is amended by striking "Select Committee on Indian Affairs" and substituting "Committee on Indian Affairs".

(l) Section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)) is amended by striking clause (A) and redesignating clauses (B)-(D) as clauses (A)-(C).

(m) Section 1200(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 3509(a)) is amended by—

(1) striking "Labor and Public Welfare" and substituting "Labor and Human Resources"; and

(2) striking "interstate and Foreign Commerce" and substituting "Energy and Commerce".

(n) Section 7(b) of the Act of August 12, 1968 (known as the Architectural Barriers Act of 1968) (42 U.S.C. 4157(b)), is amended by striking "Public Works Committee" and substituting "Environment and Public Works Committee".

(o) Section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365) is amended as follows:

(1) In subsection (a), strike "Committees on Science and Technology, Interstate and Foreign Commerce, or" and substitute "Committee on Science, Space, and Technology, on Energy and Commerce, or on".

(2) Subsection (d) is repealed.

(p) Section 203(b) of the Omnibus Insular Areas Act of 1992 (42 U.S.C. 5204b(b)) is amended by striking "Interior and Insular Affairs" and substituting "Natural Resources".

(q) Section 104 (c)(2) and (d) (2) and (3) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504(c)(2), (d) (2), (3)) is amended by striking "Committees on Interior and Insular Affairs of the Senate and the House" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House".

(r) Section 1008(b) of the Solid Waste Disposal Act (42 U.S.C. 6907(b)) is amended by striking "Committee on Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House" and substituting "Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House".

(s) Section 325(a)(2) of the Clean Air Act (42 U.S.C. 7625-1(a)(2)), is amended by striking "Interior and Insular Affairs" and substituting "Natural Resources".

SEC. 16 TITLE 43, UNITED STATES CODE

(a) The following provisions are amended by striking "Interior and Insular Affairs" each place it appears and substituting "natural Resources":

(1) sections 4(b)(1) and 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1), 31g).

(2) sections 1606(c), 1608(c), 1609(c), 1610(c), 1611(c), 1616(c), 3003(a), and 3004(b)(2) of the Reclamation projects Authorization and Adjustment Act of 1992 (43 U.S.C. 371(note), 390h-4(c), 390h-6(c), 390h-7(c), 390h-8(c), 390h-9(c), 390h-14(c)).

(3) section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)).

(4) section 3(a) of the Colorado River Floodway Protection Act (43 U.S.C. 1600a(a)).

(5) section 34(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629(j)).

(6) section 103 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2213).

(b) Section 4(e) of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422d(e)) is amended by striking "House nor the Senate Interior and Insular Affairs Committee" and substituting "Committee on Natural Resources of the House of Representatives nor the Committee on Energy and Natural Resources of the Senate".

(c) Section 1 of the Act of October 7, 1949 (known as the Rehabilitation and Betterment Act of 1949) (43 U.S.C. 504), is amended by striking "Committee on Interior and Insular Affairs of the Senate and the Committee on Public Lands of the House" and substituting "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House".

(d) The Federal land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) is amended as follows:

(1) In section 204 (43 U.S.C. 1714)—

(A) in subsection (e)—

(i) strike "Committee on Interior and Insular Affairs of either the House of Representatives or the Senate" and substitute "Committee on Natural Resources of the House of Representatives or the Committee on Energy and Natural Resources of the Senate"; and

(ii) strike "the Committees on Interior and Insular Affairs of the Senate and the House of Representatives" and substitute "both of those Committees"; and

(B) in subsection (f), strike "Committees on Interior and Insular Affairs of the House of Representatives and the Senate" and substitute "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate".

(2) In section 215(b)(5) (43 U.S.C. 1723(b)(5)), strike "Interior and Insular Affairs" and substitute "Natural Resources".

(3) In section 311(b) (43 U.S.C. 1741(b)), strike "Committees on Interior and Insular Affairs of the House and Senate" and substitute "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate".

SEC. 17. TITLE 48, UNITED STATES CODE.

(a) The following provisions are amended by striking "Interior and Insular Affairs" each place it appears and substituting "Natural Resources":

(1) section 22B of the Organic Act of Guam (48 U.S.C. 1424-2).

(2) section 601(c) of the Act of December 24, 1980 (48 U.S.C. 1469d(c)).

(3) section 5003(b) of the Anti-Drug Abuse Act of 1986 (48 U.S.C. 1494a(b)).

(4) section 23 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1613).

(b) Section 1(c) of the Act of October 5, 1974 (48 U.S.C. 1705(c)), is amended by striking "Committees on Interior and Insular Affairs of the House of Representatives and the Senate" and substituting "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate".

SEC. 18. TITLE 49, UNITED STATES CODE.

Section 10309(a) of title 49, United States Code, is amended by striking "Interstate and Foreign Commerce" and substituting "Energy and Commerce".

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

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

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

Mr. Speaker, H.R. 4777 makes technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees. The bill was prepared for the House Judiciary Committee by the Office of the Law Revision Counsel under its authority under section 285b of title 2, United States Code.

The Law Revision Counsel assures me that H.R. 4777 makes no change in existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment of H.R. 4777. Enactment of H.R. 4777 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures do not apply.

I urge my colleagues to support H.R. 4777.

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

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

Mr. Speaker, this bill makes technical improvements in the United States Code by amending several hundred provisions to reflect the current names of congressional committees. The Committee on Natural Resources is substituted for the House Committee on Interior and Insular Affairs, for instance, and the Committee on Energy and Commerce for the House Committee on Interstate and Foreign Commerce.

These amendments are necessary because of the change of name, abolition, or change of jurisdiction of various committees. The bill does not itself change the name or jurisdiction of any committee. It merely makes appropriate amendments to the Code to reflect changes that have already been made.

This bill was prepared and submitted to the Judiciary Committee by the Office of the Law Revision Counsel.

I ask for a "yea" vote on this measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 4777, as amended.

The question was taken.

Mr. FISH. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point no quorum is considered withdrawn.

CRIME BILL TECHNICAL CORRECTIONS RELATING TO CONGRESSIONAL MEDALS OF HONOR

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5102) to amend title 18, United States Code, with respect to certain crimes relating to Congressional Medals of Honor.

The Clerk read as follows:

H.R. 5102

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

Congress assembled, That section 704(b)(2)(B) of title 18, United States Code, is amended by inserting ", 6241, or 8741" after "3741".

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

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

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

Mr. Speaker, I rise in support of H.R. 5102, with respect to certain crimes relating to Congressional Medals of Honor.

The conference report on H.R. 3355, the omnibus crime bill recently signed into law, included language offered by our colleague from California, Mr. MCCANDLESS, to create a separate category in existing law to increase the penalties for the illegal sale of Congressional Medals of Honor in order to prevent further fraud and theft relating to these medals.

Mr. MCCANDLESS' original intent was to cover all Medals of Honor; however, the effect of the language was to cover only those medals awarded by the Department of the Army. This bill expands the existing law to achieve Mr. MCCANDLESS' original goal of covering the Medals of Honor awarded by all of the armed services.

I urge an "aye" vote on H.R. 5102.

□ 1330

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

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

Mr. Speaker, 4 years ago our colleague, Congressman AL MCCANDLESS, introduced legislation to increase penalties for the illegal sale of Congressional Medals of Honor. This initiative was directed at preventing further medal fraud and theft. This McCandless language was included in the 1990 crime bill; however, that bill was not enacted in the 102d Congress.

This year, language was included in section 320109 of the Violent Crime Control and Law Enforcement Act of 1994 which, of course, has become law (Public Law 103-322). Unfortunately, the section mistakenly defined the Congressional Medal of Honor as only that awarded by the Army. As a result, the Navy and Air Force Congressional Medals of Honor were inadvertently omitted. The purpose of H.R. 5102 is to make a technical correction in the crime bill to rectify this oversight. So, there will be an increase in the penalties for the illegal sale of Congressional Medals of Honor that are awarded by all of the armed services—Army, Navy, and Air Force. The gentleman from California [Mr. MCCANDLESS] is to be commended for his efforts regarding this legislation.

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

Mr. MCCANDLESS. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

We, Mr. Speaker, have a situation here that has been very beautifully described by both the committee chairman and ranking minority member as to the history of this process. I think it would be appropriate at this time, in view of the subject matter, that I share with my colleagues some thoughts relative to how this came about.

A very close friend of mine and constituent, Mitchell Paige, is a recipient of the Congressional Medal of Honor for his action on Guadalcanal. I also have another constituent by the name of Lewis Millett who is a Congressional Medal of Honor winner from the Korean period of our history. Both of these gentlemen have been very active over the years in the Medal of Honor Society, and Mitchell Paige has acted as a member of its board of directors and spends a great deal of time on the road.

Mitch, as we call him, has been subjected to some situations where he has attended a swap meet, and could buy a Medal of Honor for $650. When asked where this Medal of Honor came from, a lot of obvious dialog on his part took place without response from the seller.

We also found that in a number of cases, Medals of Honor have been stolen from exhibits, both public and private, and ultimately end up being sold on the market.

To further complicate the situation, a number of Medals of Honor were actually stolen from a depository of the United States in Louisville, KY.

The penalty prior to this legislation was a $350 fine maximum and a misdemeanor. It is not fitting that this practice continue, and I am appreciative that we were able to include that upgrade in the bill.

As has been said before, a technical error is the reason we are here. The current legislation as it was written refers only to the Army, through an oversight of the Government codes section and, therefore, this bill simply addresses the entire armed services, including the Army, obviously, and changes nothing else in the bill or the language of the bill in which it appears.

I thank the gentlemen very much.

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

Mr. MCCANDLESS. I am happy to yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, the gentleman from California [Mr. MCCANDLESS] has been dedicated to getting this done, and he is due considerable credit. He worked on it in the last session and introduced the amendment on the floor. His heart has been in the right place, and now it is going to be just exactly like he wants it.

Mr. MCCANDLESS. I appreciate that and appreciate the work of the chairman and the ranking minority's work, and also the fine staff that was so able in putting this together so we could bring it to the floor.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 5102.

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

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENT TO H.R. 734, EXTENDING FEDERAL BENEFITS, SERVICES, AND ASSISTANCE TO PASCUA YAQUI INDIANS OF ARIZONA

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 734) to amend the act entitled "An act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes.

The Clerk read as follows:

Senate amendment: Page 3, after line 2, insert:

SEC. 2. STUDY.

The Act entitled "An act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes" (25 U.S.C. 1300f et seq.) is amended by adding at the end the following new section:

"SEC. 4. STUDY.

"(a) IN GENERAL.—The Secretary of the Interior shall conduct one or more studies to determine—

"(1) whether the lands held in trust on the date of enactment of this section by the United States for the Pascua Yaqui Tribe are adequate for the needs of the tribe for the foreseeable future;

"(2) if such lands are not adequate—

"(A) whether suitable additional lands are available for acquisition by exchange or purchase; and

"(B) the cost and location of the suitable additional lands;

"(3) whether the Pascua Yaqui Tribe has sufficient water rights and allocations to meet the needs of the tribe for the foreseeable future;

"(4) if such water rights and allocations are not adequate—

"(A) whether additional water can be acquired: and

"(B) the potential sources and associated costs of such additional water;

"(5) whether the Bureau of Indian Affairs and the Indian Health Service have limited funding to the Pascua Yaqui Tribe based on a determination of the tribal enrollment in 1978, rather than the current enrollment;

"(6) if funding has been based on 1978 enrollment, how the funding levels can be adjusted to ensure that the Pascua Yaqui Tribe receives a fair and equitable portion of Bureau of Indian Affairs and Indian Health Service funding;

"(7) the genealogy of the Pascua Yaqui Tribe; and

"(8) the economic development opportunities available to the tribe as a result of the North American Free Trade Agreement.

"(b) TRIBAL PARTICIPATION.—The Secretary shall provide for the participation of members of the Pascua Yaqui tribe to carry out subsection (a).

"(c) REPORT.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit a report to Congress that contains the results of each study conducted pursuant to subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the Senate amendment to H.R. 734 presently under consideration.

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

There was no objection.

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

Mr. Speaker, in Public Law 103-263 the Congress clarified that the Department of Interior is not to make distinctions among tribes. Specifically, the Department is not to categorize certain tribes as "historic" and others as "created."

This issue was brought to the committee's attention by the Pascua Yaqui Tribe in Arizona. Today, we pass a bill for the Pascua Yaqui which reaffirms their specific status as a historic tribe and extends their enrollment date for membership. In addition we are concurring in a Senate amendment which provides that the Secretary is to conduct studies of the tribe's land base, water rights, and service delivery, as well as, the tribe's economic development opportunities as a result of NAFTA.

Mr. Speaker, we agree with the Senate amendment and urge our colleagues to support this bill.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 734, a bill to clarify the status of the Pascua Yaqui Indians of Arizona.

We discussed this issue in detail when the House passed H.R. 734 last year, and the gentleman from New Mexico [Mr. RICHARDSON] has adequately explained the provisions of the bill, so I will be brief.

I disagree with the opinion of the BIA solicitor, and with the BIA's convoluted created versus historic dichotomy, which underlie this case and which we effectively overturned when S. 1654 was enacted into law in May of this year.

Given the plenary authority of Congress over all facets of Indian affairs, it seems to me that on those rare occasions when we legislatively recognize a tribe—as we did with the Pascua Yaqui—we mean that acknowledgment to be full recognition unless we explicitly provide otherwise. I hope that the Solicitor's Office at the BIA will keep that in mind in the future.

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

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

Mr. Speaker, once again this issue is one that allows us to do the right thing in several instances.

First, it allows us to correct the distinction amongst tribes. The Department of the Interior should not categorize certain tribes as historic and others as created. What we are doing here is righting a wrong that was caused to the Pascua Yaqui Tribe in Arizona.

The gentleman from Arizona [Mr. PASTOR] was the initial member of the delegation who brought this to our attention, and it was supported by the gentlewoman from Arizona [Ms. ENGLISH] of our subcommittee and the minority members both from the House and Senate.

□ 1340

So what we are doing today is passing a bill for the Pascua Yaqui which basically reaffirms their basic status as native Americans, as a historic tribe, and what it also does is extends their enrollment date for membership. We are also concurring basically in a constructive suggestion by the other body, by the Senate, which provides that the Secretary is to conduct studies of the tribe's land base, water rights, and service delivery as well as the tribe's economic development opportunities as a result of the North American Free-Trade Agreement.

Mr. Speaker, the State of Arizona has probably been one of the most active beneficiaries of the North American Free-Trade Agreement. Their trade has expanded enormously because of NAFTA, and it has to be extremely clear that the Native Americans of Arizona also partake in this outstanding benefit. This is why I think individuals like the gentleman from Arizona [Mr. PASTOR] and the gentleman from Arizona [Mr. KOLBE], who, of course, was enormously active in this Pascua Yaqui issue, were pushing this legislation; Senator MCCAIN and Senator DECONCINI also were active in ensuring that this Senate amendment improved the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Speaker, I want to first thank the distinguished chairman of the subcommittee on Native American Affairs for his efforts on behalf of this bill and his tireless support for Native American peoples throughout this Nation. My gratitude also extends to the ranking member, Mr. THOMAS, for his longtime support of this measure and other issues of importance to the American Indian peoples.

An eloquent and compelling case has already been made on behalf of this bill when the House passed the measure by voice vote on August 1 of this year. The Senate amendments to the bill merely call for the Secretary of the Interior to conduct a number of important studies to determine the land, water, and health needs of the Pascua Yaqui Tribe. In addition, the amendments call for studies on this historic tribe's genealogy and the potential for economic development on the tribal reservation as a result of the passage of the North American Free Trade Agreement.

Mr. Speaker, the powers of self-governance which Indian Tribes exercise is derived from their inherent sovereignty and not from a bureaucratic decree or delegation of authority from the Federal Government. Congress has recognized the Pascua Yaqui Tribe thereby acknowledging this inherent sovereignty. It is unfortunate that we must spend time and energy to further clarify what should have been readily apparent—tribal recognition is an acknowledgment of the intrinsic sovereignty of a people and affords such people the full powers of self-governance under the law.

I will not take up any more of the Chamber's time other than to urge my colleagues to help right a wrong and establish the Pascua Yaqui Tribe as an historic tribe. With this vote, the years of injustice to which the Pascua Yaqui people have been subjected will finally come to an end.

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

Mr. Speaker, the gentleman from Arizona [Mr. PASTOR] needs to be thoroughly commended for this legislation which he brought to the attention of our subcommittee. He spearheaded this effort, and now he sees justice being rendered, and, Mr. Speaker, our hats are off to him and again to the gentleman from Wyoming, who has been enormously helpful on all of our native American bills.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico [Mr.

RICHARDSON] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 734.

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

A motion to reconsider was laid on the table.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1994

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4462) to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes as amended.

The Clerk read as follows:

H.R. 4462

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 "Indian Federal Recognition Administrative Procedures Act of 1994".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish an administrative procedure to extend Federal recognition to certain Indian groups;

(2) to extend to Indian groups which are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility;

(3) to extend to Indian groups which are determined to be Indian tribes the immunities and privileges available to other federally-acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States;

(4) to ensure that when the Federal government extends acknowledgment to an Indian tribe, it does so with a consistent legal, factual and historical basis;

(5) to establish a commission which will act in a supporting role to petitioning groups applying for recognition;

(6) to provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment;

(7) to clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process petitions; and

(8) to remove the Federal acknowledgment process from the Bureau of Indian Affairs and invest it in an independent Commission on Indian Recognition.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "aboriginal group" means any Indian group or tribe that is presently located in Canada or the United States of Mexico and consists of individuals who are descendants of the people who inhabited the area now constituting those two countries prior to their first sustained contact with Euro-Americans.

(2) The term "acknowledgment" or "acknowledged" means a determination by the Commission on Indian Recognition that an Indian group constitutes an Indian tribe with a government-to-government relationship with the United States, and whose members are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term "autonomous" means the exercise of political influence or authority independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the history, geography, culture and social organization of the petitioner.

(4) The term "Bureau" means the Bureau of Indian Affairs.

(5) The term "Commission" means the Commission on Indian Recognition established pursuant to section 4.

(6) The term "community" means any group of people, living within a reasonable territorial propinquity, which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. "Community" must be understood in the context of the history, culture and social organization of the group, taking into account the geography of the region in which they reside.

(7) The term "continuously" or "continuous" means extending from the first sustained contact with Euro-Americans throughout the group's history to the present substantially without interruption.

(8) The term "Department" means the Department of the Interior.

(9) The term "documented petition" means the detailed, factual exposition and arguments, including all documentary evidence, necessary to demonstrate that these arguments specifically address the mandatory criteria established in section 5.

(10) The term "historically", "historical" or "history" means dating from the first sustained contact with Euro-Americans.

(11) The term "Indian group" or "group" means any Indian, Alaska Native, or Native Hawaiian tribe, band, pueblo, village or community within the United States that the Secretary of the Interior does not acknowledge to be an Indian tribe.

(12) The term "Indian tribe" or "tribe" means any Indian, Alaska Native, or Native Hawaiian tribe, band, pueblo, village or community within the United States that the Secretary of the Interior presently acknowledges to be an Indian tribe.

(13) The term "indigenous" means native to the United States in that at least part of the petitioner's traditional territory at the time of first sustained contact with Euro-Americans extended into what is now the United States.

(14) The term "letter of intent" means an undocumented letter or resolution which is dated and signed by the governing body of an Indian group and submitted to the Commission and indicates the group's intent to submit a petition for Federal acknowledgment as an Indian tribe.

(15) The term "member of an Indian group" means an individual who is recognized by an Indian group as meeting its membership criteria and who consents in writing to being listed as a member of that group.

(16) The term "member of an Indian tribe" means an individual who meets the membership requirements of the tribe as set forth in its governing document or, in the absence of a governing document which sets out these requirements, has been recognized as a member collectively by those persons comprising the tribal governing body; and has consistently maintained tribal relations with the tribe or is listed on the tribal membership rolls as a member, if such rolls are kept.

(17) The term "petition" means a petition for acknowledgment submitted or transferred to the Commission pursuant to section 5 of this Act.

(18) The term "petitioner" means any group which has submitted a letter of intent to the Commission requesting acknowledgment that it is an Indian tribe.

(19) The term "political influence or authority" means a tribal council, leadership, internal process or other mechanism which the group has used as a means of influencing or controlling the behavior of its members in significant respects, or making decisions for the group which substantially affect its members, or representing the group in dealing with non-members in matters of consequence to the group. "Political influence or authority" is to be understood in the context of the history, culture and social organization of the group.

(20) The term "previous Federal acknowledgment" means any action by the Federal government the character of which is clearly premised on identification of a tribal political entity and clearly indicates the recognition of a government-to-government relationship between that entity and the Federal government.

(21) The term "restoration" means the reextension of acknowledgment to any previously acknowledged tribe which may have had its acknowledged status abrogated or diminished by reason of congressional legislation expressly terminating that status.

(22) The term "Secretary" means the Secretary of the Interior.

(23) The term "sustained contact" means the period of earliest sustained Euro-American settlement or governmental presence in the local area in which the tribe or tribes from which the petitioner claims descent was located historically.

(24) The term "treaty" means any treaty—

(A) negotiated and ratified by the United States on or before March 3, 1871, with, or on behalf of, any Indian group or tribe;

(B) made by any government with, or on behalf of, any Indian group or tribe, from which government the United States subsequently acquired territory by purchase, conquest, annexation, or cession; or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

(25) The term "tribal relations" means participation by an individual in a political and social relationship with an Indian tribe.

(26) The term "tribal roll" means a list exclusively of those individuals who have been determined by the tribe to meet the tribe's membership requirements as set forth in its governing document or, in the absence of a governing document setting forth those requirements, have been recognized as members by the tribe's governing body. In either case, those individuals on a tribal roll must have affirmatively demonstrated consent to being listed as members.

(27) The term "United States" means the 48 contiguous states, Alaska and Hawaii; and does not include territories or possessions.

SEC. 4. COMMISSION ON INDIAN RECOGNITION.

(a) ESTABLISHMENT.—There is established, as an independent commission, the Commission on Indian Recognition.

(b) MEMBERSHIP.—(1)(A) The Commission shall consist of three members appointed by the President, by and with the advice and consent of the Senate.

(B) In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian tribes;

(ii) individuals who have a background in Indian law or policy, anthropology, genealogy, or history; *and*

(iii) individuals who, at the time of nomination, are employed by the United States Government and would be eligible to participate through the Intergovernmental Personnel Exchange Act.

(2) No more than two members of the Commission may be members of the same political party.

(3)(A) Each member of the Commission shall be appointed for a term of four years, except as provided in subparagraph (B).

(B) As designated by the President at the time of appointment, of the members first appointed—

(i) one shall be appointed for a term of two years;

(ii) one shall be appointed for a term of three years; and

(iii) one shall be appointed for a term of four years.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(5)(A) Each member of the Commission not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation, but such service shall be without interruption or loss of civil service status or privilege.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) At the time appointments are made under paragraph (1), the President shall designate one of such appointees as Chairman of the Commission.

(c) MEETINGS AND PROCEDURES.—(1) The Commission shall hold its first meeting no later than 30 days after the date on which all members of the Commission have been appointed and confirmed by the Senate.

(2) Two members of the Commission shall constitute a quorum for the transaction of business.

(3) The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(4) The principal office of the Commission shall be in the District of Columbia.

(d) DUTIES.—The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(e) POWERS AND AUTHORITIES.—(1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission is authorized to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the Chairman deems advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) The Commission is authorized to—

(A) hold such hearings and sit and act at such times;

(B) take such testimony;

(C) have such printing and binding done;

(D) enter into such contracts and other arrangements, subject to the availability of funds;

(E) make such expenditures; and

(F) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3)(A) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this Act, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman of the Commission.

(B) Upon the request of the Chairman of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

SEC. 5. PETITIONS FOR RECOGNITION.

(a) IN GENERAL.—(1) Any Indian group may submit to the Commission a petition requesting that the Commission recognize that the Indian group is an Indian tribe.

(2) The provisions of this Act do not apply to the following groups or entities, which shall not be eligible for recognition under this Act—

(A) Indian tribes, organized bands, pueblos, communities, and Alaska Native entities which are recognized by the Secretary as of the date of enactment of this Act as eligible to receive services from the Bureau;

(B) splinter groups, political factions, communities, or groups of any character which separate from the main body of an Indian tribe that, at the time of such separation, is recognized as being an Indian tribe by the Secretary, unless it can be clearly established that the group, faction, or community has functioned throughout history until the date of such petition as an autonomous Indian tribal entity;

(C) groups, or successors in interest of groups, that prior to the date of enactment of this Act, have petitioned for and been denied or refused recognition as an Indian tribe under regulations prescribed by the Secretary;

(D) any Indian group whose relationship with the Federal Government was expressly terminated by an Act of Congress; *and*

(E) any Indian group that, in any action in a United States court to which the group was a party, has previously attempted to establish its status as an Indian tribe or a successor-in-interest to an Indian tribe that was a party to a treaty with the United States, and—

(i) was determined by such court not to be an Indian tribe; or

(ii) was determined by such court not to be a successor-in-interest to an Indian tribe that was a party to a treaty with the United States; or

(iii) was the subject of findings of fact by such court which, if made by the Commission, would show that the group was incapable of establishing one or more of the criteria set forth in this section.

(3)*(A)* No later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate, the Secretary shall transfer to the Commission all petitions pending before the Department *and not then under active consideration* that request the Secretary, or the Federal Government, to recognize or acknowledge an Indian group as an *Indian tribe, except those groups whose petitions are under active consideration at the time of the transfer.*

(B) On the date of such transfer, the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal government, any Indian group as an Indian tribe, except those groups under active consideration whose petitions have been retained by the Department pursuant to subparagraph (A) of this paragraph.

(C) Petitions transferred to the Commission under subparagraph (A) of this paragraph shall, for purposes of this Act, be considered as having been submitted to the Commission in the same order as they were submitted to the Department.

(b) PETITION FORM AND CONTENT.—Except as provided in subsection (c), any petition submitted under subsection (a) by an Indian group shall be in *any readable* form which clearly indicates that it is a petition requesting the Commission to recognize that the Indian group is an Indian tribe and *which contains detailed, specific evidence as to each of the following:*

(1) A statement of facts establishing that the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1871. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members:

(A) *Identification* of the petitioner as an Indian entity by Federal authorities.

(B) *Relationships* of the petitioner with State governments based on identification of the petitioner as an Indian entity.

(C) *Dealings* of the petitioner with a county, parish, or other local government in a relationship based on the Indian identity of the petitioner.

(D) *Identification* of the petitioner as an Indian entity by records in private or public archives, courthouses, churches, or schools.

(E) *Identification* of the petitioner as an Indian entity by anthropologists, historians, or other scholars.

(F) *Identification* of the petitioner as an Indian entity in newspapers, books, or similar media.

(G) Identification of the petitioner as an Indian entity by other Indian tribes or by national, regional, or state Indian organizations.

(H) Identification of the petitioner as an Indian entity by foreign governments or international organizations.

(2)(A) A statement of facts establishing that a predominant portion of the membership of the petitioner comprises a community distinct from those surrounding it and has existed as a community from historical times to the present. Evidence to be relied upon in determining that the petitioner meets this criterion may include one or a combination of the following:

(i) Significant rates of marriage within the group, or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) Significant social relationships connecting individual members.

(iii) Significant rates of informal social interaction which exist broadly among the members of a group.

(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) Evidence of strong patterns of discrimination or other social distinctions by non-members.

(vi) Shared sacred or secular ritual activity encompassing most of the group.

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian, and may include, but are not limited to, language, kinship or religious organizations, or religious beliefs and practices.

(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) A demonstration of historical political influence pursuant to the criterion set forth in paragraph (3).

(B) A petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided demonstrating any one of the following:

(i) More than 50 percent of the members reside in a particular geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent social interaction with some members of the community;

(ii) At least 50 percent of the marriages of the group are between members of the group;

(iii) At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship or religious organizations, or religious beliefs or practices;

(iv) There are distinct community social institutions encompassing a substantial portion of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations; or

(v) The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(B).

(3)(A) A statement of facts establishing that the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present. Evidence to be relied upon in determining that the petitioner meets this criterion may include one or a combination of the following:

(i) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(ii) Most of the membership considers issues acted upon or taken by group leaders or governing bodies to be of personal importance.

(iii) There is a widespread knowledge, communication and involvement in political processes by most of the group's members.

(iv) The group meets the criterion in paragraph (2) at more than a minimal level.

(v) There are intragroup conflicts which show controversy over valued group goals, properties, policies, processes or decisions.

(B) A petitioner shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or existed which:

(i) Allocate group resources such as land, residence rights or the like on a consistent basis.

(ii) Settle disputes between members or subgroups such as clans or moieties by mediation or other means on a regular basis.

(iii) Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.

(iv) Organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(C) A group that has met the requirements in paragraph (2)(B) at a given point in time shall be considered to have provided sufficient evidence to meet this criterion at that same point in time.

(4) A copy of the petitioner's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

(5) A list of all current members of the petitioner, *including each member's full name (and maiden name, if any), date and place of birth, and current residential address, as well as* a copy of each available former list of members based on the petitioner's own defined criteria, *and a statement describing the methods used in preparing those lists.* The membership must consist of individuals who have established descendancy from an Indian group which existed historically or from historical Indian groups which combined and functioned as a single autonomous entity. Evidence of tribal membership required by the Commission includes (but is not limited to)—

(A) descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(B) State, Federal, or other official records or evidence identifying present members of the petitioner, or ancestors of present members of *the petitioner, as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity;*

(C) church, school, and other similar *enrollment records identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity;*

(D) affidavits of recognition by tribal elders, leaders, or the tribal governing body *identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity; and*

(E) other records or evidence identifying *present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.*

(c) *EXCEPTIONS.*—A petition from an Indian group which can demonstrate by a preponderance of the evidence that it was, or is the successor in interest to, *a—*

(1) party to a treaty or treaties;

(2) group acknowledged by any agency of the Federal Government as eligible to participate in the Indian Reorganization Act of 1934 (25 U.S.C. 461 *et seq.*);

(3) group for the benefit of which the United States took into trust land or lands, or which the Federal government has treated as having collective rights in tribal lands or funds; or

(4) group has been denominated a tribe by Act of Congress or Executive Order,

shall be required to establish the criteria set forth in this section only from the date of that Federal action to the present.

SEC. 6. NOTICE OF RECEIPT OF PETITION.

(a) PETITIONER.—Within 30 days after a petition is submitted or transferred to the Commission under section 5(a), the Commission shall send an acknowledgement of receipt in writing to the petitioner and shall have published in the Federal Register a notice of such receipt, including the name, location, and mailing address of the petitioner and such other information that will identify the entity who submitted the petition and the date the petition was received by the Commission. The notice shall also indicate where a copy of the petition may be examined.

(b) OTHERS.—The Commission shall also notify, in writing, the Governor and attorney general of, and each recognized Indian tribe within, any State in which a petitioner resides.

(c) PUBLICATION; OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—The Commission shall publish the notice of receipt of the petition in a major newspaper of general circulation in the town or city nearest the location of the petitioner. The notice shall include, in addition to the information described in subsection (a), notice of opportunity for other parties to submit factual or legal arguments in support of or in opposition to, the petition. Such submissions shall be provided to the petitioner upon receipt by the Commission. The petitioner shall be provided an opportunity to respond to such submissions prior to a determination on the petition by the Commission.

SEC. 7. PROCESSING THE PETITION.

(a) REVIEW.—(1) Upon receipt of a *documented* petition, the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) The review conducted under paragraph (1) shall include consideration of the petition, supporting evidence, and the factual statements contained in the petition.

(3) The Commission may also initiate other research for any purpose relative to analyzing the petition and obtaining additional information about the petitioner's status and may consider any evidence which may be submitted by other parties.

(4) Upon request by the petitioner, the Library of Congress and the National Archives shall each allow access to the petitioner to its resources, records, and documents, for the purpose of conducting research and preparing evidence concerning the status of the petitioner.

(b) CONSIDERATION.—(1) Except as otherwise provided in this subsection, petitions shall be considered on a first come, first served basis, determined by the date of the original filing of the petition with the Commission, or the Department if the petition is one transferred to the Commission pursuant

to section 5(a). The Commission shall establish a priority register including those petitions pending before the Department on the date of enactment of this Act.

(2) Petitions that are submitted to the Commission by Indian groups that meet one or more of the requirements set forth in section 5(c) shall receive priority consideration over petitions submitted by any other Indian group.

SEC. 8. PRELIMINARY HEARING.

(a) IN GENERAL.—Within 60 days after the receipt of a petition by the Commission, the Commission shall set a date for a preliminary hearing. At the preliminary hearing, the petitioner and any other concerned party may provide evidence concerning the status of the petitioner.

(b) DETERMINATION.—(1) Within 30 days after the conclusion of the preliminary hearing under subsection (a), the Commission shall make a determination either—

(A) to extend Federal acknowledgement to the petitioner; or

(B) that the petitioner proceed to an adjudicatory hearing.

(2) The Commission shall publish the determination in the Federal Register.

(c) INFORMATION TO BE PROVIDED PREPARATORY TO AN ADJUDICATORY HEARING.—(1) If the Commission determines under subsection (b) that the petitioner proceed to an adjudicatory hearing, the Commission shall—

(A) make available its appropriate evidentiary records to the petitioner to assist the petitioner in preparing for the adjudicatory hearing, and shall also include such guidance as the Commission considers necessary or appropriate to assist the petitioner in preparing for the hearing; and

(B) within 30 days after the conclusion of the preliminary hearing under subsection (a), notify the petitioner in writing, which notice shall include a list of any deficiencies or omissions on which the Commission relied in making its determination.

(2) The list of deficiencies and omissions provided under paragraph (1)(B) shall be the subject of the adjudicatory hearing. The Commission may not add to this list once it is issued.

SEC. 9. ADJUDICATORY HEARING.

(a) IN GENERAL.—Within 180 days after the conclusion of the preliminary hearing, the Commission shall afford the petitioner described in section 8(b)(1)(B) an adjudicatory hearing. The hearing shall be on the list of deficiencies and omissions provided under section 8(c)(1)(B) and shall be conducted pursuant to section 554 of title 5, United States Code.

(b) TESTIMONY FROM STAFF OF COMMISSION.—The Commission may require testimony from its acknowledgement and research staff or other witnesses. Any such testimony shall be subject to cross-examination by the petitioner.

(c) EVIDENCE BY PETITIONER.—The petitioner may provide such evidence as the petitioner deems appropriate.

(d) DECISION BY COMMISSION.—Within 60 days after the end of the hearing held under subsection (a), the Commission shall—

(1) make a determination as to the extension or denial of Federal acknowledgment to the petitioner;

(2) publish its determination under paragraph (1) in the Federal Register; and

(3) deliver a copy of the determination to the petitioner, and to every other interested party.

SEC. 10. APPEALS.

(a) IN GENERAL.—Within 60 days after the date the Commission's decision is published under section 9(d), the petitioner may appeal the determination to the United States District Court for the District of Columbia.

(b) ATTORNEY FEES.—If the petitioner prevails in the appeal described in subsection (a), it shall be eligible for an award of reasonable attorney fees and costs under the provisions of section 504 of title 5, United States Code, or section 2412 of title 28 of such Code, as the case may be.

SEC. 11. EFFECT OF DETERMINATIONS.

A determination by the Commission that an Indian group is recognized by the Federal Government as an Indian tribe shall not have the effect of—

(1) depriving or diminishing the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of such Indian group, or as the same may exist thereafter;

(2) depriving or diminishing any property right held in trust or recognized by the United States for such other Indian tribe as it existed prior to the recognition of such Indian group; or

(3) depriving or diminishing any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for such other Indian tribe prior to the recognition of such Indian group.

SEC. 12. IMPLEMENTATION OF DECISIONS.

(a) ELIGIBILITY FOR SERVICES AND BENEFITS.—(1) Subject to paragraph (2), upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States, as well as having the responsibilities and obligations of such Indian tribes. Such recognition shall subject the Indian tribes to the same authority of Congress and the United States to which other federally recognized tribes are subject.

(2) Recognition of the Indian tribe under this Act does not create an immediate entitlement to existing programs of the Bureau. Such programs shall become available upon appropriation of funds by law. Requests for appropriations shall follow a determination under subsection (b) of the needs of the newly recognized Indian tribe.

(b) NEEDS DETERMINATION.—Within 6 months after an Indian tribe is recognized under this Act, the appropriate area offices of the Bureau and the Indian Health Service shall consult and develop in cooperation with the Indian tribe, and forward to the respective Secretary, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe. The recommended budget shall be considered along with recommendations by the appropriate Secretary in the budget-request process.

SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S ACTIVITIES.

(a) LIST OF RECOGNIZED TRIBES.—Not later than 90 days after the date of the enactment of this Act, and annually on or before every January 30 thereafter, the Commission shall publish in the Federal Register a list of all Indian tribes which are recognized by the Federal Government and receiving services from the Bureau of Indian Affairs.

(b) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and annually thereafter, the Commission shall submit a report to the Committee on Natural Resources of the House of Representatives and to the Committee on Indian Affairs of the Senate a report on its activities, which shall include at a minimum the following:

(1) The number of petitions pending at the beginning of the year and the names of the petitioners.

(2) The number of petitions received during the year and the names of the petitioners.

(3) The number of petitions the Commission approved for acknowledgment and the names of the acknowledged petitioners.

(4) The number of petitions the Commission denied for acknowledgement and the names of the petitioners.

(5) The status of all pending petitions and the names of the petitioners.

SEC. 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.

Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act and the district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

SEC. 15. REGULATIONS.

The Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act. All such regulations must be published in accordance with the provisions of title 5, United States Code.

SEC. 16. GUIDELINES AND ADVICE.

(a) GUIDELINES.—No later than 90 days after the date of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research required information, but such examples shall not preclude the use of any other format.

(b) RESEARCH ADVICE.—The Commission, upon request, is authorized to provide suggestions and advise to any petitioner for his research into the petitioner's historical background and Indian identity. The Commission shall not be responsible for the actual research on behalf of the petitioner.

SEC. 17. ASSISTANCE TO PETITIONERS.

(a) GRANTS.—(1) The Secretary of Health and Human Services may award grants to Indian groups seeking Federal recognition to enable the Indian groups to—

(A) conduct the research necessary to substantiate petitions under this Act; and

(B) prepare documentation necessary for the submission of a petition under this Act.

(2) The grants made under this subsection shall be in addition to any other grants the Secretary of Health and Human Services is authorized to provide under any other provision of law.

(b) COMPETITIVE AWARD.—Grants provided under subsection (a) shall be awarded competitively based on objective criteria prescribed in regulations promulgated by the Secretary of Health and Human Services.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There are authorized to be appropriated for the Commission for the purpose of carrying out the provisions of this Act (other than section 15 *17*), $1,500,000 for fiscal year 1995 and $1,500,000 for each of the 12 succeeding fiscal years.

(b) SECRETARY OF HHS.—There are authorized to be appropriated for the Administration for Native Americans of the Department of Health and Human Services for the purpose of carrying out the provisions of section *17, $3,000,000 for each fiscal year.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks on H.R. 4462, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4462 would solve one of the most pervasive and divisive problems in Indian affairs—the recognition of tribes.

Through a series of hearings, we have learned that the Bureau of Indian Affairs is not good at recognizing Indian tribes. There are 150 petitions at the BIA and in 16 years only 9 tribes have been acknowledged. Some tribes have been in this process for over a decade and some have spent up to $1 million to get recognized. The average cost to Indian groups runs from $300,000 to $500,000.

Inherent problems persist in the BIA's acknowledgement system. The same people conducting the research make the determination as to whether a tribe gets recognized—there is no independent finder of fact. Nor is there an opportunity for petitioners to cross-examine evidence.

Mr. THOMAS, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, and all the members of the subcommittee came to the conclusion that we need an independent commission to carry out the task of recognizing tribes. Committee amendments provided that the commission will hold trial-type hearings for petitioners who request them. The bill provides tough but fair standards for recognizing tribes.

Mr. Speaker, this bill would provide groups petitioning for acknowledgement with their due process rights. I urge my colleagues to support his bill.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4462, a bill to overhaul the BIA recognition process.

I have long awaited the day that we would take up this legislation. Regardless of whether the problems with the recognition process are real or perceived, it is clear that something needs to be done. While the alleged backlog of petitions at the BIA is not nearly as great as many would have us believe, the perception is that the process is overly cumbersome, political, and ineffective. We are faced with an ever-growing number of tribes which seek to circumvent the process and pursue congressional recognition as a result.

As the chairman knows, I strongly believe that pursuing that course is disastrous. It can only lead to the recognition of some groups based not on any Indian ancestry but solely on the power and party affiliation of their sponsor—the Lumbee and Mowa groups come to mind.

This is a very complex issue, and I know our staffs have worked hard to craft legislation that is both workable and effective. Let me comment briefly on some of the more important changes we propose to make. First, I believe that removing the process from the BIA is an important step. Although I feel that the BIA has done the best job it can with the resources available to it, placing the process with an independent commission will insulate it from changes of antirecognition bias. I have long been troubled by the appearance—and I stress the word appearance—of impropriety involved in allowing the same agency responsible for providing services to the tribes making decisions on recognition that would increase their service population, in some cases by many thousands.

Second, we have made some significant changes in the criteria used to determine tribality. This should help cut down on a substantial amount of paperwork and research for many groups—and eliminate one of the more prominent complaints about the present system.

Mr. Speaker, while I realize that it is not likely that the bill will clear the other body before adjournment, I think that it is tremendously important that we pass it today. This is the closest Congress has ever come to correcting the system, and I think passage will send a clear signal to both the BIA and the tribes that we are serious about this reform.

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

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Mr. RICHARDSON. Mr. Speaker, once again I urge all my colleagues to support this measure. This is a bill that will deal with the Federal recognition process that will conclude all the aggravation that has been caused by the BIA, and all the members of those tribes that have had difficulty getting into the acknowledgement process.

If we pass this bill, I think it would be a significant improvement in an orderly procedure to recognize native American tribes and preclude us, hopefully, from having these long debates on each recognition of tribes operating within our States.

Mr. Speaker, I urge support for this legislation.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCCANDLESS].

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

Mr. Speaker, there are a number of issues here on the suspension calendar dealing with Indian affairs. I certainly have no objection to these being on the suspension calendar. However, I have a concern that I wish to express, and I feel this should be the time, in view of the fact that we have written many letters, I do not know how many; and we have had many conferences, I do not know how many conferences, relative to the BIA, its relationship to Indian tribes and that relationship to the community in which the tribes and its land exist.

We have run up against some very serious problems. I wanted to share these with the subcommittee chairman, the gentleman from New Mexico [Mr. RICHARDSON], because I will be leaving at the end of this term, and I think it is essential that at least these concerns get into the RECORD in some shape or form relative to this problem. I can be very specific. There is a current potential health problem that would exemplify what I am talking about.

An allottee in one of the 13 tribes in my district signed a contract with a disposal company for human sewage waste to become composted on that allotment. That contract was executed without the proper approval of the BIA. Three companies became a part of that particular operation, composting sewage sludge, much of which was hauled in 120 miles from the San Diego metropolitan area.

Two of the three are still doing that. One of the three went bankrupt and left hundreds of thousands of tons of uncomposted human waste on the allotted Indian land, to the detriment of not only the Indian allottee lands adjacent to it, tribal lands and also private land, but it has created a real nuisance in that there are private enterprises nearby, such as a fish farm, that receive the negative aspects of this.

We have worked and worked and worked to try to bring BIA's attention to bear on this so this situation will not happen again elsewhere. BIA did not approve this contract to begin with. But the operation took place anyhow. It is our understanding that it should have been approved prior to beginning the operation.

Now we have a problem here; not only do we have the community in an uproar but we also have the rest of the tribe in an uproar. That very thing, sovereignty, which created the ability for the gentlemen in question to begin this operation, is now being exercised by members of that tribe, which are saying we want this taken care of, and we want the Federal Government, or somebody, to do this, to take care of this problem, this potential health problem.

I think as we move forward here, we must understand that, yes, sovereignty is an important point. But whatever we have in the way of a relationship between the Federal Government and Indian tribes and the community, there needs to be some kind of an enforceable check and balance relative to the environmental or other aspects of what a

tribe or allottee is able to do or not do, as it relates to the laws that go beyond the boundaries of the allottee's land or the tribal land. In this case, it has become a severe nuisance. And there is no clear recourse to handle the cleaning up of this problem. EPA is working on it, other agencies are working on it, but a year or so has gone by and these and other important questions remain unanswered.

So I wish to bring this to the attention of those involved in Indian affairs, to ask that a review of this kind of a BIA relationship be undertaken. Why did the BIA not exercise the proper oversight when the contract was discussed, or whatever authority they have to do this? Now we have the people doing the actual composting and selling the compost, who are saying, okay, if you give us a contract or a lease on this property for a certain period of time, we will assume the responsibility of disposing of this huge pile of waste. Of course, those who are opposed to the composting, are saying we want everybody off and the site shut down. There is a cease and desist order which has been ignored by those who have continued composting. So you begin to see all of these things coming together, all of which add to what I am trying to say: The BIA I consider to be substandard in the management of their relations with Indian affairs.

I thank the gentleman for yielding. I now have this off my chest. I thank the subcommittee chairman for his indulgence.

Mr. RICHARDSON. Let me say I will take the gentleman's comments very seriously. He is a very serious Member of this body. He will be missed.

I am aware of that problem and we have legislation to get rid of the red-tape and bureaucracy that are part of the BIA system.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 4462, a bill to provide for administrative procedures to extend Federal recognition to certain groups of American Indians.

We all know that a change in the Federal acknowledgement procedures is long overdue. Every time we hold a hearing on recognizing an Indian tribe, or hold a hearing on the process itself, we hear more horror stories resulting from the present process. I am pleased that the members of the Subcommittee on Native American Affairs were able to reach a bipartisan agreement on how to proceed, and I want to thank Chairman RICHARDSON, Congressman THOMAS, amd their staffs for the time they have given this bill. The end of the Congress is a very busy time for all of us, and I am appreciative that everyone involved was willing to give this bill careful consideration.

Mr. Speaker, H.R. 4462 will make the following changes to the process by which Indian tribes receive Federal recognition. The bill: First, creates a nonpartisan, Presidentially appointed Commission, independent from the Department of the Interior, which will review petitions for recognition; second, ensures that the Commission will work to assist petitioning groups in understanding the process and in obtaining appropriate, relevant documentation; third, sets firm time limits on each step within a new acknowledgement process; fourth, creates a process in which each petition group will know quickly of any deficiencies and omissions in their petition, based on a list which cannot be expanded; fifth, provides for annual publication of a single, composite list of tribes recognized by the Federal Government, and annual reports on the Commission's activity' and sixth, sets forth new, more objective criteria upon which the final determination of applicant will be based.

Mr. Speaker, I know we are in the waning days of the 103d Congress, but given the similarities between this bill and the Senate bill on this issue, I remain hopeful that an agreement can be reached, and that we can see new law in this area later this year.

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

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

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4462, as amended.

The question was taken.

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

The point of no quorum is considered withdrawn.

AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4833), to reform the management of Indian Trust Funds, and for other purposes as amended.

The Clerk read as follows:

H.R. 4833

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 "American Indian Trust Fund Management Reform Act of 1994".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RECOGNITION OF TRUST RESPONSIBILITY

Sec. 101. Affirmative action required.
Sec. 102. Responsibility of Secretary to account for the daily and annual balances of Indian trust funds.
Sec. 103. Payment of interest on individual Indian money accounts.
Sec. 104. Authority for payment of claims for interest owed.

TITLE II—INDIAN TRUST FUND MANAGEMENT PROGRAM

Sec. 201. Purpose.
Sec. 202. Voluntary withdrawal from trust funds program.
Sec. 203. Judgment funds.
Sec. 204. Technical assistance.
Sec. 205. Grant program.
Sec. 206. Return of withdrawn funds.
Sec. 207. Savings provision.
Sec. 208. Report to Congress.
Sec. 209. Regulations.

TITLE III—SPECIAL TRUSTEE FOR AMERICAN INDIANS

Sec. 301. Purposes.
Sec. 302. Office of Special Trustee for American Indians.
Sec. 303. Authorities and functions of the special trustee.
Sec. 304. Reconciliation report.
Sec. 305. Staff and consultants.
Sec. 306. Advisory board.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "Special Trustee" means the Special Trustee for American Indians appointed under section 302.

(2) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Office" means the Office of Special Trustee for American Indians established by section 302.

(5) The term "Bureau" means the Bureau of Indian Affairs within the Department of the Interior.

(6) The term "Department" means the Department of the Interior.

TITLE I—RECOGNITION OF TRUST RESPONSIBILITY

SEC. 101. AFFIRMATIVE ACTION REQUIRED.

The first section of the Act of June 24, 1938 (25 U.S.C. 162a), is amended by adding at the end the following new subsection:

"(d) The Secretary's proper discharge of the trust responsibilities of the United States shall include (but are not limited to) the following:

"(1) Providing adequate systems for accounting for and reporting trust fund balances.

"(2) Providing adequate controls over receipts and disbursements.

"(3) Providing periodic, timely reconciliations to assure the accuracy of accounts.

"(4) Determining accurate cash balances.

"(5) Preparing and supplying account holders with periodic statements of their account performance and with balances of their account which shall be available on a daily basis.

"(6) Establishing consistent, written policies and procedures for trust fund management and accounting.

"(7) Providing adequate staffing, supervision, and training for trust fund management and accounting.

"(8) Appropriately managing the natural resources located within the boundaries of Indian reservations and trust lands.".

SEC. 102. RESPONSIBILITY OF SECRETARY TO ACCOUNT FOR THE DAILY AND ANNUAL BALANCES OF INDIAN TRUST FUNDS.

(a) REQUIREMENT TO ACCOUNT.—The Secretary shall account for the daily and annual balance of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(b) PERIODIC STATEMENT OF PERFORMANCE.—Not later than 20 business days after the close of a calendar quarter, the Secretary shall provide a statement of performance to each Indian tribe and individual with respect to whom funds are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a). The statement, for the period concerned, shall identify—

(1) the source, type, and status of the funds;

(2) the beginning balance;

(3) the gains and losses;

(4) receipts and disbursements; and

(5) the ending balance.

(c) ANNUAL AUDIT.—The Secretary shall cause to be conducted an annual audit on a fiscal year basis of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), and shall include a letter relating to the audit in the first statement of performance provided under subsection (b) after the completion of the audit.

SEC. 103. PAYMENT OF INTEREST ON INDIVIDUAL INDIAN MONEY ACCOUNTS.

(a) PAYMENT OF INTEREST.—The first section of the Act of February 12, 1929 (25 U.S.C. 161a), is amended—

(1) by striking out "That all" and inserting in lieu thereof "That (a) all"; and

(2) by adding after subsection (a) (as designated by paragraph (1) of this subsection) the following:

"(b) All funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of individual Indians shall be invested by the Secretary of the Treasury, at the request of the Secretary of the Interior, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary of the Interior, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable securities.".

(b) WITHDRAWAL AUTHORITY.—The second sentence of subsection (a) of the first section of the Act of June 24, 1938 (25 U.S.C. 162a) is amended by inserting "to withdraw from the United States Treasury and" after "prescribe,".

(c) TECHNICAL CORRECTION.—The second subsection (b) of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), as added by section 302 of Public Law 101-644 (104 Stat. 4667), is hereby redesignated as subsection (c).

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest earned on amounts deposited or invested on or after the date of the enactment of this Act.

SEC. 104. AUTHORITY FOR PAYMENT OF CLAIMS FOR INTEREST OWED.

The Secretary shall make payments to an individual Indian in full satisfaction of any claim of such individual for interest on amounts deposited or invested on behalf of such individual before the date of enactment of this Act retroactive to the date that the Secretary began investing individual Indian monies on a regular basis, to the extent that the claim is identified—

(1) by a reconciliation process of individual Indian money accounts, or

(2) by the individual and presented to the Secretary with supporting documentation, and is verified by the Secretary pursuant to the Department's policy for addressing accountholder losses.

TITLE II—INDIAN TI.UST FUND MANAGEMENT PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to allow tribes an opportunity to manage tribal funds currently held in trust by the United States and managed by the Secretary through the Bureau, that, consistent with the trust responsibility of the United States and the principles of self-determination, will—

(1) give Indian tribal governments greater control over the management of such trust funds; or

(2) otherwise demonstrate how the principles of self-determination can work with respect to the management of such trust funds, in a manner consistent with the trust responsibility of the United States.

SEC. 202. VOLUNTARY WITHDRAWAL FROM TRUST FUNDS PROGRAM.

(a) IN GENERAL.—An Indian tribe may, in accordance with this section, submit a plan to withdraw some or all funds held in trust for such tribe by the United States and managed by the Secretary through the Bureau.

(b) APPROVAL OF PLAN.—The Secretary shall approve such plan within 90 days of receipt and when approving the plan, the Secretary shall obtain the advice of the Special Trustee or prior to the appointment of such Special Trustee, the Director of the Office of Trust Fund Management within the Bureau. Such plan shall meet the following conditions:

(1) Such plan has been approved by the appropriate Indian tribe and is accompanied by a resolution from the tribal governing body approving the plan.

(2) The Secretary determines such plan to be reasonable after considering all appropriate factors, including (but not limited to) the following:

(A) The capability and experience of the individuals or institutions that will be managing the trust funds.

(B) The protection against substantial loss of principal.

(c) DISSOLUTION OF TRUST RESPONSIBILITY.—Beginning on the date funds are withdrawn pursuant to this section, any trust responsibility or liability of the United States with respect to such funds shall cease except as provided for in section 207 of this title.

SEC. 203. JUDGMENT FUNDS.

(a) IN GENERAL.—The Secretary is authorized to approve plans under section 202 of this title for the withdrawal of judgment funds held by the Secretary.

(b) LIMITATION.—Only such funds held by the Secretary under the terms of the Indian Judgment Funds Use or Distribution Act (25 U.S.C. 1401) or an Act of Congress which provides for the secretarial management of such judgment funds shall be included in such plans.

(c) SECRETARIAL DUTIES.—In approving such plans, the Secretary shall ensure—

(1) that the purpose and use of the judgment funds identified in the previously approved judgment fund plan will continue to be followed by the Indian tribe in the management of the judgment funds; and

(2) that only funds held for Indian tribes may be withdrawn and that any funds held for individual tribal members are not to be included in the plan.

SEC. 204. TECHNICAL ASSISTANCE.

The Secretary shall—

(1) directly or by contract, provide Indian tribes with technical assistance in developing, implementing, and managing Indian trust fund investment plans; and

(2) among other things, ensure that legal, financial, and other expertise of the Department of the Interior has been made fully available in an advisory capacity to the Indian tribes to assist in the development, implementation, and management of investment plans.

SEC. 205. GRANT PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary is authorized to award grants to Indian tribes for the purpose of developing and implementing plans for the investment of Indian tribal trust funds.

(b) USE OF FUNDS.—The purposes for which funds provided under this section may be used include (but are not limited to)—

(1) the training and education of employees responsible for monitoring the investment of trust funds;

(2) the building of tribal capacity for the investment and management of trust funds;

(3) the development of a comprehensive tribal investment plan;

(4) the implementation and management of tribal trust fund investment plans; and

(5) such other purposes related to this title that the Secretary deems appropriate.

SEC. 206. RETURN OF WITHDRAWN FUNDS.

Subject to such conditions as the Secretary may prescribe, any Indian tribe which has withdrawn trust funds may choose to return any or all of the trust funds such tribe has withdrawn by notifying the Secretary in writing of its intention to return the funds to the control and management of the Secretary.

SEC. 207. SAVINGS PROVISION.

By submitting or approving a plan under this title, neither the tribe nor the Secretary shall be deemed to have accepted the account balance as accurate or to have waived any rights regarding such balance and to seek compensation.

SEC. 208. REPORT TO CONGRESS.

The Secretary shall, beginning one year after the date of the enactment of this Act, submit an annual report to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate on the implementation of programs under this title. Such report shall include recommendations (if any) for changes necessary to better implement the purpose of this title.

SEC. 209. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this title, the Secretary shall promulgate final regulations for the implementation of this title. All regulations promulgated pursuant to this title shall be developed by the Secretary with the full and active participation of the Indian tribes with trust funds held by the Secretary and other affected Indian tribes.

(b) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

TITLE III—SPECIAL TRUSTEE FOR AMERICAN INDIANS

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to provide for more effective management of, and accountability for the proper discharge of, the Secretary's trust responsibilities to Indian tribes and individual Indians by establishing in the Department of the Interior an Office of Special Trustee for American Indians to oversee and coordinate reforms within the Department of practices relating to the management and discharge of such responsibilities;

(2) to ensure that reform of such practices in the Department is carried out in a unified manner and that reforms of the policies, practices, procedures and systems of the Bureau, Minerals Management Service, and Bureau of Land Management, which carry out such trust responsibilities, are effective, consistent, and integrated; and

(3) to ensure the implementation of all reforms necessary for the proper discharge of the Secretary's trust responsibilities to Indian tribes and individual Indians.

SEC. 302. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.

(a) ESTABLISHMENT.—There is hereby established within the Department of the Interior the Office of Special Trustee for American Indians. The Office shall be headed by the Special Trustee who shall report directly to the Secretary.

(b) SPECIAL TRUSTEE.—

(1) APPOINTMENT.—The Special Trustee shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who possess demonstrated ability in general management of large governmental or business entities and particular knowledge of trust fund management, management of financial institutions, and the investment of large sums of money.

(2) COMPENSATION.—The Special Trustee shall be paid at a rate determined by the Secretary to be appropriate for the position, but not less than the rate of basic pay payable at Level II of the Executive Schedule under section 5313 of title 5, United States Code.

(c) TERMINATION OF OFFICE.—

(1) CONDITIONED UPON IMPLEMENTATION OF REFORMS.—The Special Trustee, in proposing a termination date under section 303(a)(2)(C), shall ensure continuation of the Office until all reforms identified in the strategic plan have been implemented to the satisfaction of the Special Trustee.

(2) 30-DAY NOTICE.—Thirty days prior to the termination date proposed in the plan submitted under this section, the Special Trustee shall notify the Secretary and the Congress in writing of the progress in implementing the reforms identified in the plan. The Special Trustee, at that time, may recommend the continuation, or the permanent establishment, of the Office if the Special Trustee concludes that continuation or permanent establishment is necessary for the efficient discharge of the Secretary's trust responsibilities.

(3) TERMINATION DATE.—The Office shall terminate 180 legislative days after the date on which the notice to the Congress under paragraph (2) is provided, unless the Congress extends the authorities of the Special Trustee. For the purposes of this session, a legislative day is a day on which either House of the Congress is in session.

SEC. 303. AUTHORITIES AND FUNCTIONS OF THE SPECIAL TRUSTEE.

(a) COMPREHENSIVE STRATEGIC PLAN.—

(1) IN GENERAL.—The Special Trustee shall prepare and, after consultation with Indian tribes and appropriate Indian organizations, submit to the Secretary and the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate, within one year after the initial appointment is made under section 302(b), a comprehensive strategic plan for all phases of the trust management business cycle that will ensure proper and efficient discharge of the Secretary's trust responsibilities to Indian tribes and individual Indians in compliance with this Act.

(2) PLAN REQUIREMENTS.—The plan prepared under paragraph (1) shall include the following:

(A) Identification of all reforms to the policies, procedures, practices and systems of the Department, the Bureau, the Bureau of Land Management, and the Minerals Management Service necessary to ensure the proper and efficient discharge of the Secretary's trust responsibilities in compliance with this Act.

(B) Provisions for opportunities for Indian tribes to assist in the management of their trust accounts and to identify for the Secretary options for the investment of their trust accounts, in a manner consistent with the trust responsibilities of the Secretary, in ways that will help promote economic development in their communities.

(C) A timetable for implementing the reforms identified in the plan, including a date for the proposed termination of the Office.

(b) DUTIES.—

(1) GENERAL OVERSIGHT OF REFORM EFFORTS.—The Special Trustee shall oversee all reform efforts within the Bureau, the Bureau of Land Management, and the Minerals Management Service relating to the trust responsibilities of the Secretary to ensure the establishment of policies, procedures, systems and practices to allow the Secretary to discharge his trust responsibilities in compliance with this Act.

(2) BUREAU OF INDIAN AFFAIRS.—

(A) MONITOR RECONCILIATION OF TRUST ACCOUNTS.—The Special Trustee shall monitor the reconciliation of tribal and Individual Indian Money trust accounts to ensure that the Bureau provides the account holders, with a fair and accurate accounting of all trust accounts.

(B) INVESTMENTS.—The Special Trustee shall ensure that the Bureau establishes appropriate policies and procedures, and develops necessary systems, that will allow it—

(i) properly to account for and invest, as well as maximize, in a manner consistent with the statutory restrictions imposed on the Secretary's investment options, the return on the investment of all trust fund monies, and

(ii) to prepare accurate and timely reports to account holders (and others, as required) on a periodic basis regarding all collections, disbursements, investments, and return on investments related to their accounts.

(C) OWNERSHIP AND LEASE DATA.—The Special Trustee shall ensure that the Bureau establishes policies and practices to maintain complete, accurate, and timely data regarding the ownership and lease of Indian lands.

(3) BUREAU OF LAND MANAGEMENT.—The Special Trustee shall ensure that the Bureau of Land Management establishes policies and practices adequate to enforce compliance with Federal requirements for drilling, production, accountability, environmental protection, and safety with respect to the lease of Indian lands.

(4) MINERALS MANAGEMENT SERVICE.—The Special Trustee shall ensure that the Minerals Management Service establishes policies and practices to enforce compliance by lessees of Indian lands with all requirements for timely and accurate reporting of production and payment of lease royalties and other revenues, including the audit of leases to ensure that lessees are accurately reporting production levels and calculating royalty payments.

(c) COORDINATION OF POLICIES.—

(1) IN GENERAL.—The Special Trustee shall ensure that—

(A) the policies, procedures, practices, and systems of the Bureau, the Bureau of Land Management, and the Minerals Management Service related to the discharge of the Secretary's trust responsibilities are coordinated, consistent, and integrated, and

(B) the Department prepares comprehensive and coordinated written policies and procedures for each phase of the trust management business cycle.

(2) STANDARDIZED PROCEDURES.—The Special Trustee shall ensure that the Bureau imposes standardized trust fund accounting procedures throughout the Bureau.

(3) INTEGRATION OF LEDGER WITH INVESTMENT SYSTEM.—The Special Trustee shall ensure that the trust fund investment, general ledger, and subsidiary accounting systems of the Bureau are integrated and that they are adequate to support the trust fund investment needs of the Bureau.

(4) INTEGRATION OF LAND RECORDS, TRUST FUNDS ACCOUNTING, AND ASSET MANAGEMENT SYSTEMS AMONG AGENCIES.—The Special Trustee shall ensure that—

(A) the land records system of the Bureau interfaces with the trust fund accounting system, and

(B) the asset management systems of the Minerals Management Service and the Bureau of Land Management interface with the appropriate asset management and accounting systems of the Bureau, including ensuring that—

(i) the Minerals Management Service establishes policies and procedures that will allow it to properly collect, account for, and disburse to the Bureau all royalties and other revenues generated by production from leases on Indian lands; and

(ii) the Bureau of Land Management and the Bureau provide Indian landholders with accurate and timely reports on a periodic basis that cover all transactions related to leases of Indian resources.

(5) TRUST MANAGEMENT PROGRAM BUDGET.—

(A) DEVELOPMENT AND SUBMISSION.—The Special Trustee shall develop for each fiscal year, with the advice of program managers of each office within the Bureau of Indian Affairs, Bureau of Land Management and Minerals Management Service that participates in trust management, including the management of trust funds or natural resources, or which is charged with any responsibility under the comprehensive strategic plan prepared under subsection (a) of this section, a consolidated Trust Management program budget proposal that would enable the Secretary to efficiently and effectively discharge his trust responsibilities and to implement the comprehensive strategic plan, and shall submit such budget proposal to the Secretary, the Director of the Office of Management and Budget, and to the Congress.

(B) DUTY OF CERTAIN PROGRAM MANAGERS.—Each program manager participating in trust management or charged with responsibilities under the comprehensive strategic plans shall transmit his office's budget request to the Special Trustee at the same time as such request is submitted to his superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to the Congress under section 1105(a) of title 31, United States Code.

(C) CERTIFICATION OF ADEQUACY OF BUDGET REQUEST.—The Special Trustee shall—

(i) review each budget request submitted under subparagraph (B);

(ii) certify in writing as to the adequacy of such request to discharge, effectively and efficiently, the Secretary's trust responsibilities and to implement the comprehensive strategic plan; and

(iii) notify the program manager of the Special Trustee's certification under clause (ii).

(D) MAINTENANCE OF RECORDS.—The Special Trustee shall maintain records of certifications made under paragraph (3)(B).

(E) LIMITATION ON REPROGRAMMING OR TRANSFER.—No program manager shall submit, and no official of the Department of the Interior may approve or otherwise authorize, a reprogramming or transfer request with respect to any funds appropriated for trust management which is included in the Trust Management Program Budget unless such request has been approved by the Special Trustee.

(d) PROBLEM RESOLUTION.—The Special Trustee shall provide such guidance as necessary to assist Department personnel in identifying problems and options for resolving problems, and in implementing reforms to Department, Bureau, Bureau of Land Management, and Minerals Management Service policies, procedures, systems and practices.

(e) SPECIAL TRUSTEE ACCESS.—The Special Trustee, and his staff, shall have access to all records, reports, audits, reviews, documents, papers, recommendations, files and other material, as well as to any officer and employee, of the Department and any office or bureau thereof, as the Special Trustee deems necessary for the accomplishment of his duties under this Act.

(f) ANNUAL REPORT.—The Special Trustee shall report to the Secretary and the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate each year on the progress of the Department, the Bureau, the Bureau of Land Management, and the Minerals Management Service in implementing the reforms identified in the comprehensive strategic plan under subsection (a)(1) and in meeting the timetable established in the strategic plan under subsection (a)(2)(C).

SEC. 304. RECONCILIATION REPORT.

The Secretary shall transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate, by May 31, 1996, a report identifying for each tribal trust fund account for which the Secretary is responsible a balance reconciled as of September 30, 1995. In carrying out this section, the Secretary shall consult with the Special Trustee. The report shall include—

(1) a description of the Secretary's methodology in reconciling trust fund accounts;

(2) attestations by each account holder that—

(A) the Secretary has provided the account holder with as full and complete accounting as possible of the account holder's funds to the earliest possible date, and that the account holder accepts the balance as reconciled by the Secretary; or

(B) the account holder disputes the balance of the account holder's account as reconciled by the Secretary and statement explaining why the account holder disputes the Secretary's reconciled balance; and

(3) a statement by the Secretary with regard to each account balance disputed by the account holder outlining efforts the Secretary will undertake to resolve the dispute.

SEC. 305. STAFF AND CONSULTANTS.

(a) STAFF.—The Special Trustee may employ such staff as the Special Trustee deems necessary. The Special Trustee may request staff assistance from within the Department and any office or Bureau thereof as the Special Trustee deems necessary.

(b) CONTRACTS.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Trustee may enter into contracts and other arrangements with public agencies and with private persons and organizations for consulting services and make such payments as necessary to carry out the provisions of this title.

SEC. 306. ADVISORY BOARD.

(a) ESTABLISHMENT AND MEMBERSHIP.—Notwithstanding any other provision of law, the Special Trustee shall establish an advisory board to provide advice on all matters within the jurisdiction of the Special Trustee. The advisory board shall consist of nine members, appointed by the Special Trustee after consultation with Indian tribes and appropriate Indian organizations, of which—

(1) five members shall represent trust fund account holders, including both tribal and Individual Indian Money accounts;

(2) two members shall have practical experience in trust fund and financial management;

(3) one member shall have practical experience in fiduciary investment management; and

(4) one member, from academia, shall have knowledge of general management of large organizations.

(b) TERM.—Each member shall serve a term of two years.

(c) FACA.—The advisory board shall not be subject to the Federal Advisory Committee Act.

(d) TERMINATION.—The Advisory Board shall terminate upon termination of the Office of Special Trustee.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, the Department of the Interior is responsible for managing and investing over $2.1 billion in Indian trust funds. These funds are made up mostly of receipts from leases for timber stumpage, oil and gas royalties, and agricultural uses. The Department currently is unable to give an accurate balance for these accounts and tribes have very little say in how their funds are managed. H.R. 4833 is the culmination of 5 years of oversight and 3 years of seeking specific legislative resolution. This bill will allow tribes to directly manage their funds and receive periodic statements on the accounts which remain with the Department. Further, this bill will establish a special trustee for Indian trust funds. This person will develop an overall strategic plan to reform the current process of handling Indian allotted lands and the proceeds from them. I want to thank my good friend and ranking Republican on the Native American Affairs Subcommittee, Mr. THOMAS of Wyoming, for all his work and efforts on this bill. I make note that he served on the Government Operations Subcommittee with Mr. SYNAR and worked on the original investigation that brought many of these issues to light.

I further want to thank Mr. SYNAR, for it was his Subcommittee on Environment, Energy and Natural Resources that provided most of the background material which made the need for this legislation so obvious. I doubt we would be here today had it not been for his work.

In 1834 the House Committee on Indian Affairs issued a report depicting the administration of Indian Affairs as being "expensive, inefficient, and irresponsible." Although it is 160 years later, I share the concerns of my predecessor committee. This legislation is a first step toward making trust fund management more efficient and more responsible. I urge my colleagues to support it.

□ 1400

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4833, the Indian Trust Fund Management Act. I believe that I have made my views on this subject clear over the years that we have been holding hearings on the Department's mismanagement of Indian trust funds. Because of our busy schedule today, then, I will simply urge my colleagues to support this bill and I submit for the RECORD a copy of my statement before the Subcommittee on Environment, Energy and Natural Resources on September 26, 1994, on this same topic.

STATEMENT OF CONGRESSMAN CRAIG THOMAS BEFORE THE SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES, SEPTEMBER 26, 1994

I appreciate Chairman Synar enabling me to submit a statement this morning. As a member of the Committee on Government Operations, and as the ranking Republican on the Subcommittee on Native American Affairs, I am keenly interested in the issue

of Indian Trust Funds and the galling failure of the Department and the BIA to live up to their responsibilities. Unfortunately, previous commitments back in Wyoming prevent me from appearing in person today.

I have participated in a number of hearings over the last several years on this subject. We have had two hearings on trust fund management—or, more properly, mismanagement—in the Native American Affairs Subcommittee this Congress, and I was a member of Chairman Synar's subcommittee in the last Congress. Then, as now, I fully support efforts to untangle this mess.

Since the Government Operations Committee released its report, "Misplaced Trust: The Bureau of Indian Affairs' Mismanagement of the Indian Trust Fund", I have seen precious little change in this sad state of affairs. Instead, I have seen promised deadlines come and go; I have seen promises to reform go unfulfilled. Despite statements made in the early days of the Clinton administration, two years later neither the Department nor the BIA has brought us one step closer to resolving the trust fund problem. All we have seen is a continuation of the BIA's one unchallenged specialty: *inertia*.

We have seen the pattern repeated over and over. The Department and BIA promise to act, fail to, we are forced to introduce legislation to deal with the issue, and then when passage of the legislation seems imminent they come to us and ask for more time, quote, "because we're working on the problem, really we are," unquote, or they offer their own, watered-down, legislative proposal in the hope of heading ours off.

We have seen this happen with FAP and 638 reform, and with the trust fund issue we consider today. The gentleman from Oklahoma introduced his trust fund bill—H.R. 1846—on April 22, 1993. The BIA had until September 27—when my subcommittee held an oversight hearing focused on the bill—to fully review it and provide us with its comments on it. Instead, at that hearing the BIA provided only superficial comments and indicated in written testimony that it would, quote, "supplement [its] comments on a fuller report to be submitted in the future," unquote. In fact, Assistant Secretary Deer stated that the Bureau had reviewed both S. 925 and H.R. 1846, and would provide us with detail comments, quote, "in a matter of days," unquote.

Well, the subcommittee held a hearing on August 11, 1994, to consider both H.R. 1846 and H.R. 4833, *318* days after we were promised some action by the Bureau, later, and those promised comments had yet to arrive. Moreover, once Chairman Richardson introduced his bill and scheduled the August hearing, true to form the BIA suddenly had an alternative to the two bills.

Once again, in my opinion, they offered us far too little far too late. I urged the subcommittee to reject more delay and more stonewalling, to reject the BIA alternative, and move forward in the very near future with either of the bills. Last Friday I joined with Congressmen Richardson, Williams, and others in signing a letter to Chairman Miller of the Natural Resources Committee strongly urging him to take up one of the bills in full committee so that we can pass a bill out of the House this session.

I am sure that this morning we will hear more of the same excuses and promises, more requests to just give it a little more time, from the Department that we have been hearing for the last six years. But, Mr. Chairman, shame on us, shame on this Congress, if we delay any further.

The Department told us in August, and I am sure will repeat this morning, that they have everything under control. Well, Mr. Chairman, my response to that is an explicative which decorum prevents me from using here but which I will paraphrase: cow manure! I have read the GAO's September 1994 draft report (GAO/AIMD-94-185) on this subject, and would like to quote several of the passages from that agency's conclusion:

"[M]any of the [Department's] initiatives are in the early stages and a number of them will not be completed for several years. Further, the Secretary's 6-Point Trust Funds and Trust Asset Management Reform Plan, issued in June 1994, does *not* provide the comprehensive approach needed to address the full range of trust fund and asset management problems that Interior continues to face.

"A sustained commitment will be needed to carry through on needed improvements. In the past, Interior has not demonstrated the leadership or management commitment needed and many previous corrective action efforts have failed outright or resulted in only incremental improvements. Interior must comprehensively examine its mission and the way it does business to determine how and by whom Indian trust funds can best be managed * * *."

I couldn't have said it better myself.

Mr. Chairman, the Department needs to pull itself out of denial, pull itself out of its fantasy world, and come to grips with realty. It is clear that they are incapable of doing it themselves. I sincerely hope that we can do it for them, and will do everything I can to move a bill before Congress adjourns.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. SYNAR], the pioneer of this effort and one who deserves enormous praise for the work we have done. Because of nim we are here today.

Mr. SYNAR. Mr. Speaker, if ever the words, "It is the right thing to do," meant anything, they mean everything with respect to the legislation we consider today. It is very unfortunate that we stand here today and are forced to take this action to statutorily reform the Department of the Interior's management of the $2.1 billion trust fund for the tribes and individual Indians. But make no mistake. We must take this step because the Department itself refuses to adequately address the serious accounting and management problems which have plagued the trust fund program for decades.

Over the years, Congress, the General Accounting Office, the Interior Department's inspector general, and the President's Office of Management all have issued directives to the Department to develop a comprehensive plan for cleaning up this mess. In many cases, those directives have simply been ignored. At other times, the Department has responded with simplistic, isolated and often ill-conceived initiatives which, even taken together, will never solve the trust fund problems repeatedly found in three separate bureaus of the Department.

This legislation is the only way we are going to force the Department to give sustained high-level attention to this issue, and to develop the kind of comprehensive strategic plan that is essential to correcting these serious trust fund problems. And it is the only way Congress and the trust fund account holders will ever have assurance that the Secretary of the Interior is taking the steps necessary to meet his fiduciary obligations to those for whom we are holding these funds in trust.

H.R. 4833, as reported, would statutorily establish within the Department a special trustee who would be charged with developing, in close consultation with account holders, a comprehensive strategic plan for correcting the widespread management and accounting problems throughout the Department and with ensuring that those corrective actions are effectively carried out. The bill establishes an advisory board, composed of account holder representatives and persons with trust fund, investment and management expertise, to advise the trustee in carrying out his obligations. The legislation also includes key elements of legislation I previously introduced—H.R. 1846—to reform trust funds management. These include provisions which specify the Secretary's fiduciary duties to account holders, which facilitate greater tribal management of their trust funds, and which require the Secretary to invest and pay interest on individual Indian money trust funds, consistent with current law for tribal trust funds. Each of these provisions is vital.

Mr. Speaker, my Subcommittee on Environment, Energy and Natural Resources, has held five separate oversight hearings on this subject since 1989. Mr. RICHARDSON'S subcommittee has also held several hearings in the last two years. Regrettably, year after year we get the same worn-out response from the Interior Department. They tell us they're really on top of this now. They tell us they're really going to move on needed reforms now. Year after year, on and on with the same commitments. Year after year, those commitments are largely forgotten when the hearings are over.

I understand the Interior Department opposes this legislation. That is too bad; we have tried to work in good faith with the Department on correcting these problems and, failing that, on crafting an appropriate legislative measure. I want to assure my colleagues that the Department's vague last-minute arguments over the bill have no merit whatsoever. And, sadly, their promises of reform are no different, and no better, than those of their predecessors.

It is time for Congress to take matters into its own hands, and to require by statute that the Secretary and the Department do what needs to be done to fix these problems and meet the Government's trust responsibilities to the account holders.

H.R. 4833 is the right answer at the right time, and I ask my colleagues to support it.

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

Mr. Speaker, I would like to enter into a colloquy with the gentleman from Oklahoma [Mr. SYNAR], and he just said something that is manifestly clear. He has been working on the BIA to reform itself on this issue. We have in this subcommittee anywhere from self-governance issues to self-determination grants, and all we get from the Bureau of Indian Affairs is, "We need more time." The bureaucracy seems to get a stronger foothold, and in fact we have a commission that is looking at BIA operations, and, instead of issuing a report to the Congress on how the BIA should change, they have told us that they need another year of study.

Mr. Speaker, this is incredible, and I would like to ask my colleague to give us his parting words on the BIA issue. I know he will be very active in the future on native American affairs, but I wondered if the gentleman could educate this body on some of the problems that we have with the Bureau of Indian Affairs.

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

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

Mr. SYNAR. Well, very clearly, Mr. Speaker, the gentleman from New Mexico [Mr. RICHARDSON] summarized, I think, what all of us have faced over the years, and I say to my colleague,

> There is an understanding that, after the five sets of hearings which the gentleman from Wyoming and I held through our Committee on Environment, and Energy, and Natural Resources, and the two sets of hearings you have held under your jurisdiction, we have been unable to get the responsiveness that we need out of the BIA to perform the basic fiduciary responsibilities which we expect out of any trustee. If this was done in the Social Security system, my colleagues, we would have had a war.

The fact is that literally over 300,000 individual holders, over 300 tribes, literally cannot get a basic accounting of what is owed to them, and that is a disgrace for this Federal Government, and to continue to allow this to exist is an admission on our part that we cannot provide for the basic things that we need in our trustee responsibility. We have through the years, through the help of the gentleman from New Mexico, and the gentleman from Wyoming and others, tried to work with the BIA to get them to respond. It is very clear they will not, and this legislation gives us the only alternative which we do have, and without it we will continue to have the same problems with our tribes and individual account holders, that we cannot give them the basic accounting which they basically need for their funds.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. SYNAR].

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

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

Mr. McCANDLESS. Mr. Speaker, I appreciate the gentleman from New Mexico [Mr. RICHARDSON] yielding to me.

With respect to experience, if there is any need for anyone to have particular time, date, and place of problems, I have been involved with the BIA now for 12 years as a Member of Congress and almost 12 years prior to that at another level of government where I was involved with the same BIA in the same geographical locations. I would be happy to share with anyone in the committee, or anyone who is interested, my 24 years of experience, line item, with the BIA, and I appreciate this being brought before the body today.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman from California [Mr. McCANDLESS], and we appreciate his comments and his contributions to this effort now and, I know, in the future.

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

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

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4833, as amended.

The question was taken.

Mr. McCANDLESS. 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.

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

The point of no quorum is considered withdrawn.

FEDERALLY RECOGNIZED INDIAN TRIBE LIST ACT OF 1994

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4180) to prohibit the withdrawal of acknowledgement or recognition of an Indian tribe or Alaska Native group or of the leaders of an Indian tribe or Alaska Native group, absent an Act of Congress, as amended.

The Clerk read as follows:

H.R. 4180

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

TITLE I—WITHDRAWAL OF ACKNOWLEDGEMENT OR RECOGNITION

SEC. 101. SHORT TITLE.

This title may be cited as the "Federally Recognized Indian Tribe List Act of 1994".

SEC. 102. DEFINITIONS.

For the purposes of this title:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

(3) The term "list" means the list of recognized tribes published by the Secretary pursuant to section 104 of this title.

SEC. 103. FINDINGS.

The Congress finds that—

(1) the Constitution, as interpreted by Federal case law, invests Congress with plenary authority over Indian Affairs;

(2) ancillary to that authority, the United States has a trust responsibility to recognized Indian tribes, maintains a government-to-government relationship with those tribes, and recognizes the sovereignty of those tribes;

(3) Indian tribes presently may be recognized by Act of Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe;" or by a decision of a United States court;

(4) a tribe which has been recognized in one of these manners may not be terminated except by an Act of Congress;

(5) Congress has expressly repudiated the policy of terminating recognized Indian tribes, and has actively sought to restore recognition to tribes that previously have been terminated;

(6) the Secretary of the Interior is charged with the responsibility of keeping a list of all federally recognized tribes;

(7) the list published by the Secretary should be accurate, regularly updated, and regularly published, since it is used by the various departments and agencies of the United States to determine the eligibility of certain groups to receive services from the United States; and

(8) the list of federally recognized tribes which the Secretary publishes should reflect all of the federally recognized Indian tribes in the United States which are eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 104. PUBLICATION OF LIST OF RECOGNIZED TRIBES.

(a) PUBLICATION OF THE LIST.—The Secretary shall publish in the Federal Register a list of all Indian tribes which the Secretary recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(b) FREQUENCY OF PUBLICATION.—The list shall be published within 60 days of enactment of this Act, and annually on or before every January 30 thereafter.

TITLE II—CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

SEC. 201. SHORT TITLE.

This title may be cited as the "Tlingit and Haida Status Clarification Act".

SEC. 202. FINDINGS.

The Congress finds and declares that—

(1) the United States has acknowledged the Central Council of Tlingit and Haida Indian

Tribes of Alaska pursuant to the Act of June 19, 1935 (49 Stat. 388, as amended, commonly referred to as the "Jurisdiction Act"), as a federally recognized Indian tribe;

(2) on October 21, 1993, the Secretary of the Interior published a list of federally recognized Indian tribes pursuant to part 83 of title 25 of the Code of Federal Regulations which omitted the Central Council of Tlingit and Haida Indian Tribes of Alaska;

(3) the Secretary does not have the authority to terminate the federally recognized status of an Indian tribe as determined by Congress;

(4) the Secretary may not administratively diminish the privileges and immunities of federally recognized Indian tribes without the consent of Congress; and

(5) the Central Council of Tlingit and Haida Indian Tribes of Alaska continues to be a federally recognized Indian tribe.

SEC. 203. REAFFIRMATION OF TRIBAL STATUS.

The Congress reaffirms and acknowledges that the Central Council of Tlingit and Haida Indian Tribes of Alaska is a federally recognized Indian tribe.

SEC. 204. DISCLAIMER.

(a) IN GENERAL.—Nothing in this title shall be interpreted to diminish or interfere with the government-to-government relationship between the United States and other federally recognized Alaska Native tribes, nor to vest any power, authority, or jurisdiction in the Central Council of Tlingit and Haida Indian Tribes of Alaska over other federally recognized Alaska Native tribes.

(b) CONSTITUTION OF CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA.—Nothing in this title shall be construed as codifying the Constitution of the Central Council of the Tlingit and Haida Indian Tribes of Alaska into Federal law.

SEC. 205. PROHIBITION AGAINST DUPLICATIVE SERVICES.

Other federally recognized tribes in Southeast Alaska shall have precedence over the Central Council of Tlingit and Haida Indian Tribes of Alaska in the award of a Federal compact, contract or grant to the extent that their service population overlaps with that of the Central Council of Tlingit and Haida Indian tribes of Alaska. In no event shall dually enrolled members result in duplication of Federal service funding.

TITLE III—PASKENTA BAND OF NOMLAKI INDIANS OF CALIFORNIA

SEC. 301. SHORT TITLE.

This title may be cited as the "Paskenta Band Restoration Act".

SEC. 302. DEFINITIONS.

For purposes of this title:

(1) The term "Tribe" means the Paskenta Band of Nomlaki Indians of the Paskenta Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the governing body of the Tribe specified in section 307.

(4) The term "member" means an individual who meets the membership criteria under section 306(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe pursuant to section 305.

(7) The term "service area" means the counties of Tehama and Glenn, in the State of California.

SEC. 303. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe. Except as otherwise provided in this title, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this title shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671; 72 Stat. 619), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this title shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this title, nothing in this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 304. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than two years after the adoption of a tribal constitution as provided in section 308, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) RESTRICTIONS.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 305.

SEC. 305. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Tehama County, California, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes owned. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(b) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe and shall be part of the Tribe's reservation.

SEC. 306. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Within one year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) CRITERIA FOR MEMBERSHIP.—(1) Until a tribal constitution is adopted pursuant to section 308, an individual shall be placed on the membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, is of Nomlaki Indian ancestry, and if—

(A) such individual's name was listed on the Paskenta Indian Rancheria distribution roll compiled on February 26, 1959, by the Bureau of Indian Affairs and approved by the Secretary of the Interior on July 7, 1959, pursuant to Public Law 85-671;

(B) such individual was not listed on the Paskenta Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Paskenta Indian Rancheria list;

(C) such individual is identified as an Indian from Paskenta in any of the official or unofficial rolls of Indians prepared by the Bureau of Indian Affairs; or

(D) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a tribal constitution pursuant to section 308, such tribal constitution shall govern membership in the Tribe.

(c) CONCLUSIVE PROOF OF PASKENTA INDIAN ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing Paskenta Indian ancestry. The Secretary shall accept as conclusive evidence of Paskenta Indian ancestry, information contained in the census of the Indians in and near Paskenta, prepared by Special Indian Agent John J. Terrell, in any other roll or census of Paskenta Indians prepared by the Bureau of Indian Affairs, and in the Paskenta Indian Rancheria distribution list, compiled by the Bureau of Indian Affairs on February 26, 1959.

SEC. 307. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 308, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Tribal Council of the Tribe on the date of the enactment of this Act, and the Interim Council shall continue to operate in the manner prescribed for the Tribal Council under the tribal constitution adopted December 18, 1993. Any new members filling vacancies on the Interim Council shall meet the membership criteria set forth in section 306(b) and be elected in the same manner as are Tribal Council members under the tribal constitution adopted December 18, 1993.

SEC. 308. TRIBAL CONSTITUTION.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll under section 306(a) and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), except that absentee balloting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the

Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

SEC. 309. GENERAL PROVISION.

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4180 is a bill with three titles. The first title simply requires the Secretary of the Interior to promulgate an annual list of federally recognized Indian tribes. The second title restores the Central Council of Tlingit and Haida Indian Tribe to the list of federally acknowledged Indian tribes. The committee notes that the villages within the central council retain their autonomy under the committee amendment. Finally, the third title restores the Paskenta Bank of Nomlaki Indian of California. This tribe was terminated in 1958 and the BIA supports their restoration.

Mr. Speaker, this bill has bipartisan support and I urge my colleagues to support it.

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Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the sponsor of H.R. 4180 I rise to urge my colleagues to support it.

Title I would require the Secretary to publish an annual list of all the recognized tribes. Although departmental regulations presently require the same every 3 years, the Department does not adhere to those regulations; lists are published sporadically, or not at all.

This is problematic for several reasons. First, inclusion on the list is a prerequisite to receipt of the services provided to tribes by the BIA. Second, all other Federal agencies which deal with the tribes use the list to determine their service populations. Without a current or accurate list benefits can be held up, services withheld, and the status of tribal governments called into question.

Unfortunately, Mr. Speaker, this title falls far short of what I had envisioned. I had hoped that we could pass a bill that, in addition to the listing requirement, would forbid the Secretary from withdrawing recognition for an Indian tribe, especially since it appears that the BIA erroneously believes it has that authority. Sadly, although favored by the subcommittee, that substitute was unacceptable to the chairman of the full committee and was scuttled.

Mr. Speaker, I predict that our lack of action today will come back to haunt us. Although the findings section of the title makes clear that only Congress has the authority to derecognize a tribe, findings are not legally binding. Until we make the prohibition unequivocal and give it the force of law, we will continue to be faced with the prospect of the BIA usurping our authority.

Finally, Mr. Speaker, I fully support both the second and third titles providing for the restoration of recognition to the Grand Council of Tlingit-Haida Indians and the Paskenta Rancheria. The grand council was improperly removed from the BIA's list of recognized tribes—which in part prompted me to introduce H.R. 4180—and this could return them to the status quo ante. The Paskenta were subject to our ill-advised termination policies of the 1950's and will have their pre-1958 status restored.

Unlike bills such as H.R. 3605 and S. 282, I support these both because they are not recognition, but rather restoration, provisions. There is a clear legal distinction between recognition and restoration. Both these groups were previously unequivocally recognized by the Federal Government, but had that status terminated.

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

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

Mr. Speaker, let me also conclude by paying tribute to the gentleman from Wyoming [Mr. THOMAS], who has been a great fighter for native American tribes in his State and around the country. I feel good about the excellent work we have done together on our subcommittee. I know the entire membership of the subcommittee, majority and minority alike, appreciate the fairness which he and the staff have brought forth on all these issues, and I am pleased to acknowledge the great work the gentleman has done.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 4180, which also incorporates S. 1784, a bill to restore the Central Council of Tlingit and Haida Indian Tribes of Alaska to the Department of the Interior Bureau of Indian Affairs list of recognized tribes.

In order to provide a short history, on April 20, 1993, the Bureau of Indian Affairs published a new list of Indian entities recognized and eligible to receive services from the U.S. Bureau of Indian Affairs. Tlingit and Haida Central Council was not on the list, despite the fact that they have been recognized by Congress several times. After this list was published, S. 1784 was introduced by Senators MURKOWSKI and STEVENS on November 11, 1993, and adopted by unanimous consent on November 24, 1993. This is a good bill and would restore the Central Council of Tlingit and Haida Tribes to the list published by the Department of the Interior, Bureau of Indian Affairs. I urge my colleagues to support H.R. 4180 and support the restoration of Tlingit and Haida Central Council to the list recognizing all the tribes eligible for services for BIA. I thank the gentleman for allowing me to speak on behalf of the Tlingit and Haida Tribes of Alaska.

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

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

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4180, as amended.

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

The title of the bill was amended so as to read: "A bill to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes."

A motion to reconsider was laid on the table.

MINOR CROP PROTECTION ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 967), to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides, as amended.

The Clerk read as follows:

H.R. 967

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

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minor Crop Protection Act of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

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

Sec. 1. Short title; reference; table of contents.

TITLE I—MINOR CROP PROTECTION
Sec. 101. Minor crop protection.
TITLE II—PUBLIC HEALTH PESTICIDES
Sec. 201. Definitions.
Sec. 202. Registration.
Sec. 203. Reregistration.
Sec. 204. Cancellation.
Sec. 205. Views of the Secretary of Health and Human Services.
Sec. 206. Authority of Administrator.
Sec. 207. Identification of pests.
Sec. 208. Authorization of appropriations.
TITLE III—ANTIMICROBIAL PESTICIDES
Sec. 301. Antimicrobial pesticides.
Sec. 302. Pesticide labeling.
TITLE IV—EXPEDITED REVIEW OF CERTAIN PESTICIDE REGISTRATIONS
Sec. 401. Office of accelerated review.
Sec. 402. Expedited review of certain pesticide registrations.
Sec. 403. Conditional registration for certain pesticides.
Sec. 404. Integrated pest management.
Sec. 405. Resistance management.

TITLE I—MINOR CROP PROTECTION

SEC. 101. MINOR CROP PROTECTION.

(a) DEFINITION.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following:

"(hh) MINOR USE.—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health where—

"(1) the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant, the use does not provide sufficient economic incentive to support the initial registration or continuing registration of a pesticide for such use; and

"(2) the Administrator has not determined that, based on existing data, such use presents a risk of an unreasonable adverse effect on the environment.".

(b) EXCLUSIVE USE OF MINOR USE PESTICIDES.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following:

"(ii) The period of exclusive data use for data submitted to support the application for the original registration of a pesticide under clause (i) shall be granted an additional 3 years if, after the date of enactment of this clause, the Administrator approves at least 3 minor uses of the pesticide before the expiration of the period of exclusive use under this clause. Any additional exclusive use period under this clause shall terminate if the original data submitter voluntarily cancels all registrations of the pesticide containing such minor uses.".

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Subparagraph (B) of section 3(c)(2) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following:

"(vi) Upon the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support that minor use until the final deadline for submission of data under section 4 for the other uses of the pesticide if—

"(I) the data to support other uses of the pesticide are being provided;

"(II) the registrant, in submitting a request for such an extension, provides a schedule, including dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

"(III) the Administrator has determined that such extension will not significantly delay the Administrator's schedule for issuing a reregistration eligibility determination required under section 4; and

"(IV) the Administrator has determined in writing that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) regarding the continued registration of the minor use and shall inform the public of such action. If, during the extension period, the Administrator is furnished data which are sufficient to determine that an unreasonable adverse effect exists involving the minor use of the pesticide, the Administrator shall provide, in writing, to the registrant, a notice revoking the extension of time for submission of data. Such data shall instead be due within 30 days of receipt of such notice by the registrant. Nothing in this clause shall preclude the Administrator from proceeding in accordance with the provisions of section 6.".

(2) REREGISTRATION.—Sections 4(d)(4)(B), 4(e)(2)(B), and 4(f)(2)(B) (7 U.S.C. 136a-1(d)(4)(B), (e)(2)(B), and (f)(2)(B)) are each amended by adding at the end the following: "Upon the request of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subsection for data required solely to support that minor use until the final deadline for submission of data under section 4 for the other uses of the pesticide if—

"(i) the data to support other uses of the pesticide are being provided;

"(ii) the registrant, in submitting a request for such an extension provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

"(iii) the Administrator has determined that such extension will not significantly delay the Administrator's schedule for issuing a reregistration eligibility determination required under this section; and

"(iv) the Administrator has determined in writing that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment.

If the Administrator determines that the registrant is not meeting the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the minor use and shall inform the public of such action. If, during the extension period, the Administrator is furnished data which are sufficient to determine that an unreasonable adverse effect exists involving the minor use of the pesticide, the Administrator shall provide in writing, to the registrant, a notice revoking the extension of time for submission of data. Such data shall instead be due within 30 days of receipt of such notice by the registrant. Nothing in this subparagraph shall preclude the Administrator from proceeding in accordance with the provisions of section 6.".

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) by inserting "IN GENERAL" after "(A)", by inserting "ADDITIONAL DATA" after "(B)", and by inserting "SIMPLIFIED PROCEDURES" after "(C)", and

(2) by adding at the end the following:

"(E) MINOR USE WAIVER.—In handling the registration of a pesticide for a minor use, the Administrator may waive otherwise applicable data requirements if the Administrator determines that the absence of such data will not prevent the Administrator from determining—

"(i) the incremental risk presented by the minor use of the pesticide, and

"(ii) that such risk, if any, would not be an unreasonable adverse effect on the environment.".

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

(1) by inserting after "(A)" the following: "IN GENERAL.—,

(2) by inserting after "(B)" the following: "IDENTICAL OR SUBSTANTIALLY SIMILAR".—, and

(3) by adding at the end the following:

"(C) MINOR USE REGISTRATION.—

"(i) The Administrator shall, as expeditiously as possible, review and act on any application (I) that proposes the initial registration of a new pesticide active ingredient if the active ingredient is proposed to be registered solely for minor uses or for non-minor uses and significant minor uses, or (II) for a registration or a registration amendment that proposes a new minor use.

"(ii) For the purposes of clause (i)—

"(I) the term 'as expeditiously as possible' means that the Administrator shall complete a review and evaluation of all data submitted with the application, to the greatest extent practicable, no later than 6 months after the submission of the application, and

"(II) the term 'significant minor uses' means 3 or more minor uses proposed for every non-minor use, a minor use that would, in the judgment of the Administrator, serve as a replacement for any use which has been canceled in the 5 years preceding the receipt of the application, or a minor use that in the opinion of the Administrator would avoid the reissuance of an emergency exemption under section 18 for that minor use.

"(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If a registrant makes a good faith request for a minor use waiver regarding data required by the Administrator pursuant to paragraph (2)(B), and if the Administrator denies in whole or in part such data waiver request, the registrant shall have a full time period for providing such data. Such full time period extension shall not be available if the Administrator determines that the data waiver request was not made in good faith. Any determination by the Administrator that a data waiver request was not submitted in good faith shall be made in writing to the registrant and shall be subject to judicial review under the procedures prescribed by section 16(b).".

(f) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) Sections 4(d)(6) and 4(f)(3) (7 U.S.C. 136a-1(d)(6) and (f)(3)) are each amended by adding at the end the following: "If the registrant is not supporting a specific minor use of the pesticide, but is supporting and providing data in a timely fashion to support other food uses the Administrator, at the written request of the registrant, shall not take any action pursuant to this paragraph

in regard to such unsupported minor use until the final deadline for the submission of data under section 4 for the supported uses under this paragraph. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration. Notwithstanding the provisions of this paragraph, the Administrator may take action to cancel or suspend such minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment.".

(B) Section 4(e)(3)(A) (7 U.S.C. 136a-1(e)(3)(A)) is amended by adding at the end the following: "If the registrant is not supporting a specific minor use of the pesticide, but is supporting and providing data in a timely fashion to support other food uses, the Administrator, at the written request of the registrant, shall not take any action pursuant to this subparagraph in regard to such unsupported minor use until the final deadline for the submission of data for the supported uses under this subparagraph. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration. Notwithstanding the provisions of this subparagraph, the Administrator may take action to cancel or suspend such minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment .".

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c), is further amended by adding at the end the following:

"(vii) If the registrant is not supporting a specific minor use of the pesticide, but is supporting and providing data in a timely fashion to support other food uses, the Administrator, at the written request of the registrant, shall not take any action pursuant to this subparagraph in regard to such unsupported minor use until the final deadline for the submission of data under section 4 for the supported uses under this paragraph. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration. Notwithstanding the provisions of this subparagraph, the Administrator may take action to cancel or suspend such minor use, pursuant to section 6, if the Administrator determines that the continuation of the minor use would violate the criteria contained in section 6.".

(g) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d) is amended by adding at the end the following:

"(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—When an application is filed with the Administrator for the registration of a pesticide for a minor use not later than 2 years after another registrant voluntarily cancels its registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place for purposes of the use of data from such registration, except that the Administrator may not take such action if the Administrator has evidence that such minor use presents a risk of an unreasonable adverse effect on the environment.".

(h) ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 121 et seq.) is amended by redesignating sections 30 and 31 as sections 32 and 33, respectively and adding after section 29 the following:

"SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.

"The Environmental Protection Agency shall assure coordination of minor use issues through the establishment of a minor use program within the Office of Pesticide Programs. Such office shall be responsible for coordinating the development of minor use programs and policies, consulting with growers regarding minor use issues and registrations, and tracking and expediting minor use registrations and amendments which are submitted to the Environmental Protection Agency.".

(i) DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 121 et seq.), as amended by subsection (h), is amended by adding at the end the following:

"SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

"(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this section referred to as the 'Secretary') shall ensure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

"(1) carrying out the Inter-Regional Research Project Number 4 (IR-4) as described in section 2(e) of the Act entitled 'An Act to facilitate the work of the Department of Agriculture, and for other purposes' (7 U.S.C. 4501(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

"(2) supporting integrated pest management research;

"(3) consulting with growers to develop data for minor uses; and

"(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

"(b) MATCHING FUND PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish a minor use matching fund program. The matching fund program shall be utilized to ensure the continued availability of minor use crop protection chemicals, including the development of data to support minor use pesticide registrations and reregistrations. Access to the matching fund program shall be available to any entity which desires to develop data to support minor use registrations. Access to the fund shall be given only those entities that do not directly receive funds from the sale of products registered on minor uses. Any entity that seeks such funding under this paragraph shall be required to match such funds with an equal amount of its own funds. Any data developed through the matching fund program shall be jointly owned by the Department of Agriculture and by the entity that receives such funding. All fees received by the Department of Agriculture in return for the use of such data under the matching fund program shall be returned to a revolving fund which will support the matching fund program.

"(2) AUTHORIZATION.— There is authorized to be appropriated for the revolving fund for the matching fund program an annual sum not to exceed $10,000,000.".

TITLE II—PUBLIC HEALTH PESTICIDES

SEC. 201. DEFINITIONS.

(a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C. 136(bb)) is amended by adding at the end the following: "The Administrator shall consider the risks and benefits of public health pesticides separate from the risks and benefits of other pesticides. In weighing any regulatory action concerning a public health pesticide under this Act, the Administrator shall weigh any risks of the pesticide against the health risks such as the diseases transmitted by the vector to be controlled by the pesticide.".

(b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136), as amended by section 101, is amended by adding at the end the following:

"(ii) PUBLIC HEALTH PESTICIDE.—The term 'public health pesticide' means any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health.

"(jj) VECTOR.—The term 'vector' means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mites, or rats.".

SEC. 202. REGISTRATION.

Section 3(c)(2)(A) (7 U.S.C 136a(c)(2)(A)) is amended—

(1) by inserting after "pattern of use," the following: "the public health and agricultural need for such minor use,", and

(2) by striking out "potential exposure of man and the environment to the pesticide" and inserting in lieu thereof "potential beneficial or adverse effects on man and the environment".

SEC. 203. REREGISTRATION.

Section 4 (7 U.S.C. 136a-1) is amended—

(1) in subsection (i)(4), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively and by adding after subparagraph (A) the following:

"(B) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.";

(2) in subsection (i)(5), by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by adding after subparagraph (E) the following:

"(F) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.";

(3) in subsection (i)(7)(B), by striking out "or to determine" and inserting in lieu thereof ", to determine" and by inserting before the period the following: ", or to determine the volume usage for public health pesticides"; and

(4) in subsection (k)(3)(A), by striking out "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting in lieu thereof "; or", and by inserting after clause (ii) the following:

"(iii) proposes the initial or amended registration of an end use pesticide that, if registered as proposed, would be used for a public health pesticide.".

SEC. 204. CANCELLATION.

Section 6(b) is amended by striking out "or" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding after paragraph (2) the following:

"(3) if a pesticide is registered or proposed for registration for public health uses, to send the notice specified in this subsection to the Secretary of Health and Human Services for review.

The Secretary of Health and Human Services shall comment under this subsection in accordance with the procedures followed and subject to the same conditions as comments by the Secretary of Agriculture in the case of agricultural pesticides.".

SEC. 205. VIEWS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Section 21 (7 U.S.C. 136s) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding after subsection (a) the following:

"(b) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Administrator, before publishing regulations under this Act for any public health pesticide, shall solicit the views of the Secretary of Health and Human Services in the same manner as the views of the Secretary of Agriculture are solicited under section 25(a).".

SEC. 206. AUTHORITY OF ADMINISTRATOR.

Section 25(a)(1) (7 U.S.C 136w(a)(1)) is amended—

(1) by inserting after "various classes of pesticides" the following: ", including public health pesticides,", and

(2) by striking out "and nonagricultural pesticides" and inserting in lieu thereof ", nonagricultural, and public health pesticides".

SEC. 207. IDENTIFICATION OF PESTS.

Section 28 (7 U.S.C. 136w-3) is amended by adding at the end the following:

"(d) PUBLIC HEALTH PESTS.—The Administrator, in coordination with the Secretary of Health and Human Services, shall identify pests of significant public health importance and, in coordination with the Public Health Service, develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance.".

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the purposes of this title $12,000,000 for fiscal year 1995 and such sums as may be necessary for succeeding fiscal years.

TITLE III—ANTIMICROBIAL PESTICIDES

SEC. 301. ANTIMICROBIAL PESTICIDES.

(a) DEFINITIONS.—Section 2 (7 U.S.C. 136), as amended by sections 101 and 201, is amended by adding at the end the following:

"(kk) ANTIMICROBIAL PESTICIDE.—The term 'antimicrobial pesticide' means a pesticide which—

"(1) is intended to sterilize, disinfect, sanitize, mitigate growth and development, or protect inanimate objects, industrial processes or systems, surfaces, or chemical substances from contamination, degradation, fouling, inefficiency, or deterioration caused by microbiological organisms (including bacteria, viruses, fungi, algae, or composite slime); and

"(2) in the intended use is exempt from, or otherwise not subject to, a tolerance under sections 408 or 409 of the Federal Food, Drug, and Cosmetic Act.".

(b) REQUIREMENTS FOR REGISTRATION.—Section 3 (7 U.S.C. 136a) is amended by adding at the end the following:

"(g) REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.—Within 1 year of the date of the enactment of the Minor Crop Protection Act of 1994, the Administrator shall propose regulations establishing requirements for the registration of antimicrobial pesticides, including guidelines specifying the information and data required for registration. Such guidelines shall provide applicants for registration with information sufficient to determine each scientific study that must be submitted as part of a registration application, specify required methods for data developed or submitted in support of a registration, and describe registration application format requirements and any objective criteria for evaluating the completeness of the application.

"(h) STUDY OF ANTIMICROBIAL REGISTRATION PROCEDURES.—Not later than 2 years after the date of the enactment of this subsection, the Administrator shall prepare a report for Congress that evaluates the process for registering antimicrobial pesticides. The Administrator shall submit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The report shall include the following:

"(1) An evaluation of different ways to accelerate the review of pesticides which meet the criteria of paragraph (3)(B)(i) and an estimate of the resources the Administrator would need to implement such changes.

"(2) An estimate of the resources needed to make a decision—

"(A) within 90 days of receipt of an application to register a pesticide that meets the criteria of paragraph (3)(B)(i), whether to approve the application;

"(B) within 300 days of receipt of an application to register an antimicrobial pesticide that contains a new active ingredient, whether to approve the application;

"(C) within 200 days of receipt of an application to add a new use to the registration of an antimicrobial pesticide, whether to approve the application.

"(3) A calculation of the amount of fees paid under section 4(i)(5) that are paid for antimicrobial pesticides.

"(4) A calculation of the amount of appropriated funds involving the registration and reregistration of antimicrobial pesticides.".

SEC. 302. PESTICIDE LABELING.

For pesticides that are or may be diluted for use, the label or labeling required under the Federal Insecticide, Fungicide, and Rodenticide Act may have a different statement of caution or protective measures for use of recommended diluted solutions of the pesticide than for use of concentrates of the pesticide. Such a precautionary statement shall provide adequate protection for exposure to the dilute solution of the pesticide.

TITLE IV—EXPEDITED REVIEW OF CERTAIN PESTICIDE REGISTRATIONS

SEC. 401. OFFICE OF ACCELERATED REVIEW.

The Administrator shall establish within the Office of Pesticide Programs an office to oversee and expedite the evaluation of applications for the registration of pesticides that meet the criteria of paragraph (9) of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.

SEC. 402. EXPEDITED REVIEW OF CERTAIN PESTICIDE REGISTRATIONS.

Section 3(c) (7 U.S.C. 136a(c)) is amended—

(1) in paragraph (1) by adding at the end the following:

"(G) If the applicant is requesting the expedited registration, or amendment to the registration, of a pesticide, an explanation of the basis for the request, in accordance with paragraph (9) of this subsection."; and

(2) by adding at the end the following:

"(9) EXPEDITED REGISTRATION OF CERTAIN PESTICIDES.—

"(A)(i) Not later than 1 year after the date of the enactment of this paragraph and after opportunity for public comment, the Administrator shall develop regulations and guidelines for the expedited review of applications for the registration of pesticides that meet the criteria of this subparagraph.

"(ii) The Administrator shall expedite the review of an application for registration of a pesticide or an amendment to a registration that satisfies the guidelines developed under this subparagraph. Biological pesticides will be presumed to qualify for expedited review under this paragraph. In developing guidelines for the expedited review of a pesticide under this paragraph, the Administrator shall consider the extent to which a pesticide may reasonably be expected to—

"(I) reduce the risks of pesticides to human health;

"(II) exhibit a high degree of specificity for the target pest and pose a low risk for nontarget organisms;

"(III) facilitate the management of pests while conserving existing natural controls; or

"(IV) minimize the potential for ground water or surface water contamination, or other valued environmental resources.

"(B)(i) The Administrator, not later than 30 days after receipt of an application for expedited review, shall notify the applicant whether the application is complete. If it is found to be incomplete, the Administrator shall reject the request for an expedited review.

"(ii) If the application is complete, the Administrator shall notify the applicant whether the application qualifies for expedited review within 60 days.

"(iii) If an application for registration or an amendment qualifies for expedited review under this paragraph, the Administrator shall, not later than 6 months after accepting such application, notify the registrant if the application has been granted or denied. If the application is denied, the Administrator shall comply with the procedure under section 3(c)(6).

"(C) If at any time after the expedited registration of a pesticide, the registrant has additional information bearing on the pesticide's ability to meet the guidelines established under subparagraph (A), the registrant shall immediately submit a report containing such information to the Administrator.".

SEC. 403. CONDITIONAL REGISTRATION FOR CERTAIN PESTICIDES.

Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended by adding at the end the following:

"(D)(i) The Administrator may conditionally register or amend the registration of a pesticide that meets the criteria of paragraph (9) if—

"(I) the applicant agrees to generate any additional data that the Administrator deems appropriate to evaluate the pesticide; and

"(II) the applicant agrees to submit periodic reports as the Administrator may require.

A conditional registration under this subparagraph shall be granted only if the Administrator determines, based on available information, that use of the pesticide during such period will not cause any unreasonable adverse effect on the environment and that use of the pesticide is in the public interest.

"(ii) If at any time after a conditional registration is approved under this subparagraph, and before a complete set of data has been submitted in support of the registration, the Administrator determines that a pesticide does not meet the criteria specified in clause (i), the Administrator may by order suspend the registration until such time as the registrant demonstrates that the criteria for conditional registration are met. Such order shall be sent to the registrant and published in the Federal Register. The order shall include the bases for suspension together with a description of the types of information the Administrator believes must be submitted to determine whether the pesticide meets the criteria for conditional registration.

"(iii) A registrant, or any other interested person with the concurrence of the registrant, may, within 30 days of publication of the suspension order in the Federal Register, petition the Administrator to reconsider the issuance of the suspension order. A petitioner must include in the petition specific bases supporting the petition. The Administrator shall, within 90 days of receipt of the last of such petitions, issue an order granting or denying petitions timely received. Such order shall be sent to the petitioner and published in the Federal Register, and shall include the factual and legal bases for the Administrator's determination of the petition.

"(iv) If the Administrator receives information or a petition with respect to any adverse effects of a pesticide for which a conditional registration has been granted under this subparagraph, the Administrator may refer the matter to a Scientific Advisory Panel for review.".

SEC. 404. INTEGRATED PEST MANAGEMENT.

(a) INTEGRATED PEST MANAGEMENT PROJECTS.—The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency, shall encourage integrated pest management projects to be organized around specific pests and specific environmental problems faced by growers and others in partnership with scientists from local research organizations, including land-grant or other universities and the Department, or growers, and funded by a competitive, peer review grants program.

(b) GOALS AND OBJECTIVES.—The goals and objectives of integrated pest management projects shall be area-specific and commodity or crop-specific in manner that allows the projects to be qualitatively and quantitatively evaluated. The Environmental Protection Agency and the Department of Agriculture shall evaluate the implementation and effectiveness of integrated pest management projects based on the following criteria:

(1) Risks to growers from crop losses and drastic yield variations.

(2) Effectiveness of the utilization of alternative pesticides, including resistant hosts, biological control agents, and cultural controls.

(3) Use of practices that avoid or minimize the development of genetic resistance in pests to chemicals or other tactics used to control them.

SEC. 405. RESISTANCE MANAGEMENT.

Section 3(c) (7 U.S.C. 136a(c)), as amended by section 402, is amended by adding at the end the following:

"(10) EVIDENCE OF PEST RESISTANCE.—If the Secretary of Agriculture, in consultation with the Administrator, determines that pest resistance to a pesticide is detected and is likely to diminish the efficacy of the product or threatens to accelerate the evolution of resistance to other registrations of the same or similar products, the Administrator shall require the applicant or registrant to—

"(A) develop a plan to minimize the potential for development of resistance that includes amended labeling directions for resistance strategies; and

"(B) conduct monitoring and submit reports as the Administrator may deem necessary to evaluate the effectiveness of the resistance plan.

The plan developed under subparagraph (A) should also address the potential for resistance development in other geographical areas of the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many of us on the Committee on Agriculture had hoped we could bring to the House this year a major and much-needed rewrite of FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act. And we had hoped that this could be done in conjunction with a rewrite of the pesticide-related areas of the FFDCA, the Federal Food, Drug and Cosmetic Act. Unfortunately, that has not happened for multiplicity of reasons.

That is why we now bring to the floor H.R. 967. The Minor Use Pesticides Act seeks to address one of the few—if not only area of pesticide policy on which there is consensus—and that is the need to provide some Federal regulatory relief for users of so-called minor use pesticides and incentives for development of improved pesticides.

Minor use pesticides are those pesticides which are primarily used in controlling pests associated with the production of our Nation's smaller acreage crops, such as fruits, vegetables, nuts and ornamental plants. While small in acreage, this is a vital and vibrant segment of our Nation's agricultural economy. And, of course, its production constitutes a vital and necessary part of health human diet.

The research and development of any pesticide, coupled with the health and safety data needed to register a pesticide with EPA for commercial use, is very expensive these days.

Because of that rising cost and the relatively small volume of sales involved, some chemical manufacturers have allowed or announced their intentions to allow the voluntary cancellation of registered minor uses for certain pesticides.

Minor use pesticides are vital to agricultural production in all 50 States. There is a consensus on our committee on the need to encourage chemical manufacturers to maintain current minor use registrations as well as label the next generation of improved products for minor crops.

H.R. 967, in a very limited way, seeks to provide farmers and public health agencies with continued access to these important tools in ways that do not compromise human health or environmental quality. The bill has basically four elements:

First, it creates several incentives for chemical manufacturers to maintain existing minor use registrations and apply for new registrations as new generations of pesticides are developed. These incentives include:

An additional 3 years of exclusive use of data;

A time extension for submission of certain data;

Waiver of certain data requirements as long as the absence of this data does not prevent a determination of the pesticide's risk; and

Expedited review by EPA of new minor use registrations.

Second, H.R. 967 seeks to ensure the availability of pesticides used to protect public health. The bill provides for a separate analysis for public health pesticides that takes into account the risks of potential disease that are controlled by the use of the pesticides. This provision is taken from H.R. 1867, the Public Health Pesticides Protection Act, that was introduced by our colleague from California, Representative DOOLEY.

Third, H.R. 967 provides additional guidance to EPA in the area of antimicrobial pesticide regulation and the registration process for antimicrobial pesticides. These are the products used in household, hospital, and institutional cleaning.

Fourth, the bill establishes an expedited review procedure for pesticides that meet certain criteria which reflect a reduced risk to man and the environment. The bill also promotes cooperation between EPA and USDA in the area of integrated pest management.

Mr. Speaker, this is a bare bones bill that address only the items that I have outlined. The bill does not address any of the other controversial areas of FIFRA that have prevented us from moving a more comprehensive bill. This legislation offers the House the opportunity to solve at least one small part of the overall pesticides policy dilemma in a manner that is agreeable to all parties. I strongly urge the House to pass this bill.

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

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

Mr. Speaker, I rise in support of this bill, and I want to commend my chairman for his leadership in authoring this legislation to address a serious problem for farmers. Though we all refer to a minor use pesticide problem, it is a major crisis for hundreds of thousands of agricultural producers around the country.

The issue arises as an unintended side effect of EPA's reregistration of crop protective chemicals. The very expensive laboratory testing required by this process has caused manufacturers to voluntarily withdraw thousands of chemical formulations that were used to control pests on smaller crops. Since smaller crops in this context means most fruits and vegetables, many producers face the prospect of having no way to control pests that could devastate their crops. Consumers also are at risk because preventable insect and disease damage means significantly higher prices for apples and lettuce at the grocery store.

This bill attempts to alleviate the problem by providing economic incentives for manufacturers to invest the necessary money to register chemicals for minor uses. We should emphasize that this bill in no way diminishes the safety standards that EPA imposes on pesticides. It merely attempts to address the economic barriers that have resulted from the reregistration process.

This is a serious and difficult problem for both farmers and consumers, and we believe that Chairman DE LA GARZA's bill is an important first step in resolving it. There are many other pesticide issues outstanding, including modernizing the Delaney clause and streamlining the pesticide cancellation process. I hope that next year Congress can move legislation on these larger issues. But for today, I urge my colleagues to support H.R. 967.

□ 1420

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

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I unfortunately have to rise to oppose this legislation. The bill should not be on the suspension calendar because it is quite controversial. It was just reported out by the Committee on Agriculture last Friday, and it is now on the suspension calendar. But it is, as I understand it, a controversial piece of legislation, because it authorizes the continued use of potentially dangerous pesticides on the food that the public will eat, and may be especially harmful to children.

In 1988, Congress passed legislation requiring EPA to review the health and safety of pesticides used on food. The legislation requires the pesticide manufacturers to submit health and safety data to EPA demonstrating the safety of the pesticide. If the data is not submitted, eventually the permission to use the pesticide may be withdrawn. In fact, it must be withdrawn.

This bill carves a big loophole in that statutory scheme. It allows the pesticide for so-called minor use to remain on the market beyond the statutory deadline set by law in 1988.

Minor uses are not so minor. They include products such as tomatoes and lettuce and many fruits and vegetables, and under this bill pesticides could be used for these products for years after these uses should be prohibited. Fruits and vegetables are the foods that kids eat the most.

H.R. 967 provides that the manufacturers do not have to prove these pesticides to be safe. Instead, if the bill passes, the Congress will be unilaterally authorizing the continued use of these pesticides without the health or safety data.

Now, the National Academy of Sciences last year found that children are not being protected from pesticides in the food. They are susceptible particularly to some of these pesticides that may be in the food, and I fear this bill would make the situation worse by allowing the continued use of pesticides that have not been proven safe.

Mr. Speaker, I do not believe that this legislation has been fully considered, and for that reason I would urge opposition to it.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise in opposition to the legislation.

Mr. Speaker, I am concerned about the approach being taken here today for two reasons: First, Congress is ducking its responsibility to address a complex issue of great importance to the American public—food safety—in a comprehensive manner; and second, by extending the life of old technologies destined to be removed from the market anyway because they are minor use, we are ignoring the findings of the National Academy of Sciences that use of such pesticides may be putting our kids at greater health risks.

Let me give you a couple of facts. Fruits and vegetables are categorized as minor crops by USDA. Children eat a lot of fruits and vegetables, and according to the 1993 National Academy of Sciences report, current pesticide tolerances are not safe enough for children. The pesticides at issue in this bill are admittedly dinosaurs. There is nothing in this bill to encourage development of newer, safer pesticides or—God forbid—to encourage farmers to decrease their use of dangerous pesticides.

Food safety issues are also the jurisdiction of the Energy and Commerce Committee, which has not had a chance to weigh in on this bill. The concerns of farmers who apply these pesticides should be addressed simultaneously with the concerns of the American public over unreasonable levels of dangerous pesticides in our children's food. I urge my colleagues to oppose addressing this bill on suspension.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentleman from California [Mr. WAXMAN] has read a statement that I would disagree with. This bill does not change criteria for safety and for risk. I quote from where I read before:

> Waiver of certain data requirements, as long as the absence of this data does not prevent a determination of the pesticide's risk.

Just an expedited review. And this thing about children and amounts, that is in another area. That is the FIFRA. That is in the full pesticide area. We were very careful to see that we did not do any of that. All we are trying to do is say that these chemicals that are used, which EPA will not allow them to be used unless they are safe, to animals, to people, and the ecosystem. All of that has been done.

What is happening is because of the delay, because of the cost, nothing to do with data, nothing to do with safety, the companies were not manufacturing or were trying to stop manufacturing these items.

If the gentleman wants to stop manufacturing, that is another area. That has nothing to do with this. This is trying to have healthy people eating clean and safe food, and nothing to do with children, nothing to do with grownups, nothing to do with the areas, the gray areas, that people speak negatively about chemicals.

So I would hope that the Members understand that and support this bill.

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

Mr. DE LA GARZA. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, I thank the chairman for yielding, and wish to associate myself with his remarks.

Mr. Speaker, I regret the chairman of the Subcommittee on Health and the Environment of the Committee on Energy and Commerce has raised this concern. I do not think it is a real concern.

As the chairman has indicated, this bill deals with economic incentives. We are not lowering standards. Nothing in the bill even refers to that.

Let me point out to the gentleman and to my colleagues that on page 8 of the bill, specifically, if the Administrator determines that the registrant is not meeting the schedule for the production of such data, the Administrator may proceed in accordance with the appropriate section regarding the continued registration of the minor use and shall inform the public of such action. If during the extension period the

Administrator has been furnished data which is sufficient to determine that an unreasonable adverse effect exists involving a minor use of a pesticide, the Administrator shall provide in writing to the registrant a notice of revoking the extension of time for submission of the data.

There is a time limit of 30 days. We stress that this is not a safety concern, this is an economic incentive, so we can continue the production of fresh fruit and vegetables. That is all it is. Next year, when we get to the Delaney clause and FIFRA and streamlining the cancellation process, we will be happy to work with the chairman of the subcommittee, and we look forward to doing that. But this bill is simply not what the chairman has indicated.

Mr. DE LA GARZA. Mr. Speaker, let me add further that this bill seeks to ensure the availability of pesticide use to protect public health. It takes into account the risks of potential diseases that are controlled by the use of pesticides. We could be overrun by plagues of every kind, and some of these chemicals are used to do that. This bill takes that from another bill.

So I wanted to assure my colleague, the gentleman from California [Mr. WAXMAN] that we have as cautiously, as studiously, and as positively as we can, tried to protect all of the areas he is interested in, that we are interested in. That has nothing to do with the areas he mentioned with the National Academy of Science. All this is, is a few items of incentives to the companies to continue to manufacture these items that are needed.

We are the best fed people in the history of the world for the least amount of disposable income per family, and we want to keep it that way. We are the healthiest people in the world also.

I am a little frustrated that they would say that we in the Committee on Agriculture, with out best intentions, are not looking at the public health. That is not so.

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

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, as I understand the law, the manufacturers of pesticides for major uses and minor uses have to submit data so it can be reviewed to determine whether these pesticides are a health problem. As I understand this legislation, and I have not had a full opportunity to look at it because it just got out of the committee Friday, it is on the floor here on Monday.

□ 1430

As I understand it, it would give additional time for some of these manufacturers to submit this data. It also gives them no incentive to submit the data if they do not have to do it under the deadlines and under the expectations of the existing 1988 law. That is disturbing to me, because if we do not have this data, the determination as to whether there is a health problem cannot be made.

Meanwhile, the pesticide would stay on the market. I appreciate the gentleman feels very strongly otherwise. I understand his concern, but I hope he understands our concern.

We have been hearing from environmental groups all day that this bill is on suspension. They do not feel it ought to be on suspension. They do not feel it is a bill that ought to be padded as if it were a noncontroversial bill.

I still have to express these concerns.

Mr. DE LA GARZA. Mr. Speaker, reclaiming my time, I have not given the gentleman time that he could have as much as he needed.

Mr. Speaker, we do not change that part. They started calling today. Somebody may not like this bill. We have had hearings. We have been debating this. I have been saying my views for 1 year, 2 years, basically.

This was the most expeditious way.

But I want to ensure the gentleman, FIFRA legislation will come, hopefully next session. We will have ample debate. In the meantime, I can assure the gentleman and I assure my colleague and the general public that this in no way is intended to be negative to public health, to be negative to anyone.

If they do not understand it, OK. I can understand that. If they feel that we have moved too fast, this is the time that we are caught in the web here. But there is no intention in any way whatsoever to go around the FIFRA, to go around the National Academy of Sciences, to go around anywhere.

What we do here, I stand behind it, that it is for the public health, that it is for the benefit of the producers of America without any intention at all to go around the basic legislation that the gentleman will have an opportunity to work with us in the next session. And hopefully, we will do so as he has always done.

We agree in our intention. We are not on opposite ends. We agree. His desire and my desire are identical. We may go about it in a different way. We may have different constituencies. But the desire and the end result are the same.

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

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 967, as amended.

The question was taken.

Mr. WAXMAN. 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. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GOVERNMENT MANAGEMENT REFORM ACT OF 1994

Mr. SYNAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2170) to provide a more effective, efficient, and responsive Government.

The Clerk read as follows:

S. 2170

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Management Reform Act of 1994".

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

Sec. 1. Short title and table of contents.

TITLE I—LIMITATION ON PAY

Sec. 101. Limitation on certain annual pay adjustments.

TITLE II—HUMAN RESOURCE MANAGEMENT

Sec. 201. SES annual leave accumulation.

TITLE III—STREAMLINING MANAGEMENT CONTROL

Sec. 301. Authority to increase efficiency in reporting to Congress.

TITLE IV—FINANCIAL MANAGEMENT

Sec. 401. Short title.
Sec. 402. Electronic payments.
Sec. 403. Franchise fund pilot programs.
Sec. 404. Simplification of management reporting process.
Sec. 405. Annual financial reports.

TITLE I—LIMITATION ON PAY

SEC. 101. LIMITATION ON CERTAIN ANNUAL PAY ADJUSTMENTS.

Effective as of December 31, 1994—

(1) section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended—

(A) by striking out "(2) Effective" and inserting in lieu thereof "(2)(A) Subject to subparagraph (B), effective"; and

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

"(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year (before rounding), in any rate of pay, exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule.";

(2) section 104 of title 3, United States Code, is amended—

(A) in the first sentence by inserting "(a)" before "The";

(B) in the second sentence by striking out "Effective" and inserting in lieu thereof "Subject to subsection (b), effective"; and

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

"(b) In no event shall the percentage adjustment taking effect under the second and third sentences of subsection (a) in any calendar year (before rounding) exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in

the rates of pay under the General Schedule.";

(3) section 5318 of title 5, United States Code, is amended—

(A) in the first sentence by striking out "Effective" and inserting in lieu thereof "(a) Subject to subsection (b), effective"; and

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

"(b) In no event shall the percentage adjustment taking effect under subsection (a) in any calendar year (before rounding), in any rate of pay, exceed the percentage adjustment taking effect in such calendar year under section 5303 in the rates of pay under the General Schedule."; and

(4) section 461(a) of title 28, United States Code, is amended—

(A) by striking out "(a) Effective" and inserting in lieu thereof "(a)(1) Subject to paragraph (2), effective"; and

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

"(2) In no event shall the percentage adjustment taking effect under paragraph (1) in any calendar year (before rounding), in any salary rate, exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule.".

TITLE II—HUMAN RESOURCE MANAGEMENT

SEC. 201. SES ANNUAL LEAVE ACCUMULATION.

(a) IN GENERAL.—Effective on the first day of the first applicable pay period beginning after the date of the enactment of this Act, subsection (f) of section 6304 of title 5, United States Code, is amended to read as follows:

"(f)(1) This subsection applies with respect to annual leave accrued by an individual while serving in a position in—

"(A) the Senior Executive Service;

"(B) the Senior Foreign Service;

"(C) the Defense Intelligence Senior Executive Service;

"(D) the Senior Cryptologic Executive Service; or

"(E) the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

"(2) For purposes of applying any limitation on accumulation under this section with respect to any annual leave described in paragraph (1)—

"(A) '30 days' in subsection (a) shall be deemed to read '90 days'; and

"(B) '45 days' in subsection (b) shall be deemed to read '90 days'.".

(b) USE OF EXCESS LEAVE.—Notwithstanding the amendment made by subsection (a), in the case of an employee who, on the effective date of subsection (a), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304 (determined applying the amendment made by subsection (a)), such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.

TITLE III—STREAMLINING MANAGEMENT CONTROL

SEC. 301. AUTHORITY TO INCREASE EFFICIENCY IN REPORTING TO CONGRESS.

(a) PURPOSE.—The purpose of this title is to improve the efficiency of executive branch performance in implementing statutory requirements for reports to Congress and committees of Congress such as the elimination or consolidation of duplicative or obsolete reporting requirements and adjustments to deadlines that shall provide for more efficient workload distribution or improve the quality of reports.

(b) AUTHORITY OF THE DIRECTOR.—The Director of the Office of Management and Budget may publish annually in the budget submitted by the President to the Congress, recommendations for consolidation, elimination, or adjustments in frequency and due dates of statutorily required periodic reports to the Congress or committees of Congress. For each recommendation, the Director shall provide an individualized statement of the reasons that support the recommendation. In addition, for each report for which a recommendation is made, the Director shall state with specificity the exact consolidation, elimination, or adjustment in frequency or due date that is recommended.

(c) RECOMMENDATIONS.—The Director's recommendations shall be consistent with the purpose stated in subsection (a).

(d) CONSULTATION.—Before the publication of the recommendations under subsection (b), the Director or his designee shall consult with the appropriate congressional committees concerning the recommendations.

TITLE IV—FINANCIAL MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the "Federal Financial Management Act of 1994".

SEC. 402. ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 3332 of title 31, United States Code, is amended to read as follows:

"§ 3332. Required direct deposit

"(a)(1) Notwithstanding any other provision of law, all Federal wage, salary, and retirement payments shall be paid to recipients of such payments by electronic funds transfer, unless another method has been determined by the Secretary of the Treasury to be appropriate.

"(2) Each recipient of Federal wage, salary, or retirement payments shall designate one or more financial institutions or other authorized payment agents and provide the payment certifying or authorizing agency information necessary for the recipient to receive electronic funds transfer payments through each institution so designated.

"(b)(1) The head of each agency shall waive the requirements of subsection (a) of this section for a recipient of Federal wage, salary, or retirement payments authorized or certified by the agency upon written request by such recipient.

"(2) Federal wage, salary, or retirement payments shall be paid to any recipient granted a waiver under paragraph (1) of this subsection by any method determined appropriate by the Secretary of the Treasury.

"(c)(1) The Secretary of the Treasury may waive the requirements of subsection (a) of this section for any group of recipients upon request by the head of an agency under standards prescribed by the Secretary of the Treasury.

"(2) Federal wage, salary, or retirement payments shall be paid to any member of a group granted a waiver under paragraph (1) of this subsection by any method determined appropriate by the Secretary of the Treasury.

"(d) This section shall apply only to recipients of Federal wage or salary payments who begin to receive such payments on or after January 1, 1995, and recipients of Federal retirement payments who begin to receive such payments on or after January 1, 1995.

"(e) The crediting of the amount of a payment to the appropriate account on the books of a financial institution or other authorized payment agent designated by a payment recipient under this section shall constitute a full acquittance to the United States for the amount of the payment.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 31, United States Code, is amended by amending the item for section 3332 to read:

"3332. Required direct deposit.".

SEC. 403. FRANCHISE FUND PILOT PROGRAMS.

(a) ESTABLISHMENT.—There is authorized to be established on a pilot program basis in each of six executive agencies a franchise fund. The Director of the Office of Management and Budget, after consultation with the chairman and ranking members of the Committees on Appropriations and Governmental Affairs of the Senate, and the Committees on Appropriations and Government Operations of the House of Representatives, shall designate the agencies.

(b) USES.—Each such fund may provide, consistent with guidelines established by the Director of the Office of Management and Budget, such common administrative support services to the agency and to other agencies as the head of such agency, with the concurrence of the Director, determines can be provided more efficiently through such a fund than by other means. To provide such services, each such fund is authorized to acquire the capital equipment, automated data processing systems, and financial management and management information systems needed. Services shall be provided by such funds on a competitive basis.

(c) FUNDING.—(1) There are authorized to be appropriated to the franchise fund of each agency designated under subsection (a) such funds as are necessary to carry out the purposes of the fund, to remain available until expended. To the extent that unexpended balances remain available in other accounts for the purposes to be carried out by the fund, the head of the agency may transfer such balances to the fund.

(2) Fees for services shall be established by the head of the agency at a level to cover the total estimated costs of providing such services. Such fees shall be deposited in the agency's fund to remain available until expended, and may be used to carry out the purposes of the fund.

(3) Existing inventories, including inventories on order, equipment, and other assets or liabilities pertaining to the purposes of the fund may be transferred to the fund.

(d) REPORT ON PILOT PROGRAMS.—Within 6 months after the end of fiscal year 1997, the Director of the Office of Management and Budget shall forward a report on the results of the pilot programs to the Committees on Appropriations of the Senate and of the House of Representatives, and to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The report shall contain the financial and program performance results of the pilot programs, including recommendations for—

(1) the structure of the fund;

(2) the composition of the funding mechanism;

(3) the capacity of the fund to promote competition; and

(4) the desirability of extending the application and implementation of franchise funds to other Federal agencies.

(e) PROCUREMENT.—Nothing in this section shall be construed as relieving any agency of any duty under applicable procurement laws.

(f) TERMINATION.—The provisions of this section shall expire on October 1, 1999.

SEC. 404. SIMPLIFICATION OF MANAGEMENT REPORTING PROCESS.

(a) IN GENERAL.—To improve the efficiency of executive branch performance in implementing statutory requirements for financial management reporting to the Congress and its committees, the Director of the Office of Management and Budget may adjust the frequency and due dates of or consolidate any statutorily required reports of agencies to the Office of Management and Budget or the President and of agencies or the Office of Management and Budget to the Congress under any laws for which the Office of Management and Budget has financial management responsibility, including—

(1) chapters 5, 9, 11, 33, 35, 37, 39, 75, and 91 of title 31, United States Code;

(2) the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 101–410; 104 Stat. 890).

(b) APPLICATION.—The authority provided in subsection (a) shall apply only to reports of agencies to the Office of Management and Budget or the President and of agencies or the Office of Management and Budget to the Congress required by statute to be submitted between January 1, 1995, and September 30, 1997.

(c) ADJUSTMENTS IN REPORTING.—The Director may consolidate or adjust the frequency and due dates of any statutorily required reports under subsections (a) and (b) only after—

(1) consultation with the Chairman of the Senate Committee on Governmental Affairs and the Chairman of the House of Representatives Committee on Government Operations; and

(2) written notification to the Congress, no later than February 8 of each fiscal year covered under subsection (b) for those reports required to be submitted during that fiscal year.

SEC. 405. ANNUAL FINANCIAL REPORTS.

(a) FINANCIAL STATEMENTS.—Section 3515 of title 31, United States Code, is amended to read as follows:

"§ 3515. Financial statements of agencies

"(a) Not later than March 1 of 1997 and each year thereafter, the head of each executive agency identified in section 901(b) of this title shall prepare and submit to the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency.

"(b) Each audited financial statement of an executive agency under this section shall reflect—

"(1) the overall financial position of the offices, bureaus, and activities covered by the statement, including assets and liabilities thereof; and

"(2) results of operations of those offices, bureaus, and activities.

"(c) The Director of the Office of Management and Budget shall identify components of executive agencies that shall be required to have audited financial statements meeting the requirements of subsection (b).

"(d) The Director of the Office of Management and Budget shall prescribe the form and content of the financial statements of executive agencies under this section, consistent with applicable accounting and financial reporting principles, standards, and requirements.

"(e) The Director of the Office of Management and Budget may waive the application of all or part of subsection (a) for financial statements required for fiscal years 1996 and 1997.

"(f) Not later than March 1 of 1995 and 1996, the head of each executive agency identified in section 901(b) of this title and designated by the Director of the Office of Management and Budget shall prepare and submit to the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency.

"(g) Not later than March 31 of 1995 and 1996, for executive agencies not designated by the Director of the Office of Management and Budget under subsection (f), the head of each executive agency identified in section 901(b) of this title shall prepare and submit to the Director of the Office of Management and Budget a financial statement for the preceding fiscal year, covering—

"(1) each revolving fund and trust fund of the agency; and

"(2) to the extent practicable, the accounts of each office, bureau, and activity of the agency which performed substantial commercial functions during the preceding fiscal year.

"(h) For purposes of subsection (g), the term 'commercial functions' includes buying and leasing of real estate, providing insurance, making loans and loan guarantees, and other credit programs and any activity involving the provision of a service or thing for which a fee, royalty, rent, or other charge is imposed by an agency for services and things of value it provides.".

(b) AUDITS BY AGENCIES.—Subsection 3521(f) of title 31, United States Code, is amended to read as follows:

"(f)(1) For each audited financial statement required under subsections (a) and (f) of section 3515 of this title, the person who audits the statement for purpose of subsection (e) of this section shall submit a report on the audit to the head of the agency. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards.

"(2) Not later than June 30 following the fiscal year for which a financial statement is submitted under subsection (g) of section 3515 of this title, the person who audits the statement for purpose of subsection (e) of this section shall submit a report on the audit to the head of the agency. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards.".

(c) GOVERNMENTWIDE FINANCIAL STATEMENT.—Section 331 of title 31, United States Code, is amended by adding the following new subsection:

"(e)(1) Not later than March 31 of 1998 and each year thereafter, the Secretary of the Treasury, in coordination with the Director of the Office of Management and Budget, shall annually prepare and submit to the President and the Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch of the United States Government. The financial statement shall reflect the overall financial position, including assets and liabilities, and results of operations of the executive branch of the United States Government, and shall be prepared in accordance with the form and content requirements set forth by the Director of the Office of Management and Budget.

"(2) The Comptroller General of the United States shall audit the financial statement required by this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma [Mr. SYNAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER], will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. SYNAR].

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

Mr. Speaker, S. 2170 enacts financial management reforms and brings the Federal Government one-step closer to realizing the goals of National Performance Review. The reforms in this legislation were recommended by the Vice President's Review, and bring common sense and good government management to Federal programs. They enjoy bipartisan support, and closely resemble those passed by the House last year in H.R. 3400.

Let me briefly summarize the legislation:

First, the bill authorizes agencies to recommend to Congress reporting requirements that should be either eliminated or consolidated. Every year, thousands of reports are sent to Congress by the executive branch, many of them outdated and ineffective. These reports continue to place an enormous paperwork burden on executive branch departments and agencies. This provision is the first step towards relieving that unnecessary burden.

Second, beginning in 1995, this legislation will require all new Federal employees and retirees to move into the high-technology era by receiving their checks electronically. Millions of dollars can be saved by the Federal Government by requiring electronic payments. However, if an employee or retiree does not want direct deposit, or does not have access to a bank, the requirement can be waived.

Third, the bill creates six pilot programs for what are known as franchise funds. These will allow agencies to share common administrative support services. These franchise funds would be similar to the National Finance Center, which provides payroll services for several Federal agencies. This service eliminates duplicative efforts and thus saves taxpayer dollars.

Next, the act expands the Chief Financial Officers Act, passed in 1990, to require all agencies to prepare and submit audited financial statements. The CFO Act limited that requirement 4 years ago pending the success of its pilot programs. Now, with support from the General Accounting Office, the Office of Management and Budget, the Federal agencies, and CFO oversight committees in the Senate and House, all agencies will have to meet these requirements.

The legislation also requires a Government-wide financial statement. Beginning in 1998, OMB will prepare and submit to the President and Congress an audited financial statement covering all accounts and associated activities of the executive branch of the U.S.

Government. For the first time, the American people will have a document that will reflect the overall financial position of their Government.

Finally, this act requires that any annual automatic adjustments, or COLA's, to the salaries of Members of Congress, the executive schedule, or the judiciary not exceed those given to General Schedule Federal employees. Furthermore, it establishes a limitation for members of the Senior Executive Service [SES] to accrue up to 90 days of annual leave. These personnel reforms bring fairness to the Federal pay and leave scale, and have been cleared by the chairman of the Post Office and Civil Service Committee, Mr. CLAY.

I want to thank the administration for its leadership in this reform legislation, and Mr. CLINGER, for his bi-partisan support and efforts in helping us to get this legislation to the floor. I urge my colleagues to pass this bill.

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

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

Mr. Speaker, I rise with subcommittee Chairman SYNAR in support of S. 2170, the Government Management Reform Act of 1994. Designed to implement some of the good reform ideas that have been around for the last several years, this bill takes the Government a few steps further toward the goal of reliable and efficient management.

Subcommittee Chairman SYNAR provided the House with a good summary of this bill so I will limit my remarks to a couple of the more important issues.

First, S. 2170 includes the requirement for agencywide audited financial statements for the Government's 23 CFO Act agencies beginning in 1997. By the next year, in 1998, we go one step further and require an audited governmentwide financial report that provides a consolidated picture of the entire Federal Government's financial condition.

In recent testimony before the Government Operations Committee, the General Accounting Office reminded us that the Federal Government is the world's largest financial operation. Yet, it operates without ever knowing its total financial picture. This is a situation that would be short-lived in either the State and local government environment or in the private sector.

We first heard the call for agencywide audited financial statements when Congress enacted the Chief Financial Officers' Act in 1990. At that time, however, we mandated annual financial statements only for trust funds and commercial operations of the 23 covered agencies. In addition, we established a pilot program to test the viability of preparing and auditing financial statements for the entire operations of a few organizations.

The results of these pilot projects are in and the benefits are simply outstanding. From throughout Government, CFO's, inspectors general, GAO auditors, and agency heads have all sung the praises of audited financial statements. Now that the pilot projects have expired and the benefits are clear, it is time that we expand the requirements for financial statements to all Government activities. This bill does just that.

I also want to speak in support of the provision to require the use of electronic funds transfer for all new Government employee and retiree payments. EFT payments are more regularly known as direct deposit—a practice that the private sector has championed for years. Whether you call them EFT payments or direct deposit, the result is the same—savings to the Government.

According to the Department of Treasury, it costs the Federal Government 6 times more to produce a check payment as compared with an EFT disbursement. That's 36 cents for a check payment versus only 6 cents for direct deposit. Considering that about 400 million check payments are made each year, complete conversion to EFT would result in annual savings of roughly $130 million.

In fiscal year 1993, only 49 percent of the 962 million Federal disbursements were made electronically. That percentage is expected to grow at a sluggish rate over the coming years without enactment of this legislation. While I would support legislation to mandate direct deposit for all Government payments, I believe that this bill represents another good step into the age of information technology. Presumed EFT payments are important because they help both payment recipients and U.S. taxpayers.

One other important step that the Clinton administration could take to further strengthen the Federal Government's financial management practices is to nominate an appointee for the position of controller as required in the CFO's Act. Unfortunately, that position has been vacant for well over a year and for over one-half of President Clinton's administration. That vital position has been vacant for far too long and must be filled now.

The CFO's Act, as strengthened by our actions today and coupled with the more recent Government performance and results act, provide the legislative foundation for developing accurate and reliable cost information and performance data. Such information is essential if the executive branch and the Congress are to make informed decisions and move successfully toward a smaller more efficient Government that focuses on accountability and managing for results. Such a goal was merely a pipe dream as recently as a decade ago. Yet today, we are on the verge of making that goal a reality.

I am pleased to be part of that process and pleased to support the Government Management Reform Act.

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

GENERAL LEAVE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on S. 2170, the Senate bill now under consideration.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. SYNAR] that the House suspend the rules and pass the Senate bill, S. 2170.

The question was taken.

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

The point of no quorum is considered withdrawn.

□ 1440

CONCURRING IN THE SENATE AMENDMENT TO H.R. 4217, FEDERAL CROP INSURANCE REFORM AND DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994, WITH AN AMENDMENT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 559) concurring in the Senate Amendment to H.R. 4217 with an amendment.

The Clerk read as follows:

House amendment to Senate amendment: That upon adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill (H.R. 4217) to reform the Federal Crop Insurance Program, and for other purposes, with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

H. RES. 559

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994".

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

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL CROP INSURANCE REFORM

Sec. 101. Short title; references.

Sec. 102. Definitions.
Sec. 103. Members of Board of Directors of Corporation.
Sec. 104. General powers.
Sec. 105. Personnel.
Sec. 106. Crop insurance.
Sec. 107. Crop insurance yield coverage.
Sec. 108. Preemption.
Sec. 109. Advisory Committee.
Sec. 110. Funding.
Sec. 111. Noninsured crop disaster assistance.
Sec. 112. Payment and income limitations.
Sec. 113. Producer eligibility.
Sec. 114. Ineligibility for catastrophic risk and noninsured assistance payments.
Sec. 115. Elimination of gender references.
Sec. 116. Prevented planting.
Sec. 117. Report on improving dissemination of crop insurance information.
Sec. 118. Crop insurance provider evaluation.
Sec. 119. Conforming amendments.
Sec. 120. Effective date.

TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

Sec. 201. Short title.
Sec. 202. Purpose.
Sec. 203. Definitions.

Subtitle A—General Reorganization Authorities

Sec. 211. Transfer of Department functions to Secretary of Agriculture.
Sec. 212. Authority of Secretary to delegate transferred functions.
Sec. 213. Reductions in number of department personnel.
Sec. 214. Consolidation of headquarters offices.
Sec. 215. Combination of field offices.
Sec. 216. Improvement of information sharing.
Sec. 217. Reports by the Secretary.
Sec. 218. Assistant Secretaries of Agriculture.
Sec. 219. Pay increases prohibited.

Subtitle B—Farm and Foreign Agricultural Services

Sec. 225. Under Secretary of Agriculture for Farm and Foreign Agricultural Services.
Sec. 226. Consolidated Farm Service Agency.
Sec. 227. State, county, and area committees.

Subtitle C—Rural Economic and Community Development

Sec. 231. Under Secretary of Agriculture for Rural Economic and Community Development.
Sec. 232. Rural Utilities Service.
Sec. 233. Rural Housing and Community Development Service.
Sec. 234. Rural Business and Cooperative Development Service.
Sec. 235. Conforming amendments regarding Rural Electrification Administration.

Subtitle D—Food, Nutrition, and Consumer Services

Sec. 241. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Subtitle E—Natural Resources and Environment

Sec. 245. Under Secretary of Agriculture for Natural Resources and Environment.
Sec. 246. Natural Resources Conservation Service.
Sec. 247. Reorganization of Forest Service.

Subtitle F—Research, Education, and Economics

Sec. 251. Under Secretary of Agriculture for Research, Education, and Economics.
Sec. 252. Program staff.

Subtitle G—Food Safety

Sec. 261. Under Secretary of Agriculture for Food Safety.
Sec. 262. Conditions for implementation of alterations in the level of additives allowed in animal diets.

Subtitle H—National Appeals Division

Sec. 271. Definitions.
Sec. 272. National Appeals Division and Director.
Sec. 273. Transfer of functions.
Sec. 274. Notice and opportunity for hearing.
Sec. 275. Informal hearings.
Sec. 276. Right of participants to Division hearing.
Sec. 277. Division hearings.
Sec. 278. Director review of determinations of hearing officers.
Sec. 279. Judicial review.
Sec. 280. Implementation of final determinations of Division.
Sec. 281. Conforming amendments relating to National Appeals Division.
Sec. 282. Expansion of issues covered by State mediation programs.
Sec. 283. Authorization of appropriations.

Subtitle I—Miscellaneous Reorganization Provisions

Sec. 291. Successorship provisions relating to bargaining units and exclusive representatives.
Sec. 292. Purchase of American-made equipment and products.
Sec. 293. Miscellaneous conforming amendments.
Sec. 294. Removal of obsolete administrative provisions.
Sec. 295. Proposed conforming amendments.
Sec. 296. Termination of authority.

TITLE III—MISCELLANEOUS

Sec. 301. Poultry labeling.
Sec. 302. First Amendment rights of employees of the United States Department of Agriculture.
Sec. 303. Adjusted cost of thrifty food plan.
Sec. 304. Office of Risk Assessment and Cost-Benefit Analysis.
Sec. 305. Fair and equitable treatment of socially disadvantaged producers.
Sec. 306. Aviation inspections.

TITLE I—FEDERAL CROP INSURANCE REFORM

SEC. 101. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Federal Crop Insurance Reform Act of 1994".

(b) REFERENCES TO FEDERAL CROP INSURANCE ACT.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 502 (7 U.S.C. 1502) is amended—

(1) by striking the section heading and "SEC. 502." and inserting the following:

"SEC. 502. PURPOSE AND DEFINITIONS.

"(a) PURPOSE.—"; and

(2) by adding at the end the following new subsection:

"(b) DEFINITIONS.—As used in this title:

"(1) ADDITIONAL COVERAGE.—The term 'additional coverage' means a plan of crop insurance coverage providing a level of coverage greater than the level available under catastrophic risk protection.

"(2) APPROVED INSURANCE PROVIDER.—The term 'approved insurance provider' means a private insurance provider that has been approved by the Corporation to provide insurance coverage to producers participating in the Federal crop insurance program established under this title.

"(3) BOARD.—The term 'Board' means the Board of Directors of the Corporation established under section 505(a).

"(4) CORPORATION.—The term 'Corporation' means the Federal Crop Insurance Corporation established under section 503.

"(5) DEPARTMENT.—The term 'Department' means the United States Department of Agriculture.

"(6) LOSS RATIO.—The term 'loss ratio' means the ratio of all sums paid by the Corporation as indemnities under any eligible crop insurance policy to that portion of the premium designated for anticipated losses and a reasonable reserve, other than that portion of the premium designated for operating and administrative expenses.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(8) TRANSITIONAL YIELD.—The term 'transitional yield' means the maximum average production per acre or equivalent measure that is assigned to acreage for a crop year by the Corporation in accordance with the regulations of the Corporation whenever the producer fails—

"(A) to certify that acceptable documentation of production and acreage for the crop year is in the possession of the producer; or

"(B) to present the acceptable documentation on the demand of the Corporation or an insurance company reinsured by the Corporation.".

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of section 503 (7 U.S.C. 1503) is amended by striking "(herein called the Corporation)".

(2) Section 504 (7 U.S.C. 1504) is amended—

(A) in subsection (a), by striking "Board of Directors of the Corporation" and inserting "Board"; and

(B) in subsection (d), by striking "Federal Crop Insurance Corporation" and inserting "Corporation".

(3) The first sentence of section 505(a) (7 U.S.C. 1505(a)) is amended by striking "(hereinafter called the 'Board')".

(4) Except in section 502, the Act is amended—

(A) by striking "Board of Directors" each place it appears and inserting "Board";

(B) by striking "Department of Agriculture" each place it appears and inserting "Department"; and

(C) by striking "Secretary of Agriculture" each place it appears and inserting "Secretary".

SEC. 103. MEMBERS OF BOARD OF DIRECTORS OF CORPORATION.

The second sentence of section 505(a) (7 U.S.C. 1505(a)) is amended—

(1) by striking "or Assistant Secretary" the first place it appears; and

(2) by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture" and inserting "one additional Under Secretary of Agriculture (as designated by the Secretary of Agriculture)".

SEC. 104. GENERAL POWERS.

Section 506 (7 U.S.C. 1506) is amended—

(1) by redesignating subsections (j) through (n) as subsections (k) through (o), respectively;

(2) by inserting after subsection (i) the following new subsection:

"(j) SETTLING CLAIMS.—The Corporation shall have the authority to make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation.";

(3) in subsection (l) (as so redesignated)—

(A) in the first sentence, by inserting ", and issue regulations," after "agreements"; and

(B) in the second sentence, by striking "contracts or agreements" each place it appears and inserting "contracts, agreements, or regulations";

(4) in subsection (n)(1) (as so redesignated), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) disqualify the person from purchasing catastrophic risk protection or receiving noninsured assistance for a period of not to exceed 2 years, or from receiving any other benefit under this title for a period of not to exceed 10 years.";

(5) in subsection (o) (as so redesignated)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D) and aligning the margins of each subparagraph with the margins of subparagraph (A) of subsection (n)(1) (as redesignated by paragraph (1));

(B) by striking "(o) ACTUARIAL SOUNDNESS.—The Corporation" and inserting the following:

"(o) ACTUARIAL SOUNDNESS.—

"(1) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1995.—The Corporation";

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by striking "from obtaining adequate Federal crop insurance, as determined by the Corporation" and inserting "(as defined by the Secretary) from obtaining Federal crop insurance";

(D) in subparagraph (C) (as so redesignated)—

(i) by inserting ", agents, and loss adjusters" after "participating producers"; and

(ii) by inserting ", agents, and loss adjusters" after "identify insured producers"; and

(E) by adding at the end the following new paragraphs:

"(2) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1998.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve, on and after October 1, 1998, an overall projected loss ratio of not greater than 1.075.

"(3) NONSTANDARD CLASSIFICATION SYSTEM.—To the extent that the Corporation uses the nonstandard classification system, the Corporation shall apply the system to all insured producers in a fair and consistent manner."; and

(6) by adding at the end the following new subsections:

"(p) REGULATIONS.—The Secretary and the Corporation are each authorized to issue such regulations as are necessary to carry out this title.

"(q) PROGRAM COMPLIANCE.—

"(1) TIMELINESS.—The Corporation shall work actively with approved insurance providers to address program compliance and integrity issues as the issues develop.

"(2) NOTIFICATION OF COMPLIANCE PROBLEMS.—The Corporation shall notify in writing any approved insurance provider with whom the Corporation has an agreement under this title of any error, omission, or failure to follow Corporation regulations or procedures for which the approved insurance provider may be responsible and which may result in a debt owed the Corporation. The notice shall be given within 3 years of the end of the insurance period during which the error, omission, or failure is alleged to have occurred, except that this time limit shall not apply with respect to errors, omissions, or procedural violations that are willful or intentional. The failure to timely provide the notice required under this subsection shall relieve the approved insurance provider from the debt owed the Corporation.

"(r) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

"(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased by the Corporation using funds made available to the Corporation should be American-made.

"(2) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity for the purchase of equipment and products to carry out this title, the Corporation, to the greatest extent practicable, shall provide to the entity a notice describing the statement made in paragraph (1).".

SEC. 105. PERSONNEL.

Section 507 (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking ", and county crop insurance committeemen";

(2) in subsection (d), by striking "of this Act," and all that follows through "agency"; and

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

"(g)(1) The Corporation shall establish a management-level position to be known as the Specialty Crops Coordinator.

"(2) The Specialty Crops Coordinator shall have primary responsibility for addressing the needs of specialty crop producers, and for providing information and advice, in connection with the activities of the Corporation to improve and expand the insurance program for specialty crops. In carrying out this paragraph, the Specialty Crops Coordinator shall act as the liaison of the Corporation with representatives of specialty crop producers and assist the Corporation with the knowledge, expertise, and familiarity of the producers with risk management and production issues pertaining to specialty crops.

"(3) The Specialty Crops Coordinator shall use information collected from Corporation field office directors in States in which specialty crops have a significant economic effect and from other sources, including the extension service and colleges and universities.".

SEC. 106. CROP INSURANCE.

Section 508 (7 U.S.C. 1508) is amended to read as follows:

"SEC. 508. CROP INSURANCE.

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) IN GENERAL.—If sufficient actuarial data are available (as determined by the Corporation), the Corporation may insure, or provide reinsurance for insurers of, producers of agricultural commodities grown in the United States under 1 or more plans of insurance determined by the Corporation to be adapted to the agricultural commodity concerned. To qualify for coverage under a plan of insurance, the losses of the insured commodity must be due to drought, flood, or other natural disaster (as determined by the Secretary).

"(2) PERIOD.—Except in the cases of tobacco and potatoes, insurance shall not extend beyond the period during which the insured commodity is in the field. As used in the preceding sentence, in the case of an aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(3) EXCLUSIONS.—Insurance provided under this subsection shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).

"(4) EXPANSION TO OTHER AREAS OR SINGLE PRODUCERS.—

"(A) AREA EXPANSION.—The Corporation may offer plans of insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau in the same manner as provided in this section for production of agricultural commodities in the United States.

"(B) PRODUCER EXPANSION.—In an area in the United States or specified in subparagraph (A) where crop insurance is not available for a particular agricultural commodity, the Corporation may offer to enter into a written agreement with an individual producer operating in the area for insurance coverage under this title if the producer has actuarially sound data relating to the production by the producer of the commodity and the data is acceptable to the Corporation.

"(5) DISSEMINATION OF CROP INSURANCE INFORMATION.—The Corporation shall make available to producers through local offices of the Department—

"(A) current and complete information on all aspects of Federal crop insurance; and

"(B) a listing of insurance agents and companies offering to sell crop insurance in the area of the producers.

"(6) ADDITION OF NEW AND SPECIALTY CROPS.—

"(A) DATA COLLECTION.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines for publication in the Federal Register for data collection to assist the Corporation in formulating crop insurance policies for new and specialty crops.

"(B) ADDITION OF NEW CROPS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Corporation shall report to Congress on the progress and expected timetable for expanding crop insurance coverage under this title to new and specialty crops.

"(C) ADDITION OF DIRECT SALE PERISHABLE CROPS.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall report to Congress on the feasibility of offering a crop insurance program designed to meet the needs of specialized producers of vegetables and other perishable crops who market through direct marketing channels.

"(b) CATASTROPHIC RISK PROTECTION.—

"(1) IN GENERAL.—The Corporation shall offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting, if provided by

the Corporation, when the producer is unable, because of drought, flood, or other natural disaster (as determined by the Secretary), to plant other crops for harvest on the acreage for the crop year.

"(2) AMOUNT OF COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B)—

"(i) in the case of each of the 1995 through 1998 crop years, catastrophic risk protection shall offer a producer coverage for a 50 percent loss in yield, on an individual yield or area yield basis, indemnified at 60 percent of the expected market price, or a comparable coverage (as determined by the Corporation); and

"(ii) in the case of each of the 1999 and subsequent crop years, catastrophic risk protection shall offer a producer coverage for a 50 percent loss in yield, on an individual yield or area yield basis, indemnified at 55 percent of the expected market price, or a comparable coverage (as determined by the Corporation).

"(B) REDUCTION IN ACTUAL PAYMENT.—The amount paid to a producer on a claim under catastrophic risk protection may reflect a reduction that is proportional to the out-of-pocket expenses that are not incurred by the producer as a result of not planting, growing, or harvesting the crop for which the claim is made, as determined by the Corporation.

"(3) YIELD AND LOSS BASIS.—A producer shall have the option of basing the catastrophic coverage of the producer on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(4) SALE OF CATASTROPHIC RISK COVERAGE.—

"(A) IN GENERAL.—Catastrophic risk coverage may be offered by—

"(i) approved insurance providers, if available in an area; and

"(ii) at the option of the Secretary that is based on considerations of need, local offices of the Department.

"(B) NEED.—For purposes of considering need under subparagraph (A)(ii), the Secretary may take into account the most efficient and cost-effective use of resources, the availability of personnel, fairness to local producers, the needs and convenience of local producers, and the availability of private insurance carriers.

"(5) ADMINISTRATIVE FEE.—

"(A) FEE REQUIRED.—Producers shall pay an administrative fee for catastrophic risk protection. The administrative fee for each producer shall be $50 per crop per county, but not to exceed $200 per producer per county up to a maximum of $600 per producer for all counties in which a producer has insured crops. The administrative fee shall be paid by the producer at the time the producer applies for catastrophic risk protection.

"(B) USE OF FEES.—

"(i) FEES UP TO $100.—

"(I) FEES COLLECTED BY USDA OFFICES.—Not more than $100 of the administrative fees paid by a producer for catastrophic risk coverage that are collected by an office of the Department shall be credited to the appropriations account providing funds for the payment of operating and administrative expenses incurred for the delivery of catastrophic risk protection under this section. The fees shall be collected in accordance with appropriation Acts and shall be available until expended without fiscal year limitation for the payment of the expenses.

"(II) FEES COLLECTED BY APPROVED INSURANCE PROVIDERS.—Not more than $100 of the administrative fees paid by a producer for catastrophic risk coverage that are collected by an approved insurance provider shall be retained by the provider as payment for operating and administrative expenses incurred for the delivery of catastrophic risk protection.

"(ii) FEES IN EXCESS OF $100.—Notwithstanding the authority granted to the Secretary under the Federal Crop Insurance Corporation account provisions of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995, all fees collected under this subsection in excess of $100 per producer per county shall be deposited in the crop insurance fund established under section 516(c), to be available for the programs and activities of the Corporation.

"(C) WAIVER OF FEE.—The Corporation shall waive the administrative fee for limited resource farmers, as defined by the Corporation.

"(6) PARTICIPATION REQUIREMENT.—A producer may obtain catastrophic risk coverage for a crop of the producer on land in the county only if the producer obtains the coverage for the crop on all insurable land of the producer in the county.

"(7) ELIGIBILITY FOR DEPARTMENT PROGRAMS.—

"(A) IN GENERAL.—To be eligible for any price support or production adjustment program, the conservation reserve program, or any benefit described in section 371 of the Consolidated Farm and Rural Development Act, the producer must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop.

"(B) DEFINITION OF CROP OF ECONOMIC SIGNIFICANCE.—As used in this paragraph, the term 'crop of economic significance' means a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the producer.

"(8) LIMITATION DUE TO RISK.—The Corporation may limit catastrophic risk coverage in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(9) TRANSITIONAL COVERAGE FOR 1995 CROPS.—Effective only for a 1995 crop planted or for which insurance attached prior to January 1, 1995, the Corporation shall allow producers of the crops until not later than the end of the 180-day period beginning on the date of enactment of the Federal Crop Insurance Reform Act of 1994 to obtain catastrophic risk protection for the crop. On enactment of such Act, a producer who made timely purchases of a crop insurance policy before the date of enactment of such Act, under the provisions of this title then in effect, shall be eligible for the same benefits to which a producer would be entitled under comparable additional coverage under subsection (c).

"(10) SIMPLIFICATION.—

"(A) CATASTROPHIC RISK PROTECTION PLANS.—In developing and carrying out the policies and procedures for a catastrophic risk protection plan under this title, the Corporation shall, to the maximum extent practicable, minimize the paperwork required and the complexity and costs of procedures governing applications for, processing, and servicing of the plan for all parties involved.

"(B) OTHER PLANS.—To the extent that the policies and procedures developed under subparagraph (A) may be applied to other plans of insurance offered under this title without jeopardizing the actuarial soundness or integrity of the crop insurance program, the Corporation shall apply the policies and procedures to the other plans of insurance within a reasonable period of time (as determined by the Corporation) after the effective date of this paragraph.

"(c) GENERAL COVERAGE LEVELS.—

"(1) ADDITIONAL COVERAGE GENERALLY.—

"(A) IN GENERAL.—The Corporation shall offer to producers of agricultural commodities grown in the United States plans of crop insurance that provide additional coverage.

"(B) PURCHASE.—To be eligible for additional coverage, a producer must apply to an approved insurance provider for purchase of additional coverage if the coverage is available from an approved insurance provider. If additional coverage is unavailable privately, the Corporation may offer additional coverage plans of insurance directly to producers.

"(2) TRANSFER OF RELEVANT INFORMATION.—If a producer has already applied for catastrophic risk protection at the local office of the Department and elects to purchase additional coverage, the relevant information for the crop of the producer shall be transferred to the approved insurance provider servicing the additional coverage crop policy.

"(3) YIELD AND LOSS BASIS.—A producer shall have the option of purchasing additional coverage based on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(4) LEVEL OF COVERAGE.—The level of coverage shall be dollar denominated and may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation). Not later than the beginning of the 1996 crop year, the Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

"(5) PRICE LEVEL.—The Corporation shall establish a price level for each commodity on which insurance is offered that—

"(A) shall not be less than the projected market price for the commodity (as determined by the Corporation); or

"(B) at the discretion of the Corporation, may be based on the actual market price at the time of harvest (as determined by the Corporation).

"(6) PRICE ELECTIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), insurance coverage shall be made available to a producer on the basis of any price election that equals or is less than the price election established by the Corporation. The coverage shall be quoted in terms of dollars per acre.

"(B) MINIMUM PRICE ELECTIONS.—The Corporation may establish minimum price elections below which levels of insurance shall not be offered.

"(C) WHEAT CLASSES AND MALTING BARLEY.—The Corporation shall, as the Corporation determines practicable, offer producers different price elections for classes of wheat and malting barley (including contract prices in the case of malting barley), in addition to the standard price election, that reflect different market prices, as determined by the Corporation. The Corporation shall, as the Corporation determines practicable, offer additional coverage for each class determined under this subparagraph and charge a premium for each class that is actuarially sound.

"(7) FIRE AND HAIL COVERAGE.—For levels of additional coverage equal to 65 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, a producer may elect to delete from the additional coverage any coverage against damage caused by fire and hail if the producer obtains an equivalent or greater dollar amount of coverage for damage caused by fire and hail from an approved insurance provider. On written notice of the election to the company issuing the policy providing additional coverage and submission of evidence of substitute coverage on the commodity insured, the premium of the producer shall be reduced by an amount determined by the Corporation to be actuarially appropriate, taking into account the actuarial value of the remaining coverage provided by the Corporation. In no event shall the producer be given credit for an amount of premium determined to be greater than the actuarial value of the protection against losses caused by fire and hail that is included in the additional coverage for the crop.

"(8) STATE PREMIUM SUBSIDIES.—The Corporation may enter into an agreement with any State or agency of a State under which the State or agency may pay to the approved insurance provider an additional premium subsidy to further reduce the portion of the premium paid by producers in the State.

"(9) LIMITATIONS ON ADDITIONAL COVERAGE.—The Board may limit the availability of additional coverage under this subsection in any county or area, or on any farm, on the basis of the insurance risk involved. The Board shall not offer additional coverage equal to less than 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage.

"(10) ADMINISTRATIVE FEE.—

"(A) FEE REQUIRED.—Except as otherwise provided in this paragraph, if a producer elects to purchase additional coverage for a crop at a level that is less than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall pay an administrative fee for the additional coverage. Subsection (b)(5) shall apply in determining the amount and use of the administrative fee or in determining whether to waive the administrative fee.

"(B) EXCEPTION.—If a producer elects to purchase additional coverage for a crop equal to 65 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall not be subject to the administrative fee required by this paragraph or subsection (b)(5). If the producer has already paid the administrative fee for a lower level of coverage for the crop, the administrative fee shall be refunded to the producer unless the refund would reduce to less than $200 the total amount of the administrative fees paid by the producer for 2 or more crops in the same county for which a lower level of coverage is obtained.

"(C) ADDITIONAL FEE.—If a producer elects to purchase additional coverage for a crop equal to or exceeding 65 percent of the recorded or appraised average yield and 100 percent of the expected market price or an equivalent coverage, the producer shall pay an administrative fee of $10 for the coverage. If a producer has already paid an administrative fee for lesser coverage for the crop, the fee for lesser coverage shall be refunded to the producer unless the producer has paid the maximum fee for lesser coverage and refund of the fee will not reduce the amount to be paid below the maximum amount.

"(D) DEPOSIT OF FEES.—Notwithstanding the authority granted to the Secretary under the Federal Crop Insurance Corporation account programs of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995, administrative fees collected under subparagraph (B) in excess of $100 per producer per county and under subparagraph (C) shall be deposited in the insurance fund established under section 516(c) to be available for the programs and activities of the Corporation.

"(d) PREMIUMS.—

"(1) PREMIUMS REQUIRED.—The Corporation shall fix adequate premiums for all the plans of insurance of the Corporation at such rates as the Board determines are actuarially sufficient to attain an expected loss ratio of not greater than 1.1 through September 30, 1998, and not greater than 1.075 after October 1, 1998.

"(2) PREMIUM AMOUNTS.—The premium amounts for catastrophic risk protection under subsection (b) and additional coverage under subsection (c) shall be fixed as follows:

"(A) In the case of catastrophic risk protection, the amount of the premium shall be sufficient to cover anticipated losses and a reasonable reserve.

"(B) In the case of additional coverage below 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, but greater than 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation.

"(C) In the case of additional coverage equal to or greater than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.

"(e) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—

"(1) IN GENERAL.—For the purpose of encouraging the broadest possible participation of producers in the catastrophic risk protection provided under subsection (b) and the additional coverage provided under subsection (c), the Corporation shall pay a part of the premium in the amounts provided in accordance with this subsection.

"(2) AMOUNT OF PAYMENT.—The amount of the premium to be paid by the Corporation shall be as follows:

"(A) In the case of catastrophic risk protection, the amount shall be equivalent to the premium established for catastrophic risk protection under subsection (d)(2)(A).

"(B) In the case of coverage below 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, but greater than 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equivalent to the amount of premium established for catastrophic risk protection coverage and the amount of operating and administrative expenses established under subsection (d)(2)(B).

"(C) In the case of coverage equal to or greater than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, on an individual or area basis, the amount shall be equivalent to an amount equal to the premium established for 50 percent loss in yield indemnified at 75 percent of the expected market price and the amount of operating and administrative expenses established under subsection (d)(2)(C).

"(3) PREMIUM REDUCTION.—If an approved insurance provider determines that the provider may provide insurance more efficiently than the expense reimbursement amount established by the Corporation, the approved insurance provider may reduce, subject to the approval of the Corporation, the premium charged the insured by an amount corresponding to the efficiency. The approved insurance provider shall apply to the Corporation for authority to reduce the premium before making such a reduction, and the reduction shall be subject to the rules, limitations, and procedures established by the Corporation.

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer a plan of insurance to producers that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider under the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under paragraph (2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The Corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.

"(f) ELIGIBILITY.—

"(1) IN GENERAL.—To participate in catastrophic risk protection coverage under this section, a producer shall submit an application at the local office of the Department or to an approved insurance provider.

"(2) SALES CLOSING DATE.—For coverage under this title, each producer shall purchase crop insurance on or before the sales

closing date for the crop by providing the required information and executing the required documents. Subject to the goal of ensuring actuarial soundness for the crop insurance program, the sales closing date shall be established by the Corporation to maximize convenience to producers in obtaining benefits under price and production adjustment programs of the Department. Beginning with the 1995 crop year, the Corporation shall establish, for an insurance policy for each insurable crop that is planted in the spring, a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.

"(3) RECORDS AND REPORTING.—To obtain catastrophic risk protection under subsection (b) or additional coverage under subsection (c), a producer shall—

"(A) provide, to the extent required by the Corporation, records acceptable to the Corporation of historical acreage and production of the crops for which the insurance is sought or accept a yield determined by the Corporation; and

"(B) report acreage planted and prevented from planting by the designated acreage reporting date for the crop and location as established by the Corporation.

"(g) YIELD DETERMINATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Corporation shall establish crop insurance underwriting rules that ensure that yield coverage, as specified in this subsection, is provided to eligible producers obtaining catastrophic risk protection under subsection (b) or additional coverage under subsection (c).

"(2) YIELD COVERAGE PLANS.—

"(A) ACTUAL PRODUCTION HISTORY.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base for each of the 10 consecutive crop years preceding the crop year for which actual production history is being established.

"(B) ASSIGNED YIELD.—If the producer does not provide satisfactory evidence of the yield of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(C) AREA YIELD.—The Corporation may offer a crop insurance plan based on an area yield that allows an insured producer to qualify for an indemnity if a loss has occurred in an area (as specified by the Corporation) in which the farm of the producer is located. Under an area yield plan, an insured producer shall be allowed to select the level of area production at which an indemnity will be paid consistent with such terms and conditions as are established by the Corporation.

"(D) COMMODITY-BY-COMMODITY BASIS.—A producer may choose between individual yield or area yield coverage or combined coverage (as provided in subsection (e)(4)), if available, on a commodity-by-commodity basis.

"(3) TRANSITIONAL YIELDS FOR PRODUCERS OF FEED OR FORAGE.—

"(A) IN GENERAL.—If a producer does not provide satisfactory evidence of a yield under paragraph (2)(A), the producer shall be assigned a yield that is at least 80 percent of the transitional yield established by the Corporation (adjusted to reflect the actual production history of the producer) if the Secretary determines that—

"(i) the producer grows feed or forage primarily for on-farm use in a livestock, dairy, or poultry operation; and

"(ii) over 50 percent of the net farm income of the producer is derived from the operation.

"(B) YIELD CALCULATION.—The Corporation shall—

"(i) for the first year of participation of a producer, provide the assigned yield under this paragraph to the producer of feed or forage; and

"(ii) for the second year of participation of the producer, apply the actual production history or assigned yield requirement, as provided in this subsection.

"(C) TERMINATION OF AUTHORITY.—The authority provided by this paragraph shall terminate on the date that is 3 years after the effective date of this paragraph.

"(h) SUBMISSION OF POLICIES AND MATERIALS TO BOARD.—

"(1) IN GENERAL.—In addition to any standard forms or policies that the Board may require be made available to producers under subsection (c), a person may prepare for submission or propose to the Board—

"(A) other crop insurance policies and provisions of policies; and

"(B) rates of premiums for multiple peril crop insurance pertaining to wheat, soybeans, field corn, and any other crops determined by the Secretary.

"(2) SUBMISSION OF POLICIES.—A policy or other material submitted to the Board under this subsection may be prepared without regard to the limitations contained in this title, including the requirements concerning the levels of coverage and rates and the requirement that a price level for each commodity insured must equal the expected market price for the commodity as established by the Board. In the case of such a policy, the payment by the Corporation of a portion of the premium of the policy may not exceed the amount that would otherwise be authorized under subsection (e).

"(3) REVIEW AND APPROVAL BY THE BOARD.—A policy or other material submitted to the Board under this subsection shall be reviewed by the Board and, if the Board finds that the interests of producers are adequately protected and that any premiums charged to the producers are actuarially appropriate, shall be approved by the Board for reinsurance and for sale to producers as an additional choice at actuarially appropriate rates and under appropriate terms and conditions. The Corporation may enter into more than 1 reinsurance agreement with the approved insurance provider simultaneously to facilitate the offering of the new policies.

"(4) GUIDELINES FOR SUBMISSION AND REVIEW.—The Corporation shall issue regulations to establish guidelines for the submission, and Board review, of policies or other material submitted to the Board under this subsection. At a minimum, the guidelines shall ensure the following:

"(A) A proposal submitted to the Board under this subsection shall be considered as confidential commercial or financial information for purposes of section 552(b)(4) of title 5, United States Code, until approved by the Board. A proposal disapproved by the Board shall remain confidential commercial or financial information.

"(B) The Board shall provide an applicant with the opportunity to present the proposal to the Board in person if the applicant so desires.

"(C) The Board shall provide an applicant with notification of intent to disapprove a proposal not later than 30 days prior to making the disapproval. An applicant that receives the notification may modify the application of the applicant. Any modification shall be considered an original application for purposes of this paragraph.

"(D) Specific guidelines shall prescribe the timing of submission of proposals under this subsection and timely consideration by the Board so that any approved proposal may be made available to all persons reinsured by the Corporation in a manner permitting the persons to participate, if the persons so desire, in offering such a proposal in the first crop year in which the proposal is approved by the Board for reinsurance, premium subsidy, or other support offered by this title.

"(5) REQUIRED PUBLICATION.—Any policy, provision of a policy, or rate approved under this subsection shall be published as a notice in the Federal Register and made available to all persons contracting with or reinsured by the Corporation under the terms and conditions of the contract between the Corporation and the person originally submitting the policy or other material.

"(6) PILOT COST OF PRODUCTION RISK PROTECTION PLAN.—

"(A) IN GENERAL.—The Corporation shall offer, to the extent practicable, a cost of production risk protection plan of insurance that indemnifies producers (including new producers) for insurable losses as provided in this paragraph.

"(B) PILOT BASIS.—The cost of production risk protection plan shall—

"(i) be established as a pilot project for each of the 1996 and 1997 crop years; and

"(ii) be carried out in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the plan.

"(C) INSURABLE LOSS.—An insurable loss shall be incurred by a producer if the gross income of the producer (as determined by the Corporation) is less than an amount determined by the Corporation, as a result of a reduction in yield or price resulting from an insured cause.

"(D) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.

"(7) ADDITIONAL PREVENTED PLANTING POLICY COVERAGE.—

"(A) IN GENERAL.—Beginning with the 1995 crop year, the Corporation shall offer to producers additional prevented planting coverage that insures producers against losses in accordance with this paragraph.

"(B) APPROVED INSURANCE PROVIDERS.—Additional prevented planting coverage shall be offered by the Corporation through approved insurance providers.

"(C) TIMING OF LOSS.—A crop loss shall be covered by the additional prevented planting coverage if—

"(i) crop insurance policies were obtained for—

"(I) the crop year the loss was experienced; and

"(II) the crop year immediately preceding the year of the prevented planting loss; and

"(ii) the cause of the loss occurred—

"(I) after the sales closing date for the crop in the crop year immediately preceding the loss; and

"(II) before the sales closing date for the crop in the year in which the loss is experienced.

"(8) PILOT PROGRAM OF ASSIGNED YIELDS FOR NEW PRODUCERS.—

"(A) PROGRAM REQUIRED.—For each of the 1995 and 1996 crop years, the Corporation shall carry out a pilot program to assign to eligible new producers higher assigned yields than would otherwise be assigned to the producers under subsection (g). The Corporation shall include in the pilot program 30 counties that are determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among new producers for increased assigned yields.

"(B) INCREASED ASSIGNED YIELDS.—In the case of an eligible new producer participating in the pilot program, the Corporation shall assign to the new producer a yield that is equal to not less than 110 percent of the transitional yield otherwise established by the Corporation.

"(C) ELIGIBLE NEW PRODUCER.—The Secretary shall establish a definition of new producer for purposes of determining eligibility to participate in the pilot program.

"(i) ADOPTION OF RATES AND COVERAGES.—The Corporation shall adopt, as soon as practicable, rates and coverages that will improve the actuarial soundness of the insurance operations of the Corporation for those crops that are determined to be insured at rates that are not actuarially sound, except that no rate may be increased by an amount of more than 20 percent over the comparable rate of the preceding crop year.

"(j) CLAIMS FOR LOSSES.—

"(1) IN GENERAL.—Under rules prescribed by the Corporation, the Corporation may provide for adjustment and payment of claims for losses. The rules prescribed by the Corporation shall establish standards to ensure that all claims for losses are adjusted, to the extent practicable, in a uniform and timely manner.

"(2) DENIAL OF CLAIMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a claim for indemnity is denied by the Corporation or an approved provider, an action on the claim may be brought against the Corporation or Secretary only in the United States district court for the district in which the insured farm is located.

"(B) STATUTE OF LIMITATIONS.—A suit on the claim may be brought not later than 1 year after the date on which final notice of denial of the claim is provided to the claimant.

"(3) INDEMNIFICATION.—The Corporation shall provide approved insurance providers with indemnification, including costs and reasonable attorney fees incurred by the approved insurance provider, due to errors or omissions on the part of the Corporation.

"(k) REINSURANCE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Corporation shall, to the maximum extent practicable, provide reinsurance to insurers approved by the Corporation that insure producers of any agricultural commodity under 1 or more plans acceptable to the Corporation.

"(2) TERMS AND CONDITIONS.—The reinsurance shall be provided on such terms and conditions as the Board may determine to be consistent with subsections (b) and (c) and sound reinsurance principles.

"(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.

"(4) RATE.—The rate established by the Board to reimburse approved insurance providers and agents for the administrative and operating costs of the providers and agents shall not exceed—

"(A) for the 1997 reinsurance year, 29 percent of the premium used to define loss ratio;

"(B) for the 1998 reinsurance year, 28 percent of the premium used to define loss ratio; and

"(C) for the 1999 reinsurance year, 27.5 percent of the premium used to define loss ratio.

"(5) COST AND REGULATORY REDUCTION.—Consistent with section 118 of the Federal Crop Insurance Reform Act of 1994, and consistent with maintenance of program integrity, prevention of fraud and abuse, the need for program expansion, and improvement of quality of service to customers, the Board shall alter program procedures and administrative requirements in order to reduce the administrative and operating costs of approved insurance providers and agents in an amount that corresponds to any reduction in the reimbursement rate required under paragraph (4) during the 5-year period beginning on the date of enactment of this paragraph.

"(6) AGENCY DISCRETION.—The determination of whether the Corporation is achieving, or has achieved, corresponding administrative cost savings shall not be subject to administrative review, and is wholly committed to agency discretion within the meaning of section 701(a)(2) of title 5, United States Code.

"(7) PLAN.—The Corporation shall submit to Congress a plan outlining the measures that will be used to achieve the reduction required under paragraph (5). If the Corporation can identify additional cost reduction measures, the Corporation shall describe the measures in the plan.

"(l) OPTIONAL COVERAGES.—The Corporation may offer specific risk protection programs, including protection against prevented planting, wildlife depredation, tree damage and disease, and insect infestation, under such terms and conditions as the Board may determine, except that no program may be undertaken if insurance for the specific risk involved is generally available from private companies.

"(m) RESEARCH.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation may conduct research, surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses including insurance on losses involving reduced forage on rangeland caused by drought and by insect infestation, livestock poisoning and disease, destruction of bees due to the use of pesticides, and other unique special risks related to fruits, nuts, vegetables, aquacultural species, forest industry needs (including appreciation), and other agricultural products as determined by the Board.

"(2) EXCEPTION.—No action may be undertaken with respect to a risk under paragraph (1) if insurance protection against the risk is generally available from private companies.

"(3) EVALUATION.—After the completion of any pilot program under this subsection, the Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report of the operations of the pilot program, including the evaluation by the Corporation of the pilot program and the recommendations of the Corporation with respect to implementing the program on a national basis.".

SEC. 107. CROP INSURANCE YIELD COVERAGE.

Section 508A (7 U.S.C. 1508a) is repealed.

SEC. 108. PREEMPTION.

Section 511 (7 U.S.C. 1511) is amended by adding at the end the following sentence: "A contract of insurance of the Corporation, and a contract of insurance reinsured by the Corporation, shall be exempt from taxation imposed by any State, municipality, or local taxing authority.".

SEC. 109. ADVISORY COMMITTEE.

The Act is amended by inserting after section 514 (7 U.S.C. 1514) the following new section:

"SEC. 515. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

"(a) ESTABLISHMENT.—The Secretary may establish within the Department an advisory committee to be known as the 'Advisory Committee for Federal Crop Insurance'.

"(b) PRIMARY RESPONSIBILITY.—The primary responsibility of the Advisory Committee shall be to advise the Secretary on the implementation of this title and on other issues related to crop insurance, as determined by the Manager of the Corporation.

"(c) MEMBERSHIP.—The Advisory Committee shall be composed of the Manager of the Corporation, the Secretary (or a designee of the Secretary), and not fewer than 12 members representing organizations and agencies involved in the provision of crop insurance under this title. Not fewer than 3 of the members of the Advisory Committee shall be representatives of the specialty crops industry. The organizations or agencies represented by members on the Advisory Committee may include insurance companies, insurance agents, farm producer organizations, experts on agronomic practices, and banking and lending institutions.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) TERMS.—Members of the Advisory Committee (other than the Manager of the Corporation and the Secretary) shall be appointed by the Secretary for a term of up to 2 years from nominations made by the organizations and agencies specified in subsection (c). The terms of the members (other than the Manager of the Corporation and the Secretary) shall be staggered.

"(2) CHAIRPERSON.—The Advisory Committee shall be chaired by the Manager of the Corporation.

"(3) MEETINGS.—The Advisory Committee shall meet at least annually. The meetings of the Advisory Committee shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Advisory Committee shall be kept and made available to the public on request.

"(e) REPORTS.—Not later than June 30 of each year, the Advisory Committee shall submit to the Secretary a report specifying the conclusions and recommendations of the Advisory Committee regarding—

"(1) the progress toward implementation of this title;

"(2) the actuarial soundness of the Federal crop insurance program;

"(3) the rate of producer participation in both catastrophic risk protection under section 508(b) and additional coverage under section 508(c); and

"(4) the progress toward improved crop insurance coverage for new and specialty crops.

"(f) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on September 30, 1998.".

SEC. 110. FUNDING.

Section 516 (7 U.S.C. 1516) is amended to read as follows:

"SEC. 516. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) DISCRETIONARY EXPENSES.—There are authorized to be appropriated for each of fiscal years 1995 through 2001 such sums as are necessary to cover—

"(A) the salaries and expenses of the Corporation; and

"(B) the administrative and operating expenses of the Corporation for the sales commissions of agents.

"(2) MANDATORY EXPENSES.—There are authorized to be appropriated such sums as are necessary to cover—

"(A) in the case of each of the 1995 through 1997 reinsurance years, the administrative and operating expenses of the Corporation for the sales commissions of agents, consistent with subsection (b)(1);

"(B) premium subsidies, including the administrative and operating expenses of an approved insurance provider for the delivery of policies with additional coverage; and

"(C) payments for noninsured assistance losses under section 519.

"(b) PAYMENT OF EXPENSES.—

"(1) ADMINISTRATIVE AND OPERATING EXPENSES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of each of the 1995 through 1997 reinsurance years, the Corporation is authorized to pay from the insurance fund established under subsection (c), the administrative and operating expenses of an approved insurance provider, including expenses covered by subsection (a)(1)(B).

"(B) SALES COMMISSIONS FOR 1997 REINSURANCE YEAR.—In the case of the 1997 reinsurance year, the amount of the payments from the insurance fund established under subsection (c) for the expenses of the Corporation for the sales commissions of agents may not exceed 8.5 percent of the total amount of premiums paid for additional coverage for the 1997 reinsurance year.

"(2) OTHER EXPENSES.—The Corporation is authorized to pay from the insurance fund established under subsection (c)—

"(A) all other expenses of the Corporation (other than expenses covered by subsection (a)(1)), including all premium subsidies, noninsured assistance benefits, and indemnities;

"(B) subject to paragraph (1)(B), in the case of each of the 1995 through 1997 reinsurance years, all administrative and expense reimbursements due under a reinsurance agreement with an approved insurance provider; and

"(C) to the extent necessary, expenses incurred by the Corporation to carry out research and development.

"(c) INSURANCE FUND.—

"(1) IN GENERAL.—There is established an insurance fund, for the deposit of premium income and amounts made available under subsection (a)(2), to be available without fiscal year limitation.

"(2) COMMODITY CREDIT CORPORATION FUNDS.—If at any time the amounts in the insurance fund are insufficient to enable the Corporation to carry out subsection (b), to the extent the funds of the Commodity Credit Corporation are available—

"(A) the Corporation may request the Secretary to use the funds of the Commodity Credit Corporation to carry out subsection (b); and

"(B) the Secretary may use the funds of the Commodity Credit Corporation to carry out subsection (b).".

SEC. 111. NONINSURED CROP DISASTER ASSISTANCE.

Section 519 (7 U.S.C. 1519) is amended to read as follows:

"SEC. 519. NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—In the case of an eligible crop described in paragraph (2), the Corporation shall establish a noninsured crop disaster assistance program to provide coverage equivalent to the catastrophic risk protection otherwise available under section 508(b).

"(2) ELIGIBLE CROPS.—

"(A) IN GENERAL.—As used in this section, the term 'eligible crop' means each commercial crop or other agricultural commodity (except livestock)—

"(i) for which catastrophic risk protection under section 508(b) is not available; and

"(ii) that is produced for food or fiber.

"(B) CROPS SPECIFICALLY INCLUDED.—The term 'eligible crop' shall include floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, and industrial crops.

"(3) CAUSE OF LOSS.—To qualify for assistance under this section, the losses of the noninsured commodity shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

"(b) APPLICATION FOR NONINSURED CROP DISASTER ASSISTANCE.—

"(1) TIMELY APPLICATION.—To be eligible for assistance under this section, a producer shall submit an application for noninsured crop disaster assistance at a local office of the Department. The application shall be in such form, contain such information, and be submitted at such time as the Corporation may require.

"(2) RECORDS.—A producer shall annually provide records, as required by the Corporation, of previous crop acreage, acreage yields, and production, or the producer shall accept a yield under subsection (e)(3) determined by the Corporation.

"(3) ACREAGE REPORTS.—A producer shall provide reports on acreage planted or prevented from being planted, as required by the Corporation, by the designated acreage reporting date for the crop and location as established by the Corporation.

"(c) LOSS REQUIREMENTS.—

"(1) REQUIRED AREA LOSS.—A producer of an eligible crop shall not receive noninsured crop disaster assistance unless the average yield for that crop, or an equivalent measure in the event yield data are not available, in an area falls below 65 percent of the expected area yield, as established by the Corporation.

"(2) PREVENTED PLANTING.—Subject to paragraph (1), the Corporation shall make a prevented planting noninsured crop disaster assistance payment if the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop because of drought, flood, or other natural disaster, as determined by the Secretary.

"(3) REDUCED YIELDS.—Subject to paragraph (1), the Corporation shall make a reduced yield noninsured crop disaster assistance payment to a producer if the total quantity of the eligible crop that the producer is able to harvest on any farm is, because of drought, flood, or other natural disaster as determined by the Secretary, less than 50 percent of the expected individual yield for the crop, as determined by the Corporation, factored for the interest of the producer for the crop.

"(d) PAYMENT.—The Corporation shall make available to a producer eligible for noninsured assistance under this section a payment computed by multiplying—

"(1) the quantity that is less than 50 percent of the established yield for the crop; by

"(2)(A) in the case of each of the 1995 through 1998 crop years, 60 percent of the average market price for the crop (or any comparable coverage determined by the Corporation); or

"(B) in the case of each of the 1999 and subsequent crop years, 55 percent of the average market price for the crop (or any comparable coverage determined by the Corporation); by

"(3) a payment rate for the type of crop (as determined by the Corporation) that—

"(A) in the case of a crop that is produced with a significant and variable harvesting expense, reflects the decreasing cost incurred in the production cycle for the crop that is—

"(i) harvested;

"(ii) planted but not harvested; and

"(iii) prevented from being planted because of drought, flood, or other natural disaster (as determined by the Secretary); and

"(B) in the case of a crop that is not produced with a significant and variable harvesting expense, is determined by the Corporation.

"(e) YIELD DETERMINATIONS.—

"(1) ESTABLISHMENT.—The Corporation shall establish farm yields for purposes of providing noninsured crop disaster assistance under this section.

"(2) ACTUAL PRODUCTION HISTORY.—The Corporation shall determine yield coverage using the actual production history of the producer over a period of not less than the 4 previous consecutive crop years and not more than 10 consecutive crop years. Subject to paragraph (3), the yield for the year in which noninsured crop disaster assistance is sought shall be equal to the average of the actual production history of the producer during the period considered.

"(3) ASSIGNMENT OF YIELD.—If a producer does not submit adequate documentation of production history to determine a crop yield under paragraph (2), the Corporation shall assign to the producer a yield equal to not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(4) PROHIBITION ON ASSIGNED YIELDS IN CERTAIN COUNTIES.—

"(A) IN GENERAL.—

"(i) DOCUMENTATION.—If sufficient data are available to demonstrate that the acreage of a crop in a county for the crop year has increased by more than 100 percent over any year in the preceding 7 crop years or, if data are not available, if the acreage of the crop in the county has increased significantly from the previous crop years, a producer must provide such detailed documentation of production costs, acres planted, and yield for the crop year for which benefits are being claimed as is required by the Corporation. If the Corporation determines that the documentation provided is not sufficient, the Corporation may require documenting proof that the crop, had the crop been harvested, could have been marketed at a reasonable price.

"(ii) PROHIBITION.—Except as provided in subparagraph (B), a producer who produces a crop on a farm located in a county described in clause (i) may not obtain an assigned yield.

"(B) EXCEPTION.—A crop or a producer shall not be subject to this subsection if—

"(i) the planted acreage of the producer for the crop has been inspected by a third party acceptable to the Secretary; or

"(ii)(I) the County Executive Director and the State Executive Director recommend an exemption from the requirement to the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service; and

"(II) the Deputy Administrator approves the recommendation.

"(5) LIMITATION ON RECEIPT OF SUBSEQUENT ASSIGNED YIELD.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

"(6) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Corporation shall ensure that noninsured crop disaster assistance accurately reflects significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

"(f) CONTRACT PAYMENTS.—A producer who has received a guaranteed payment for production, as opposed to delivery, of a crop pursuant to a contract shall have the production of the producer adjusted upward by the amount of the production equal to the amount of the contract payment received.

"(g) PAYMENT OF LOSSES.—Payments for noninsured crop disaster assistance losses under this section shall be made from the insurance fund established under section 516. The losses shall not be included in calculating the premiums charged to producers for insurance under section 508.

"(h) EXCLUSIONS.—Noninsured crop disaster assistance under this section shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in those areas and under such circumstances where it is customary to reseed; or

"(C) the failure of the producer to follow good farming practices, as determined by the Corporation.".

SEC. 112. PAYMENT AND INCOME LIMITATIONS.

Section 519 (7 U.S.C. 1519) (as amended by section 111) is further amended by adding at the end the following new subsection:

"(h) PAYMENT AND INCOME LIMITATIONS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) PERSON.—The term 'person' has the meaning provided the term in regulations issued by the Secretary. The regulations shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

"(B) QUALIFYING GROSS REVENUES.—The term 'qualifying gross revenues' means—

"(i) if a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue from the farming, ranching, and forestry operations of the person; and

"(ii) if less than a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue of the person from all sources.

"(2) PAYMENT LIMITATION.—The total amount of payments that a person shall be entitled to receive annually under this title may not exceed $100,000.

"(3) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—If a producer who is eligible to receive benefits under catastrophic risk protection under section 508(b) or noninsured crop disaster assistance under this section is also eligible to receive assistance for the same loss under any other program administered by the Secretary, the producer shall be required to elect whether to receive benefits under this title or under the other program, but not both. A producer who purchases additional coverage under section 508(c) may also receive assistance for the same loss under other programs administered by the Secretary, except that the amount received for the loss under the additional coverage together with the amount received under the other programs may not exceed the amount of the actual loss of the producer.

"(4) INCOME LIMITATION.—A person who has qualifying gross revenues in excess of the amount specified in section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

"(5) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), the general payment limitation regulations of the Secretary, and the limitations established under this subsection.".

SEC. 113. PRODUCER ELIGIBILITY.

Section 520 (7 U.S.C. 1520) is amended to read as follows:

"SEC. 520. PRODUCER ELIGIBILITY.

"Except as otherwise provided in this title, a producer shall not be denied insurance under this title if—

"(1) for purposes of catastrophic risk protection coverage, the producer is a 'person' (as defined by the Secretary); and

"(2) for purposes of any other plan of insurance, the producer is 18 years of age and has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant, or sharecropper.".

SEC. 114. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

The Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following new section:

"SEC. 521. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

"If the Secretary determines that a person has knowingly adopted a material scheme or device to obtain catastrophic risk, additional coverage, or noninsured assistance benefits under this title to which the person is not entitled, has evaded this title, or has acted with the purposes of evading this title, the person shall be ineligible to receive all benefits applicable to the crop year for which the scheme or device was adopted. The authority provided by this section shall be in addition to, and shall not supplant, the authority provided by section 506(n).".

SEC. 115. ELIMINATION OF GENDER REFERENCES.

(a) MANAGEMENT OF CORPORATION.—Section 505 (7 U.S.C. 1505) is amended—

(1) in subsection (a), by striking the third sentence and inserting "The Board shall be appointed by, and hold office at the pleasure of, the Secretary. The Secretary shall not be a member of the Board."; and

(2) in subsection (d)—

(A) by striking "upon him"; and

(B) by striking "He shall be appointed by," and inserting "The manager shall be appointed by,".

(b) PERSONNEL.—Section 507 (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking "as he may determine: *Provided*, That" and inserting "as the Secretary may determine appropriate. However,"; and

(2) in subsection (d), by striking "as he may request" and inserting "that the Secretary requests".

(c) INDEMNITIES EXEMPT FROM LEVY.—Section 509 (7 U.S.C. 1509) is amended by striking "or his estate" and inserting "or the estate of the insured".

SEC. 116. PREVENTED PLANTING.

(a) IN GENERAL.—Effective for the 1994 crop year, a producer described in subsection (b) shall receive compensation under the prevented planting coverage policy provision described in subsection (b)(1) by—

(1) obtaining from the Secretary of Agriculture the applicable amount that is payable under the conserving use program described in subsection (b)(4); and

(2) obtaining from the Federal Crop Insurance Corporation the amount that is equal to the difference between—

(A) the amount that is payable under the conserving use program; and

(B) the amount that is payable under the prevented planting coverage policy.

(b) ELIGIBLE PRODUCERS.—Subsection (a) shall apply to a producer who—

(1) purchased a prevented planting policy for the 1994 crop year from the Federal Crop Insurance Corporation prior to the spring sales closing date for the 1994 crop year;

(2) is unable to plant a crop due to major, widespread flooding in the Midwest, or excessive ground moisture, that occurred prior to the spring sales closing date for the 1994 crop year;

(3) had a reasonable expectation of planting a crop on the prevented planting acreage for the 1994 crop year; and

(4) participates in a conserving use program established for the 1994 crop of wheat, feed grains, upland cotton, or rice established under section 107B(c)(1)(E), 105B(c)(1)(E), 103B(c)(1)(D), or 101B(c)(1)(D), respectively, of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(E), 1444f(c)(1)(E), 1444–2(c)(1)(D), or 1441–2(c)(1)(D)).

(c) OILSEED PREVENTED PLANTING PAYMENTS.—

(1) IN GENERAL.—Effective for the 1994 crop year, a producer of a crop of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a))) shall receive a prevented planting payment for the crop if the requirements of paragraphs (1), (2), and (3) of subsection (b) are satisfied.

(2) SOURCE OF PAYMENT.—The total amount of payments required under this subsection shall be made by the Federal Crop Insurance Corporation.

(d) PAYMENT.—A payment under this section may not be made before October 1, 1994.

SEC. 117. REPORT ON IMPROVING DISSEMINATION OF CROP INSURANCE INFORMATION.

Not later than 180 days after the date of enactment of this Act and at the end of each of the 2 1-year periods thereafter, the Federal Crop Insurance Corporation shall submit a report to Congress containing a plan to implement a sound program for producer education regarding the crop insurance program and for the dissemination of crop insurance

information to producers, as required by section 508(a)(5) of the Federal Crop Insurance Act (as amended by section 106).

SEC. 118. CROP INSURANCE PROVIDER EVALUATION.

(a) IN GENERAL.—The Comptroller General of the United States and the Federal Crop Insurance Corporation (referred to in this section as the "Corporation") shall jointly evaluate the financial arrangement between the Corporation and approved insurance providers to determine the quality, costs, and efficiencies of providing the benefits of multiple peril crop insurance to producers of agricultural commodities covered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(b) COLLECTION OF INFORMATION AND PROPOSALS.—The Corporation shall require private insurance providers and agents to supply, and the private insurance providers and agents shall supply, records and information necessary to make the determinations and evaluations required under this section. The Corporation shall solicit from the approved insurance providers and agents proposals for modifying or altering the requirements, regulations, procedures, and processes related to implementing the Federal Crop Insurance Act to reduce the operating and administrative costs of the providers and agents.

(c) INITIAL REPORT.—Not later than 180 days after receipt of information and cost-reduction proposals under subsection (b), the Corporation shall evaluate the information and proposals obtained and report the results of the evaluation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General and the Corporation shall submit a final report that provides the evaluation required under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. In making the evaluation, the Comptroller General and the Corporation shall—

(1) consider the changes made by the Corporation in response to increased program participation resulting from the enactment of this Act;

(2) include an evaluation and opinion of the accuracy and reasonableness of—

(A) the average actual costs for approved insurance providers to deliver multiple peril crop insurance;

(B) the cost per policy of complying with the requirements, regulations, procedures, and processes of the Federal Crop Insurance Act;

(C) the cost differences for various provider firm sizes and any business delivered by the Federal Government;

(D) the adequacy of the standard reimbursement for potential new providers; and

(E) the identification of any new costs related to the enactment of this Act not previously identified in the information reported by the providers;

(3) compare delivery costs of multiple peril crop insurance to other insurance coverages that the provider may sell and determine the extent, if any, to which any funds provided to carry out the Federal Crop Insurance Act are being used to fund any other business enterprise operated by the provider;

(4)(A) assess alternative methods for reimbursing providers for reasonable and necessary expenses associated with delivery of multiple peril crop insurance;

(B) recommend changes under this paragraph that reasonably demonstrate the need to achieve the greatest operating efficiencies on the part of the provider and the Corporation has been recognized; and

(C) identify areas for improved operating efficiencies, if any, in the requirements made by the Corporation for compliance and program integrity;

(5) assess the potential for alternative forms of reinsurance arrangements for providers of different firm sizes, taking into consideration—

(A) the need to achieve a reasonable return on the capital of the provider compared to other lines of insurance;

(B) the relative risk borne by the provider for the different lines of insurance;

(C) the availability and price of commercial reinsurance; and

(D) any additional costs that may be incurred by the Federal Government in carrying out the Federal Crop Insurance Act; and

(6) include an analysis of the effect of the current or proposed reinsurance arrangements on providers having different business levels.

(e) INFORMATION.—

(1) PRIVACY.—In conducting the evaluation required by this section, the Comptroller General and the Corporation shall maintain the privacy of proprietary information.

(2) SUBPOENAS.—The Comptroller General shall have the power to subpoena information relevant to the evaluation required by this section from any private insurance provider. The Comptroller General shall allow the Corporation access to the information subpoenaed taking into consideration the necessity of preserving the privacy of proprietary information.

SEC. 119. CONFORMING AMENDMENTS.

(a) PRICE SUPPORT PROGRAMS.—

(1) IN GENERAL.—Title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 427. CROP INSURANCE REQUIREMENT.

"As a condition of receiving any benefit (including payments) under title I or II for each of the 1995 and subsequent crops of tobacco, rice, extra long staple cotton, upland cotton, feed grains, wheat, peanuts, oilseeds, and sugar, a producer must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.".

(2) RICE.—Section 101B(c) of such Act (7 U.S.C. 1441-2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

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

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(3) UPLAND COTTON.—Section 103B(c) of such Act (7 U.S.C. 1444-2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

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

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(4) FEED GRAINS.—Section 105B(c) of such Act (7 U.S.C. 1444f(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

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

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(5) WHEAT.—Section 107B(c) of such Act (7 U.S.C. 1445b-3a(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

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

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(6) DISASTER PAYMENTS.—Section 208 of such Act (7 U.S.C. 1446l) is repealed.

(b) FARMERS HOME ADMINISTRATION PROGRAMS.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following new section:

"SEC. 371. CROP INSURANCE REQUIREMENT.

"(a) IN GENERAL.—As a condition of obtaining any benefit (including a direct loan, loan guarantee, or payment) described in subsection (b), a borrower must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.

"(b) APPLICABLE BENEFITS.—Subsection (a) shall apply to—

"(1) a farm ownership loan (FO) under section 303;

"(2) an operating loan (OL) under section 312; and

"(3) an emergency loan (EM) under section 321.".

(c) DISASTER ASSISTANCE.—Subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by striking chapter 3.

(d) EMERGENCY APPROPRIATIONS.—

(1) IN GENERAL.—Effective January 1, 1995, section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.".

(2) EMERGENCY LEGISLATION.—Effective January 1, 1995, section 252(e) of such Act (2 U.S.C. 902(e)) is amended by adding at the end the following new sentence: "This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.".

(e) FALSE STATEMENTS.—Section 1014 of title 18, United States Code, is amended by inserting "or a company the Corporation reinsures" after "Federal Crop Insurance Corporation".

(f) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 506(d) (7 U.S.C. 1506(d)) is amended by striking "508(f)" and inserting "508(j)".

(2) The last sentence of section 507(c) (7 U.S.C. 1507(c)) is amended by striking "508(b)" and inserting "508(h)".

(3) Section 518 (7 U.S.C. 1518) is amended by striking "(k)" and inserting "(m)".

SEC. 120. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall become effective on the date of enactment of this Act and shall apply to the provision of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) beginning with the 1995 crop year. With respect to the 1994 crop year, the Federal Crop Insurance Act (as in effect on the day before the date of enactment of this Act) shall continue to apply.

TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

SEC. 201. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Department of Agriculture Reorganization Act of 1994".

SEC. 202. PURPOSE.

The purpose of this title is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out by the Department.

SEC. 203. DEFINITIONS.

Except where the context requires otherwise, for purposes of this title:

(1) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(2) NATIONAL APPEALS DIVISION.—The term "National Appeals Division" means the National Appeals Division of the Department established under section 272.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) FUNCTION.—The term "function" means an administrative, financial, or regulatory activity of an agency, office, officer, or employee of the Department.

Subtitle A—General Reorganization Authorities

SEC. 211. TRANSFER OF DEPARTMENT FUNCTIONS TO SECRETARY OF AGRICULTURE.

(a) TRANSFER OF FUNCTIONS.—Except as provided in subsection (b), there are transferred to the Secretary of Agriculture all functions of all agencies, offices, officers, and employees of the Department that are not already vested in the Secretary on the date of the enactment of this Act.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following functions:

(1) Functions vested by subchapter II of chapter 5 of title 5, United States Code, in administrative law judges employed by the Department.

(2) Functions vested by the Inspector General Act of 1978 (5 U.S.C. App.) in the Inspector General of the Department.

(3) Functions vested by chapter 9 of title 31, United States Code, in the Chief Financial Officer of the Department.

(4) Functions vested in the corporations of the Department or the boards of directors and officers of such corporations.

(5) Functions vested in the Alternative Agricultural Research and Commercialization Board by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

SEC. 212. AUTHORITY OF SECRETARY TO DELEGATE TRANSFERRED FUNCTIONS.

(a) DELEGATION OF AUTHORITY.—

(1) DELEGATION AUTHORIZED.—Subject to paragraph (2), the Secretary may delegate to any agency, office, officer, or employee of the Department the authority to perform any function transferred to the Secretary under section 211(a) or any other function vested in the Secretary as of the date of the enactment of this Act. The authority provided in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any agency, office, or other administrative unit of the Department.

(2) CONDITION ON AUTHORITY.—The delegation authority provided by paragraph (1) shall be subject to—

(A) sections 232, 251(d), 273, and 304 and subsections (a) and (b)(1) of section 261;

(B) sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693); and

(C) section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(b) COST-BENEFIT ANALYSIS REQUIRED FOR NAME CHANGE.—

(1) ANALYSIS REQUIRED.—Except as provided in paragraph (2), the Secretary shall conduct a cost-benefit analysis before changing the name of any agency, office, division, or other unit of the Department to ensure that the benefits to be derived from changing the name of the agency, office, division, or other unit outweigh the expense of executing the name change.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any name change required or authorized by this title.

(c) PUBLIC COMMENT ON PROPOSED REORGANIZATION.—To the extent that the implementation of the authority provided to the Secretary by this title to reorganize the Department involves the creation of new agencies or offices within the Department or the delegation of major functions or major groups of functions to any agency or office of the Department (or the officers or employees of such agency or office), the Secretary shall, to the extent considered practicable by the Secretary—

(1) give appropriate advance public notice of the proposed reorganization action or delegation; and

(2) afford appropriate opportunity for interested parties to comment on the proposed reorganization action or delegation.

(d) INTERAGENCY TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS.—

(1) RELATED TRANSFERS.—Subject to paragraph (2), as part of the transfer or delegation of a function of the Department made or authorized by this title, the Secretary may transfer within the Department—

(A) any of the records, property, or personnel affected by the transfer or delegation of the function; and

(B) unexpended balances (available or to be made available for use in connection with the transferred or delegated function) of appropriations, allocations, or other funds of the Department.

(2) APPLICABLE LAW RELATING TO FUNDS TRANSFER.—Section 1531 of title 31, United States Code, shall apply to any transfer of funds under paragraph (1).

(e) EXHAUSTION OF ADMINISTRATIVE APPEALS.—Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary or required by law before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;

(2) the Department; or

(3) an agency, office, officer, or employee of the Department.

SEC. 213. REDUCTIONS IN NUMBER OF DEPARTMENT PERSONNEL.

(a) DEFINITIONS.—For purposes of this section:

(1) HEADQUARTERS OFFICES.—The term "headquarters offices", with respect to agencies, offices, or other administrative units of the Department, means the offices, functions, and employee positions that are located or performed—

(A) in Washington, District of Columbia; or

(B) in such other locations as are identified by the Secretary for purposes of this section.

(2) FIELD STRUCTURE.—The term "field structure" means the offices, functions, and employee positions of all agencies, offices, or other administrative units of the Department, other than the headquarters offices, except that the term does not include State, county, or area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)). The term includes the physical and geographic locations of such agencies, offices, or other administrative units.

(b) NUMBER OF REDUCTIONS REQUIRED.—The Secretary shall achieve Federal employee reductions of at least 7,500 staff years within the Department by the end of fiscal year 1999. Reductions in the number of full-time equivalent positions within the Department achieved under section 5 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 115; 5 U.S.C. 3101 note) shall be counted toward the employee reductions required under this section.

(c) EMPHASIS ON HEADQUARTERS OFFICES REDUCTIONS.—In achieving the employee reductions required by subsection (b), the Secretary shall pursue a goal so that the percentage of the total number of employee staff years reduced in headquarters offices is at least twice the percentage of the total number of employee staff years reduced in the field structure.

(d) SCHEDULE.—The personnel reductions in headquarters offices and in the field structure should be accomplished concurrently in a manner determined by the Secretary.

SEC. 214. CONSOLIDATION OF HEADQUARTERS OFFICES.

Subject to the availability of appropriated funds for this purpose, the Secretary shall develop and carry out a plan to consolidate offices located in Washington, District of Columbia, of agencies, offices, and other administrative units of the Department.

SEC. 215. COMBINATION OF FIELD OFFICES.

(a) COMBINATION OF OFFICES REQUIRED.—Where practicable and to the extent consistent with efficient, effective, and improved service, the Secretary shall combine field offices of agencies within the Department to reduce personnel and duplicative overhead expenses.

(b) JOINT USE OF RESOURCES AND OFFICES REQUIRED.—When two or more agencies of the Department share a common field office, the Secretary shall require the agencies to jointly use office space, equipment, office supplies, administrative personnel, and clerical personnel associated with that field office.

SEC. 216. IMPROVEMENT OF INFORMATION SHARING.

Whenever the Secretary procures or uses computer systems, as may be provided for in advance in appropriations Acts, the Secretary shall do so in a manner that enhances efficiency, productivity, and client services and is consistent with the goal of promoting computer information sharing among agencies of the Department.

SEC. 217. REPORTS BY THE SECRETARY.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report solely to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) LIMITATION.—For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a).

(c) SELECTION OF REPORTS.—In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports, if any, the Secretary will prepare and submit in accordance with subsection (b).

SEC. 218. ASSISTANT SECRETARIES OF AGRICULTURE.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the positions of—

(1) Assistant Secretary of Agriculture for Congressional Relations;

(2) Assistant Secretary of Agriculture for Administration; and

(3) Assistant Secretary of Agriculture for Marketing and Regulatory Programs.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes any position of Assistant Secretary authorized under subsection (a), the Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Administration or Assistant Secretary of Agriculture for Congressional Relations on the date of the enactment of this Act and who was appointed as such Assistant Secretary by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(d) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Agriculture (7)." and inserting "Assistant Secretaries of Agriculture (3).".

(e) REPEAL OF SUPERSEDED PROVISIONS REGARDING ASSISTANT SECRETARIES.—The following provisions of law are repealed:

(1) Section 2 of Reorganization Plan No. 2 of 1953 (5 U.S.C. App; 7 U.S.C. 2201 note).

(2) Section 2 of the Act entitled "An Act to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture.", approved February 9, 1889 (7 U.S.C. 2212).

(3) The first paragraph designated "OFFICE OF THE SECRETARY:" under the heading "DEPARTMENT OF AGRICULTURE" of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven.", approved June 30, 1906 (34 Stat. 670; 7 U.S.C. 2212).

(4) Section 604(a) of the Rural Development Act of 1972 (7 U.S.C. 2212a).

(5) Section 2 of Public Law 94-561 (7 U.S.C. 2212b).

(6) Section 8(a) of Public Law 97-325 (7 U.S.C. 2212c).

(7) Section 1413(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(d)).

SEC. 219. PAY INCREASES PROHIBITED.

The compensation of any officer or employee of the Department on the date of the enactment of this Act shall not be increased as a result of the enactment of this title.

Subtitle B—Farm and Foreign Agricultural Services

SEC. 225. UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Farm and Foreign Agricultural Services authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Farm and Foreign Agricultural Services those functions under the jurisdiction of the Department that are related to farm and foreign agricultural services.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Farm and Foreign Agricultural Services shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for International Affairs and Commodity Programs on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(e) CONFORMING AMENDMENTS.—

(1) EXISTING POSITION.—Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691), relating to the Under Secretary of Agriculture for International Affairs and Commodity Programs, is repealed.

(2) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for International Affairs and Commodity Programs." and inserting "Under Secretary of Agriculture for Farm and Foreign Agricultural Services.".

SEC. 226. CONSOLIDATED FARM SERVICE AGENCY.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain in the Department a Consolidated Farm Service Agency.

(b) FUNCTIONS OF CONSOLIDATED FARM SERVICE AGENCY.—If the Secretary establishes the Consolidated Farm Service Agency under subsection (a), the Secretary is authorized to assign to the Agency jurisdiction over the following functions:

(1) Agricultural price and income support programs, production adjustment programs, and related programs.

(2) General supervision of the Federal Crop Insurance Corporation.

(3) Agricultural credit programs assigned before the date of the enactment of this Act by law to the Farmers Home Administration (including farm ownership and operating, emergency, and disaster loan programs) and other lending programs for agricultural producers and others engaged in the production of agricultural commodities.

(4) Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831-3836) and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.).

(5) Such other functions as the Secretary considers appropriate, except for those programs assigned by the Secretary to the Natural Resources Conservation Service or another agency of the Department under section 246(b).

(c) SPECIAL CONCURRENCE REQUIREMENTS FOR CERTAIN FUNCTIONS.—In carrying out the programs specified in subsection (b)(4), the Secretary shall—

(1) acting on the recommendations of the Consolidated Farm Service Agency, with the concurrence of the Natural Resources Conservation Service, issue regulations to carry out such programs;

(2) ensure that the Consolidated Farm Service Agency, in establishing policies, priorities, and guidelines for such programs, does so with the concurrence of the Natural Resources Conservation Service at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) JURISDICTION OVER CONSERVATION PROGRAM APPEALS.—

(1) IN GENERAL.—Until such time as an adverse decision described in this paragraph is referred to the National Appeals Division for consideration, the Consolidated Farm Service Agency shall have initial jurisdiction over any administrative appeal resulting from an adverse decision made under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), including an adverse decision involving technical determinations made by the Natural Resources Conservation Service.

(2) TREATMENT OF TECHNICAL DETERMINATION.—With respect to administrative appeals involving a technical determination made by the Natural Resources Conservation Service, the Consolidated Farm Service Agency, by rule with the concurrence of the Natural Resources Conservation Service, shall establish procedures for obtaining review by the Natural Resources Conservation Service of the technical determinations involved. Such rules shall ensure that technical criteria established by the Natural Resources Conservation Service shall be used by the Consolidated Farm Service Agency as the basis for any decisions regarding technical determinations. If no review is requested, the technical determination of the Natural Resources Conservation Service shall be the technical basis for any decision rendered by a county or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)). If the committee requests a review by the Natural Resources Conservation Service of a wetlands determination of the Service, the Consolidated Farm Service Agency shall consult with other Federal agencies whenever required by law or under a memorandum of agreement in existence on the date of the enactment of this Act.

(3) REINSTATEMENT OF PROGRAM BENEFITS.—Rules issued to carry out this subsection shall provide for the prompt reinstatement of benefits to a producer who is determined in an administrative appeal to meet the requirements of title XII of the Food Security Act of 1985 applicable to the producer.

(e) USE OF FEDERAL AND NON-FEDERAL EMPLOYEES.—

(1) USE AUTHORIZED.—In the implementation of programs and activities assigned to the Consolidated Farm Service Agency, the

Secretary may use interchangeably in local offices of the Agency both Federal employees of the Department and non-Federal employees of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(2) EXCEPTION.—Notwithstanding paragraph (1), no personnel action (as defined in section 2302(a)(2)(A) of title 5, United States Code) may be taken with respect to a Federal employee unless such action is taken by another Federal employee.

(f) COLLOCATION.—To the maximum extent practicable, the Secretary shall collocate county offices of the Consolidated Farm Service Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to agricultural producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) SAVINGS PROVISION.—For purposes of subsections (c) through (f) of this section:

(1) A reference to the "Consolidated Farm Service Agency" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under this section.

(2) A reference to the "Natural Resources Conservation Service" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under section 246(b).

(h) CONFORMING AMENDMENT.—Section 331(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(a)) is amended by striking "assets to the Farmers Home Administration" and all that follows through the period at the end of the subsection and inserting "assets to such officers or agencies of the Department of Agriculture as the Secretary considers appropriate.".

SEC. 227. STATE, COUNTY, AND AREA COMMITTEES.

(a) COMMITTEES UNDER THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.—Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by designating the second through eighth undesignated paragraphs as paragraphs (2) through (8), respectively; and

(3) by striking paragraph (5) (as so designated) and inserting the following new paragraph:

"(5) STATE, COUNTY, AND AREA COMMITTEES.—

"(A) APPOINTMENT OF STATE COMMITTEES.—The Secretary shall appoint in each State a State committee composed of not fewer than 3 nor more than 5 members who are fairly representative of the farmers in the State. The members of a State committee shall serve at the pleasure of the Secretary for such term as the Secretary may establish.

"(B) ESTABLISHMENT OF COUNTY, AREA, OR LOCAL COMMITTEES.—(i) In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

"(ii) Any such committee shall consist of not fewer than 3 nor more than 5 members who are fairly representative of the agricultural producers in the county or area and who shall be elected by the agricultural producers in such county or area under such procedures as the Secretary may prescribe.

"(iii) The Secretary may designate local administrative areas within the county or larger area covered by a committee established under clause (i). Only agricultural producers within a local administrative area who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area, under such regulations as the Secretary may prescribe.

"(iv) The Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1)).

"(v) Members of each county, area, or local committee shall serve for terms not to exceed 3 years.

"(C) TERMINATION OR COMBINATION OF COMMITTEES.—The Secretary may not terminate a county or area committee or combine or consolidate two or more county or area committees unless—

"(i) the Secretary first notifies the committee or committees involved of the proposed action; and

"(ii) the State committee of the State in which the affected counties are located approves of such action in a vote taken after the end of the 60-day period beginning on the date the notification is received.

"(D) USE OF COMMITTEES.—The Secretary shall use the services of such committees in carrying out programs under this section and the agricultural credit programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and in considering administrative appeals as provided by section 226(d) of the Department of Agriculture Reorganization Act of 1994. The Secretary may use the services of such committees in carrying out programs under other authorities administered by the Secretary .

"(E) REGULATIONS.—The Secretary shall issue such regulations as the Secretary considers necessary relating to the selection and exercise of the functions of the respective committees, and to the administration through such committees of the programs described in subparagraph (D). Pursuant to such regulations, each county and area committee shall select an executive director for the area or county. Such selection shall be made in the same manner as provided for the selection of the county executive director under section 7.21(b)(2) of title 7, Code of Federal Regulations, as in effect on January 1, 1994. Regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, whenever practicable, they shall be classified on the following two bases:

"(i) Soil-depleting practices.

"(ii) Soil-building practices.

"(F) MANDATORY DUTIES OF SECRETARY.—In carrying out this section, the Secretary shall—

"(i) insofar as practicable, protect the interests of tenants and sharecroppers;

"(ii) accord such encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in Federal laws and as will tend to promote efficient methods of marketing and distribution;

"(iii) in every practicable manner, protect the interests of small producers; and

"(iv) in every practical way, encourage and provide for soil-conserving and soil-rebuilding practices.

"(G) DISCRETIONARY AUTHORITIES OF SECRETARY.—In carrying out this section, the Secretary may use other approved agencies.

"(H) LIMITATIONS.—In carrying out this section, the Secretary shall not have the authority to acquire any land or any right or interest in land.".

(b) ELIMINATION OF FMHA COUNTY COMMITTEES.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by striking section 332 (7 U.S.C. 1982); and

(2) in section 333 (7 U.S.C. 1983)—

(A) by striking paragraph (2); and

(B) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

Subtitle C—Rural Economic and Community Development

SEC. 231. UNDER SECRETARY OF AGRICULTURE FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Rural Economic and Community Development.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Rural Economic and Community Development authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Rural Economic and Community Development those functions under the jurisdiction of the Department that are related to rural economic and community development.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Rural Economic and Community Development shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(e) LOAN APPROVAL AUTHORITY.—Approval authority for loans and loan guarantees in connection with the electric and telephone loan and loan guarantee programs authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall not be transferred to, or conditioned on review of, a State director or other employee whose primary duty is not the review and approval of such loans or the provision of assistance to such borrowers.

(f) CONFORMING AMENDMENTS.—

(1) EXISTING POSITION.—Section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended by striking subsection (a).

(2) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for

Small Community and Rural Development." and inserting "Under Secretary of Agriculture for Rural Economic and Community Development.".

(3) REPEAL OF RURAL DEVELOPMENT ADMINISTRATION.—Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is repealed.

SEC. 232. RURAL UTILITIES SERVICE.

(a) ESTABLISHMENT REQUIRED.—The Secretary shall establish and maintain within the Department the Rural Utilities Service and assign to the Service such functions as the Secretary considers appropriate.

(b) ADMINISTRATOR.—

(1) APPOINTMENT.—The Rural Utilities Service shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) SUCCESSION.—Any official who is serving as Administrator of the Rural Electrification Administration on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate—

(A) may be considered to be serving in the successor position established under paragraph (1); and

(B) shall not be required to be reappointed to that position by reason of the enactment of this Act.

(3) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Administrator, Rural Utilities Service, Department of Agriculture.".

(c) FUNCTIONS.—The Secretary shall carry out through the Rural Utilities Service the following functions that are under the jurisdiction of the Department:

(1) Electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1); and

(2) Water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b)(2), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b)(2), and 1013a); and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926 note).

SEC. 233. RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.

(a) ESTABLISHMENT AUTHORIZED.—Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service and to assign to the Service such functions as the Secretary considers appropriate.

(b) FUNCTIONS.—If the Secretary establishes the Rural Housing and Community Development Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) Programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

(2) Programs and activities authorized under section 310B(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)) and related provisions of law.

(3) Programs and activities that relate to rural community lending programs, including programs authorized by sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008–2008d).

SEC. 234. RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.

(a) ESTABLISHMENT AUTHORIZED.—Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service and to assign to the Service such functions as the Secretary considers appropriate.

(b) FUNCTIONS.—If the Secretary establishes the Rural Business and Cooperative Development Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) Section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.).

(2) subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.).

(3) Sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932).

(4) Section 1323 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note).

(5) The Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

SEC. 235. CONFORMING AMENDMENTS REGARDING RURAL ELECTRIFICATION ADMINISTRATION.

(a) AMENDMENTS TO RURAL ELECTRIFICATION ACT OF 1936.—The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended—

(1) by striking the first section (7 U.S.C. 901) and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Rural Electrification Act of 1936'.";

(2) in section 2(a) (7 U.S.C. 902(a)), by striking "Administrator" and inserting "Secretary of Agriculture";

(3) in section 3(a) (7 U.S.C. 903(a))—

(A) by striking "Administrator, upon the request and approval of the Secretary of Agriculture," and inserting "Secretary"; and

(B) by striking "Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037" and inserting "Secretary";

(4) in section 8 (7 U.S.C. 908)—

(A) by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) by striking "Rural Electrification Administration created by this Act" and inserting "Secretary";

(5) by striking section 11A (7 U.S.C. 911a);

(6) in section 13 (7 U.S.C. 913), by inserting before the period at the end the following: "; and the term 'Secretary' shall be deemed to mean the Secretary of Agriculture";

(7) in sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)), by striking "Rural Electrification Administration" each place it appears and inserting "Secretary";

(8) in sections 305(c)(2)(C)(ii)(II) and 306E(d) (7 U.S.C. 935(c)(2)(C)(ii)(II) and 936e(d)), by striking "ADMINISTRATOR" and inserting "SECRETARY";

(9) in section 403(b) (7 U.S.C. 943(b)), by striking "Rural Electrification Administration or of any other agency of the Department of Agriculture," and inserting "Secretary,";

(10) in section 404 (7 U.S.C. 944), by striking "the Administrator of the Rural Electrification Administration" and inserting "the Secretary shall designate an official of the Department of Agriculture who";

(11) in sections 406(c) and 410 (7 U.S.C. 946(c) and 950), by striking "Administrator of the Rural Electrification Administration" each place it appears and inserting "Secretary";

(12) in the heading of section 501 (7 U.S.C. 950aa), by striking "**of rea administrator**"; and

(13) except as otherwise provided in this subsection, by striking "Administrator" each place it appears in such Act and inserting "Secretary".

(b) MISCELLANEOUS AMENDMENTS.—(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking "Rural Electrification Administration" and inserting "Secretary under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)".

(2) Section 505 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended—

(A) by striking "Rural Electrification Administration" and inserting "Secretary of Agriculture"; and

(B) by striking "its" and inserting "the Secretary's".

(3) Section 401 of the Rural Electrification Act of 1938 (7 U.S.C. 903 note) is amended in the second paragraph by striking "Administrator of the Rural Electrification Administration" and inserting "Secretary of Agriculture".

(4) Chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.), relating to Distance Learning and Medical Link Programs, is amended—

(A) in section 2333—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively;

(B) in section 2334(h)(2), by striking "section 2333(3)(F)" and inserting "section 2333(2)(F)"; and

(C) by striking "Administrator" each place it appears and inserting "Secretary".

(5) Section 306(a)(15) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(15)) is amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C).

(6) Section 2322(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1(d)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

Subtitle D—Food, Nutrition, and Consumer Services

SEC. 241. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services those functions under the jurisdiction of the Department that are related to food, nutrition, and consumer services (except as provided in section 261(b)(1)).

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(e) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Farm and Foreign Agricultural Services (as added by section 225(e)(2)) the following:

"Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.".

Subtitle E—Natural Resources and Environment

SEC. 245. UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Natural Resources and Environment.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Natural Resources and Environment authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Natural Resources and Environment those functions under the jurisdiction of the Department that are related to natural resources and environment (except to the extent those functions are delegated under section 226).

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Natural Resources and Environment shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Natural Resources and Environment on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(e) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services (as added by section 241(e)) the following:

"Under Secretary of Agriculture for Natural Resources and Environment.".

SEC. 246. NATURAL RESOURCES CONSERVATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department a Natural Resources Conservation Service.

(b) FUNCTIONS.—If the Secretary establishes the Natural Resources Conservation Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) The rural environmental conservation program under title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.).

(2) The Great Plains Conservation Program under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)).

(3) The Water Bank Act (16 U.S.C. 1301 et seq.);

(4) The forestry incentive program under section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103).

(5) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), except subchapter B of chapter 1 of subtitle D of such title.

(6) Salinity control program under section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(7) The Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(8) Such other functions as the Secretary considers appropriate, except functions under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831-3836) and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.).

(c) SPECIAL CONCURRENCE REQUIREMENTS FOR CERTAIN FUNCTIONS.—In carrying out the programs specified in paragraphs (2), (3), (4), and (6) of subsection (b) and the program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837-3837f), the Secretary shall—

(1) acting on the recommendations of the Natural Resources Conservation Service, with the concurrence of the Consolidated Farm Service Agency, issue regulations to carry out such programs;

(2) ensure that the Natural Resources Conservation Service, in establishing policies, priorities, and guidelines for each such program, does so with the concurrence of the Consolidated Farm Service Agency at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) USE OF FEDERAL AND NON-FEDERAL EMPLOYEES.—

(1) USE AUTHORIZED.—In the implementation of functions assigned to the Natural Resources Conservation Service, the Secretary may use interchangeably in local offices of the Service both Federal employees of the Department and non-Federal employees of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(2) EXCEPTION.—Notwithstanding paragraph (1), no personnel action (as defined in section 2302(a)(2)(A) of title 5, United States Code) may be taken with respect to a Federal employee unless such action is taken by another Federal employee.

(e) SAVINGS PROVISION.—For purposes of subsections (c) and (d) of this section:

(1) A reference to the "Natural Resources Conservation Service" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under this section.

(2) A reference to the "Consolidated Farm Service Agency" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under section 226.

(f) CONFORMING AMENDMENTS.—

(1) SOIL CONSERVATION SERVICE.—Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.

(2) SOIL AND WATER RESOURCES CONSERVATION.—The Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) is amended—

(A) in section 2(2) (16 U.S.C. 2001(2))—

(i) by striking "created the Soil Conservation Service"; and

(ii) by striking "Department of Agriculture which" and inserting ", has ensured that the Department of Agriculture";

(B) in section 3(2) (16 U.S.C. 2002(2)), by striking "through the Soil Conservation Service"; and

(C) in section 6(a) (16 U.S.C. 2005(a)), by striking "Soil Conservation Service" and inserting "Secretary".

(3) STATE TECHNICAL COMMITTEES.—Section 1262 of the Food Security Act of 1985 (16 U.S.C. 3862) is amended by adding at the end the following new subsection:

"(e) FACA REQUIREMENTS.—The committees established under section 1261 shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 247. REORGANIZATION OF FOREST SERVICE.

(a) REQUIRED ELEMENTS OF REORGANIZATION PROPOSALS.—Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvention Lab pursuant to the National Performance Review, dated September 1993, shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a), identifies any disparities in regional funding patterns, and contains the rationale behind the disparities.

Subtitle F—Research, Education, and Economics

SEC. 251. UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Research, Education, and Economics.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Research, Education, and Economics authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Research, Education, and Economics those functions and duties under the jurisdiction of the Department that are related to research, education, and economics.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Research, Education, and Economics shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

(1) ESTABLISHMENT.—There is established in the Department a Cooperative State Research, Education, and Extension Service.

(2) FUNCTIONS.—The Secretary shall delegate to the Cooperative State Research, Education, and Extension Service functions related to cooperative State research programs and cooperative extension and education programs that are under the jurisdiction of the Department.

(3) OFFICER-IN-CHARGE.—If the Secretary establishes the position of Under Secretary of Agriculture for Research, Education, and Economics, the officer in charge of the Cooperative State Research, Education, and Extension Service shall report directly to the Under Secretary.

(e) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Natural Resources and Environment (as added by section 245(e)) the following:

"Under Secretary of Agriculture for Research, Education, and Economics.".

SEC. 252. PROGRAM STAFF.

In making the personnel reductions required under section 213, the Secretary shall reduce the number of Federal research and education personnel of the Department by a percentage equal to at least the percentage of overall Department personnel reductions. The Secretary shall achieve such reduction in research and education personnel in a manner that minimizes duplication and maximizes coordination between Federal and State research and extension activities.

Subtitle G—Food Safety

SEC. 261. UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

(a) ESTABLISHMENT.—There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Food Safety. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals with specialized training or significant experience in food safety or public health programs.

(b) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—The Secretary shall delegate to the Under Secretary of Agriculture for Food Safety those functions and duties under the jurisdiction of the Department that are primarily related to food safety.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Food Safety shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Research, Education, and Economics (as added by section 251(e)) the following:

"Under Secretary of Agriculture for Food Safety.".

(d) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary, acting through the Under Secretary for Research, Education, and Economics, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

(1) establish such technical and scientific review groups as are needed to carry out the functions of the Department; and

(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.

SEC. 262. CONDITIONS FOR IMPLEMENTATION OF ALTERATIONS IN THE LEVEL OF ADDITIVES ALLOWED IN ANIMAL DIETS.

(a) CONDITIONS.—The Food and Drug Administration shall not implement or enforce the final rule described in subsection (b) to alter the level of selenium allowed to be used as a supplement in animal diets unless the Commissioner of the Food and Drug Administration makes a determination that—

(1) selenium additives are not essential, at levels authorized in the absence of such final rule, to maintain animal nutrition and protect animal health;

(2) selenium at such levels is not safe to the animals consuming the additive;

(3) selenium at such levels is not safe to individuals consuming edible portions of animals that receive the additive;

(4) selenium at such levels does not achieve its intended effect of promoting normal growth and reproduction of livestock and poultry; and

(5) the manufacture and use of selenium at such levels cannot reasonably be controlled by adherence to current good manufacturing practice requirements.

(b) FINAL RULE DESCRIBED.—The final rule referred to in subsection (a) is the final rule issued by the Food and Drug Administration and published in the Federal Register on September 13, 1993 (58 Fed. Reg. 47962), in which the Administration stayed 1987 amendments to the selenium food additive regulations, and any modification of such rule issued after the date of the enactment of this Act.

Subtitle H—National Appeals Division

SEC. 271. DEFINITIONS.

For purposes of this subtitle:

(1) ADVERSE DECISION.—The term "adverse decision" means an administrative decision made by an officer, employee, or committee of an agency that is adverse to a participant. The term includes a denial of equitable relief by an agency or the failure of an agency to issue a decision or otherwise act on the request or right of the participant. The term does not include a decision over which the Board of Contract Appeals has jurisdiction.

(2) AGENCY.—The term "agency" means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include the following (and any successor to the following):

(A) The Consolidated Farm Service Agency (or other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under section 226).

(B) The Commodity Credit Corporation, with respect to domestic programs.

(C) The Farmers Home Administration.

(D) The Federal Crop Insurance Corporation.

(E) The Rural Development Administration.

(F) The Natural Resources Conservation Service (or other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under section 246(b)).

(G) A State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(3) APPELLANT.—The term "appellant" means a participant who appeals an adverse decision in accordance with this subtitle.

(4) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary related to an adverse decision.

(5) DIRECTOR.—The term "Director" means the Director of the Division.

(6) DIVISION.—The term "Division" means the National Appeals Division established by this title.

(7) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(8) IMPLEMENT.—The term "implement" refers to those actions necessary to effectuate fully and promptly a final determination of the Division not later than 30 calendar days after the effective date of the final determination.

(9) PARTICIPANT.—The term "participant" shall have the meaning given that term by the Secretary by regulation.

SEC. 272. NATIONAL APPEALS DIVISION AND DIRECTOR.

(a) ESTABLISHMENT OF DIVISION.—The Secretary shall establish and maintain an independent National Appeals Division within the Department to carry out this subtitle.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Division shall be headed by a Director, appointed by the Secretary from among persons who have substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons currently employed outside

Government as well as Government employees.

(2) TERM AND REMOVAL.—The Director shall serve for a 6-year term of office, and shall be eligible for reappointment. The Director shall not be subject to removal during the term of office, except for cause established in accordance with law.

(3) POSITION CLASSIFICATION.—The position of the Director may not be a position in the excepted service or filled by a noncareer appointee.

(c) DIRECTION, CONTROL, AND SUPPORT.—The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, other than the Director, the authority of the Secretary with respect to the Division.

(d) DETERMINATION OF APPEALABILITY OF AGENCY DECISIONS.—If an officer, employee, or committee of an agency determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse to the individual participant and thus appealable or is a matter of general applicability and thus not subject to appeal. The determination of the Director as to whether a decision is appealable shall be administratively final.

(e) DIVISION PERSONNEL.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this subtitle.

SEC. 273. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions exercised and all administrative appeals pending before the effective date of this subtitle (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect on the day before the date of the enactment of this Act);

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect on the day before the date of the enactment of this Act);

(3) appeals of decisions made by the Federal Crop Insurance Corporation; and

(4) appeals of decisions made by the Soil Conservation Service (as in effect on the day before the date of the enactment of this Act).

SEC. 274. NOTICE AND OPPORTUNITY FOR HEARING.

Not later than 10 working days after an adverse decision is made that affects the participant, the Secretary shall provide the participant with written notice of such adverse decision and the rights available to the participant under this subtitle or other law for the review of such adverse decision.

SEC. 275. INFORMAL HEARINGS.

If an officer, employee, or committee of an agency makes an adverse decision, the agency shall hold, at the request of the participant, an informal hearing on the decision. With respect to programs carried out through the Consolidated Farm Service Agency (or other office, agency, or administrative unit of the Department assigned to carry out the programs authorized for the Consolidated Farm Service Agency under section 226), the Secretary shall maintain the informal appeals process applicable to such programs, as in effect on the date of the enactment of the subtitle. If a mediation program is available under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.) as a part of the informal hearing process, the participant shall be offered the right to choose such mediation.

SEC. 276. RIGHT OF PARTICIPANTS TO DIVISION HEARING.

(a) APPEAL TO DIVISION FOR HEARING.—Subject to subsection (b), a participant shall have the right to appeal an adverse decision to the Division for an evidentiary hearing by a hearing officer consistent with section 277.

(b) TIME FOR APPEAL.—To be entitled to a hearing under section 277, a participant shall request the hearing not later than 30 days after the date on which the participant first received notice of the adverse decision.

SEC. 277. DIVISION HEARINGS.

(a) GENERAL POWERS OF DIRECTOR AND HEARING OFFICERS.—

(1) ACCESS TO CASE RECORD.—The Director and hearing officer shall have access to the case record of any adverse decision appealed to the Division for a hearing.

(2) ADMINISTRATIVE PROCEDURES.—The Director and hearing officer shall have the authority to require the attendance of witnesses, and the production of evidence, by subpoena and to administer oaths and affirmations. Except to the extent required for the disposition of ex parte matters as authorized by law—

(A) an interested person outside the Division shall not make or knowingly cause to be made to the Director or a hearing officer who is or may reasonably be expected to be involved in the evidentiary hearing or review of an adverse decision, an ex parte communication (as defined in section 551(14) of title 5, United States Code) relevant to the merits of the proceeding;

(B) the Director and such hearing officer shall not make or knowingly cause to be made to any interested person outside the Division an ex parte communication relevant to the merits of the proceeding.

(b) TIME FOR HEARING.—Upon a timely request for a hearing under section 276(b), an appellant shall have the right to have a hearing by the Division on the adverse decision within 45 days after the date of the receipt of the request for the hearing.

(c) LOCATION AND ELEMENTS OF HEARING.—

(1) LOCATION.—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) EVIDENTIARY HEARING.—The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) INFORMATION AT HEARING.—The hearing officer shall consider information presented at the hearing without regard to whether the evidence was known to the agency officer, employee, or committee making the adverse decision at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the agency after the hearing to the extent necessary to respond to new facts, information, arguments, or evidence presented or raised by the agency or appellant.

(4) BURDEN OF PROOF.—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(d) DETERMINATION NOTICE.—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline. If the determination is not appealed to the Director for review under section 278, the notice provided by the hearing officer shall be considered to be a notice of an administratively final determination.

(e) EFFECTIVE DATE.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 278. DIRECTOR REVIEW OF DETERMINATIONS OF HEARING OFFICERS.

(a) REQUESTS FOR DIRECTOR REVIEW.—

(1) TIME FOR REQUEST BY APPELLANT.—Not later than 30 days after the date on which an appellant receives the determination of a hearing officer under section 277, the appellant shall submit a written request to the Director for review of the determination in order to be entitled to a review by the Director of the determination.

(2) TIME FOR REQUEST BY AGENCY HEAD.—Not later 15 business days after the date on which an agency receives the determination of a hearing officer under section 277, the head of the agency may make a written request that the Director review the determination.

(b) DETERMINATION OF DIRECTOR.—The Director shall conduct a review of the determination of the hearing officer using the case record, the record from the evidentiary hearing under section 277, the request for review, and such other arguments or information as may be accepted by the Director. Based on such review, the Director shall issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer. However, if the Director determines that the hearing record is inadequate, the Director may remand all or a portion of the determination for further proceedings to complete the hearing record or, at the option of the Director, to hold a new hearing. The Director shall complete the review and either issue a final determination or remand the determination not later than—

(1) 10 business days after receipt of the request for review, in the case of a request by the head of an agency for review; or

(2) 30 business days after receipt of the request for review, in the case of a request by an appellant for review.

(c) BASIS FOR DETERMINATION.—The determination of the hearing officer and the Director shall be based on information from the case record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate.

(d) EQUITABLE RELIEF.—Subject to regulations issued by the Secretary, the Director shall have the authority to grant equitable relief under this section in the same manner and to the same extent as such authority is provided to the Secretary under section 326 of the Food and Agriculture Act of 1962 (7 U.S.C. 1339a) and other laws. Notwithstanding the administrative finality of a final determination of an appeal by the Division, the Secretary shall have the authority to grant

equitable or other types of relief to the appellant after an administratively final determination is issued by the Division.

(e) EFFECTIVE DATE.—A final determination issued by the Director shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 279. JUDICIAL REVIEW.

A final determination of the Division shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code.

SEC. 280. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

On the return of a case to an agency pursuant to the final determination of the Division, the head of the agency shall implement the final determination not later than 30 days after the effective date of the notice of the final determination.

SEC. 281. CONFORMING AMENDMENTS RELATING TO NATIONAL APPEALS DIVISION.

(a) DECISIONS OF STATE, COUNTY, AND AREA COMMITTEES.—

(1) APPLICATION OF SUBSECTION.—This subsection shall apply only with respect to functions of the Consolidated Farm Service Agency or the Commodity Credit Corporation that are under the jurisdiction of a State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) or an employee of such a committee.

(2) FINALITY.—Each decision of a State, county, or area committee (or an employee of such a committee) covered by paragraph (1) that is made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision is—

(A) appealed under this subtitle; or

(B) modified by the Administrator of the Consolidated Farm Service Agency or the Executive Vice President of the Commodity Credit Corporation.

(3) RECOVERY OF AMOUNTS.—If the decision of the State, county, or area committee has become final under paragraph (2), no action may be taken by the Consolidated Farm Service Agency, the Commodity Credit Corporation, or a State, county, or area committee to recover amounts found to have been disbursed as a result of a decision in error unless the participant had reason to believe that the decision was erroneous.

(4) SAVINGS PROVISION.—For purposes of this subsection, a reference to the "Consolidated Farm Service Agency" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under section 226.

(b) AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE.—Section 426 of the Agricultural Act of 1949 (7 U.S.C. 1433e) is repealed.

(c) FARMERS HOME ADMINISTRATION.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

SEC. 282. EXPANSION OF ISSUES COVERED BY STATE MEDIATION PROGRAMS.

(a) EXPANSION OF MEDIATION PROGRAMS.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (a), by striking "an agricultural loan mediation program" and inserting "a mediation program";

(2) in subsection (b), by striking "agricultural loan"; and

(3) by striking subsection (c) and inserting the following new subsection:

"(c) REQUIREMENTS OF STATE MEDIATION PROGRAMS.—

"(1) ISSUES COVERED.—To be certified as a qualifying State, the mediation program of the State must provide mediation services for the persons described in paragraph (2) who are involved in agricultural loans or agricultural loans and one or more of the following issues under the jurisdiction of the Department of Agriculture:

"(A) Wetlands determinations.

"(B) Compliance with farm programs, including conservation programs.

"(C) Agricultural credit.

"(D) Rural water loan programs.

"(E) Grazing on National Forest System lands.

"(F) Pesticides.

"(G) Such other issues as the Secretary considers appropriate.

"(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) are producers, their creditors (if applicable), and other persons directly affected by actions of the Department of Agriculture.

"(3) CERTIFICATION CONDITIONS.—The Secretary shall certify a State as a qualifying State with respect to the issues proposed to be covered by the mediation program of the State if the mediation program—

"(A) provides for mediation services that, if decisions are reached, result in mediated, mutually agreeable decisions between the parties to the mediation;

"(B) is authorized or administered by an agency of the State government or by the Governor of the State;

"(C) provides for the training of mediators;

"(D) provides that the mediation sessions shall be confidential;

"(E) ensures, in the case of agricultural loans, that all lenders and borrowers of agricultural loans receive adequate notification of the mediation program; and

"(F) ensures, in the case of other issues covered by the mediation program, that persons directly affected by actions of the Department of Agriculture receive adequate notification of the mediation program.".

(b) PARTICIPATION OF DEPARTMENT.—Section 503 of such Act (7 U.S.C. 5103) is amended—

(1) by striking "agricultural loan" each place it appears;

(2) in the matter preceding subparagraph (A) of subsection (a)(1)—

(A) by inserting "or agency" after "program"; and

(B) by striking "that makes, guarantees, or insures agricultural loans";

(3) in subsection (a)(1)(A)—

(A) by inserting "or agency" after "such program"; and

(B) by inserting "certified under section 501" after "mediation program";

(4) in subsection (a)(1)(B)—

(A) by striking ", effective beginning on the date of the enactment of this Act,"; and

(B) by inserting "certified under section 501" after "mediation programs"; and

(5) in subsection (a)(1)(C)—

(A) in clause (i), by striking "described in" and inserting "certified under"; and

(B) in clause (ii), by inserting "if applicable," before "present".

(c) REGULATIONS.—Section 504 of such Act (7 U.S.C. 5104) is amended—

(1) by striking "Within 150 days after the date of the enactment of this Act, the" and inserting "The"; and

(2) by adding at the end the following new sentence: "The regulations prescribed by the Secretary shall require qualifying States to adequately train mediators to address all of the issues covered by the mediation program of the State.".

(d) REPORT.—Section 505 of such Act (7 U.S.C. 5105) is amended by striking "1990" and inserting "1998".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of such Act (7 U.S.C. 5106) is amended by striking "1995" and inserting "2000".

(f) CONFORMING AMENDMENTS.—

(1) REFERENCES TO AGRICULTURAL LOANS.—Subtitle A of title V of such Act is amended—

(A) in sections 502 and 505(1) (7 U.S.C. 5102, 5105(1)), by striking "agricultural loan" each place it appears; and

(B) in section 505(3) (7 U.S.C. 5105(3)), by striking "an agricultural loan mediation" and inserting "a mediation".

(2) WAIVER OF FARM CREDIT SYSTEM MEDIATION RIGHTS BY BORROWERS.—Section 4.14E of the Farm Credit Act of 1971 (12 U.S.C. 2202e) is amended by striking "agricultural loan".

(3) WAIVER OF FMHA MEDIATION RIGHTS BY BORROWERS.—Section 358 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006) is amended by striking "agricultural loan".

SEC. 283. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Division.

Subtitle I—Miscellaneous Reorganization Provisions

SEC. 291. SUCCESSORSHIP PROVISIONS RELATING TO BARGAINING UNITS AND EXCLUSIVE REPRESENTATIVES.

(a) VOLUNTARY AGREEMENT.—

(1) IN GENERAL.—If the exercise of the Secretary's authority under this title results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, United States Code, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

(2) CRITERIA.—In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, United States Code, relating to determining an exclusive representative; and

(B) section 7112 of title 5, United States Code (disregarding subsections (b)(5) and (d) thereof), relating to determining appropriate units.

(b) EFFECT OF AN AGREEMENT.—

(1) IN GENERAL.—If the affected parties reach agreement on the appropriate unit and the exclusive representative for such unit under subsection (a), the Federal Labor Relations Authority shall certify the terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to require the holding of any hearing or election as a condition for certification.

(2) RESTRICTIONS.—

(A) CONDITIONS REQUIRING NONCERTIFICATION.—The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

(i) it determines that any of the criteria referred to in subsection (a)(2) (disregarding section 7112(a) of title 5, United States Code) have not been met; or

(ii) after the Secretary's exercise of authority and before certification under this section, a valid election under section 7111(b)

of title 5, United States Code, is held covering any employees who would be included in the unit proposed for certification.

(B) TEMPORARY WAIVER OF PROVISION THAT WOULD BAR AN ELECTION AFTER A COLLECTIVE BARGAINING AGREEMENT IS REACHED.—Nothing in section 7111(f)(3) of title 5, United States Code, shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

(C) CLARIFICATION.—The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5, United States Code, or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

(3) DELEGATION.—

(A) IN GENERAL.—The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5, United States Code) its authority under the preceding provisions of this subsection.

(B) REVIEW.—Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5, United States Code, in the same manner as if such action had been taken under section 7105(e) of such title, except that in the case of a decision not to certify, such review shall be required if application therefor is filed by an affected party within the time specified in such provisions.

(c) DEFINITION.—For purposes of this section, the term "affected party" means—

(1) with respect to an exercise of authority by the Secretary under this title, any labor organization affected thereby; and

(2) the Department of Agriculture.

SEC. 292. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased using funds made available pursuant to this title should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available pursuant to this title, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 293. MISCELLANEOUS CONFORMING AMENDMENTS.

(a) UNITED STATES GRAIN STANDARDS ACT.—The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 3 (7 U.S.C. 75)—

(A) by inserting "and" at the end of subsection (y);

(B) by striking subsections (z) and (aa); and

(C) by redesignating subsection (bb) as subsection (z);

(2) by striking section 3A (7 U.S.C. 75a);

(3) in section 5(b) (7 U.S.C. 77(b)), by striking "Service employees" and inserting "employees of the Secretary";

(4) in sections 7(j)(2) and 7A(*l*)(2) (7 U.S.C. 79(j)(2) and 79a(*l*)(2)), by striking "supervision by Service personnel of its field office personnel" in the first sentence of both sections and inserting "supervision by the Secretary of the Secretary's field office personnel";

(5) in section 12(c) (7 U.S.C. 87a(c)), by striking "or Administrator";

(6) in section 12(d) (7 U.S.C. 87a(d)), by striking "or the Administrator";

(7) except as otherwise provided in this subsection, by striking "Administrator" each place it appears and inserting "Secretary"; and

(8) except as otherwise provided in this subsection, by striking "Service" each place it appears and inserting "Secretary".

(b) PACKERS AND STOCKYARDS ACT, 1921.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), is amended—

(1) by striking subsection (b);

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

(3) in subsection (e) (as so redesignated), by striking "subsection (e)" and inserting "subsection (d)".

SEC. 294. REMOVAL OF OBSOLETE ADMINISTRATIVE PROVISIONS.

Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture.";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture.";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.";

(4) by striking "Administrator, Farmers Home Administration.";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture.";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture.";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture.";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture.";

(9) by striking "Director of Science and Education, Department of Agriculture.";

(10) by striking "Administrator, Animal and Plant Health Inspection Service, Department of Agriculture."; and

(11) by striking "Administrator, Federal Grain Inspection Service, Department of Agriculture.".

SEC. 295. PROPOSED CONFORMING AMENDMENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress recommended legislation containing additional technical and conforming amendments to Federal laws that are required as a result of the enactment of this title.

SEC. 296. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority delegated to the Secretary by this title to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) FUNCTIONS.—Subsection (a) shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act;

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App; 7 U.S.C. 2201 note); or

(3) the authority of an agency, office, officer, or employee of the Department to continue to perform all functions delegated or assigned to the entity or person as of that termination date.

TITLE III—MISCELLANEOUS

SEC. 301. POULTRY LABELING.

It is the sense of Congress that—

(1) the United States Department of Agriculture should—

(A) carry out the plans of the Department to hold public hearings for the purpose of receiving public input on issues related to the conditions under which poultry sold in the United States may be labeled "fresh"; and

(B) finalize and publish a decision on the issues as expeditiously as possible after holding the hearings; and

(2) no person serving on the expert advisory committee established to advise the Secretary of Agriculture on the issues should stand to profit, or represent any interest that would stand to profit, from the decision of the Department on the issues.

SEC. 302. FIRST AMENDMENT RIGHTS OF EMPLOYEES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE.

Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed, on or after February 15, 1994, from the position of the employee without an opportunity for a public or nonpublic hearing, at the option of the employee, because of remarks made during personal time in opposition to policies, or proposed policies, of the Department, including policies or proposed policies regarding homosexuals. Any employee removed on or after February 15, 1994, without the opportunity for such a hearing shall be reinstated to the position of the employee pending such a hearing.

SEC. 303. ADJUSTED COST OF THRIFTY FOOD PLAN.

(a) IN GENERAL.—Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)) is amended by inserting "and (in the case of households residing in Alaska) on October 1, 1994," after "1992,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective beginning on September 30, 1994.

SEC. 304. OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

(a) OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.—The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Risk Assessment and Cost-Benefit Analysis, which shall be under the direction of a Director appointed by the Secretary.

(b) FUNCTIONS.—The Director shall ensure that any regulatory analysis that is conducted under this section includes a risk assessment and cost-benefit analysis that is performed consistently and uses reasonably obtainable and sound scientific, technical, economic, and other data.

(1) IN GENERAL.—Effective six months after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register, for each proposed major regulation the primary purpose of which is to regulate issues of human health, human safety, or the environment that is promulgated by the Department after the enactment of this Act, an analysis with as much specificity as practicable, of—

(A) the risk, including the effect of the risk, to human health, human safety, or the environment, and any combination thereof, addressed by the regulation, including, where applicable and practicable, the health and safety risks to persons who are disproportionately exposed or particularly sensitive;

(B) the costs associated with the implementation of, and compliance with, the regulation;

(C) where appropriate and meaningful, a comparison of that risk relative to other similar risks regulated by the Department or

other Federal Agency, resulting from comparable activities and exposure pathways (such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks); and

(D) the quantitative and qualitative benefits of the regulation, including the reduction or prevention of risk expected from the regulation.

Where such a regulatory analysis is not practicable because of compelling circumstances, the Director shall provide an explanation in lieu of conducting an analysis under this section.

(2) EVALUATION.—The regulatory analysis referred to in paragraph (1) should also contain a statement that the Secretary of Agriculture evaluated—

(A) whether the regulation will advance the purpose of protecting against the risk referred to in paragraph (1)(A); and

(B) whether the regulation will produce benefits and reduce risks to human health, human safety, or the environment, and any combination thereof, in a cost-effective manner as a result of the implementation of and compliance with the regulation, by local, State, and Federal Government and other public and private entities, as estimated in paragraph (1)(B).

(3) This section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. This section shall not be construed to grant a cause of action to any person. The Secretary of Agriculture shall perform the analyses required in this section in such a manner that does not delay the promulgation or implementation of regulations mandated by statute or judicial order.

(c) DEFINITION.—As used in this section, the term "major regulation" means any regulation that the Secretary of Agriculture estimates is likely to have an annual impact on the economy of the United States of $100,000,000 in 1994 dollars.

SEC. 305. FAIR AND EQUITABLE TREATMENT OF SOCIALLY DISADVANTAGED PRODUCERS.

(a) FAIR CROP ACREAGE BASES AND FARM PROGRAM PAYMENT YIELDS.—If the Secretary of Agriculture determines that crop acreage bases or farm program payment yields established for farms owned or operated by socially disadvantaged producers are not established in accordance with title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.), the Secretary shall adjust the bases and yields to conform to the requirements of such title and make available any appropriate commodity program benefits.

(b) FAIR APPLICATION OF CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—If the Secretary of Agriculture determines that application of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) with respect to socially disadvantaged producers is not consistent with the requirements of such Act, the Secretary shall make such changes in the administration of such Act as the Secretary considers necessary to provide for the fair and equitable treatment of socially disadvantaged producers under such Act.

(c) REPORT ON TREATMENT OF SOCIALLY DISADVANTAGED PRODUCERS.—

(1) REPORT REQUIRED.—The Comptroller General of the United States shall prepare a report to determine—

(A) whether socially disadvantaged producers are underrepresented on State, county, area, or local committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) or local review committees established under section 363 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1363) because of racial, ethnic, or gender prejudice; and

(B) if such underrepresentation exists, whether it inhibits or interferes with the participation of socially disadvantaged producers in programs of the Department of Agriculture.

(2) SUBMISSION OF REPORT.—Not later than February 1, 1995, the Comptroller General shall submit the report required by this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) DEFINITION.—For purposes of this section, the term "socially disadvantaged producer" means a producer who is a member of a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

SEC. 306. AVIATION INSPECTIONS.

(a) STUDY REGARDING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION AIRCRAFT INSPECTIONS.—

(1) INTENT OF STUDY.—The intent of the study required by this subsection is to examine the cost efficiencies of conducting inspections of aircraft and pilots by one Federal agency without reducing aircraft, passenger, or pilot safety standards or lowering mission preparedness.

(2) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of the inspection specifications and procedures by which aircraft and pilots contracted by the Department are certified to determine the cost efficiencies of eliminating duplicative Department inspection requirements and transferring some or all inspection requirements to the Federal Aviation Administration, while ensuring that neither aircraft, passenger, nor pilot safety is reduced and that mission preparedness is maintained.

(3) SPECIAL CONSIDERATIONS.—In conducting the study, the Secretaries shall evaluate current inspection specifications and procedures mandated by the Department and the Forest Service, taking into consideration the unique requirements and risks of particular Department and Forest Service missions that may require special inspection specifications and procedures to ensure the safety of Department and Forest Service personnel and their contractees.

(4) MAINTENANCE OF STANDARDS AND PREPAREDNESS.—In making recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures, the Secretaries shall ensure that the implementation of any such recommendations does not lower aircraft or pilot standards or preparedness for Department or Forest Service missions.

(5) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall submit to Congress the results of the study, including any recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures and a cost-benefit analysis of such recommendations.

(b) REVIEW OF RECENTLY ADOPTED AIRCRAFT POLICY.—

(1) REVIEW REQUIRED.—The Secretary of Agriculture shall review the policy initiated by the Secretary on July 1, 1994, to accept Federal Aviation Administration inspections on aircraft and pilots that provide "airport to airport" service for the Forest Service. The policy is currently being cooperatively developed by the Department and the Federal Aviation Administration and is intended to reduce duplicative inspections and to reduce Government costs, while maintaining aircraft, passenger, and pilot safety standards, specifications and procedures currently required by the Department and the Forest Service.

(2) EXPANSION OF POLICY.—As part of the review, the Secretary of Agriculture shall examine the feasibility and desirability of applying this policy on a Government-wide basis.

(3) SUBMISSION OF RESULTS.—Not later than one year after the date of the implementation of the policy, the Secretary of Agriculture shall submit to Congress the results of the review, including any recommendations that the Secretary considers appropriate.

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the amendment that I am offering to H.R. 4217 is comprised of an agreement we have informally reached with the Senate on two major pieces of agricultural legislation that have passed both bodies—reform of the Federal Crop Insurance Program and the reorganization of the Department of Agriculture.

TITLE I—FEDERAL CROP INSURANCE REFORM

Title I, the Federal Crop Insurance Reform Act, resolves the budgetary differences between the otherwise similar bills that were separately approved by the House and Senate.

The purpose of the crop insurance reform effort is to make the Federal policy as it relates to agricultural disasters more effective, less contradictory, and hopefully, less costly.

Both farmers and taxpayers need and will benefit from this legislation. Many of you probably saw the article in the New York Times of today which reports about abuses that have occurred in the crop disaster aid program in recent years.

There have been abuses under the ad hoc crop disaster program. What bothers me is that the article makes it seem like all farmers are to blame. That's simply not the case. There are a few bad apples. There are some who do abuse and defraud what is intended to be a program to help farmers cope with natural disasters.

USDA is working to minimize these abuses. This legislation goes several steps further. This legislation will basically end ad hoc crop disaster aid payments. And this legislation replaces ad hoc crop disaster payments with a workable risk management insurance

program that will provide farmers with a legitimate safety net to help them cope with natural disasters.

This legislation will provide our Nation's taxpayers relief from having to foot the bill for both the current crop insurance program and almost annual ad hoc disaster payments. And this legislation will put in place stronger safeguards to prevent abuse and to better monitor insurance payments to minimize fraud.

TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

Title II is comprised of a House-Senate agreement we have reached on the USDA reorganization legislation. This legislation provides the Secretary of Agriculture with broad authority to undertake one of the Federal Government's most ambitious and comprehensive reorganization attempts ever. The streamlining and downsizing of USDA is estimated to achieve nearly $1 billion in budget savings of the next 5 years.

The USDA reorganization bill covers nearly all aspects of the Department's administrative functions. However, I would point out that both the House and the Senate have carefully avoided including any language that might be construed as program policy changes. We believe those sort of issues are best left for consideration in next year's farm bill debate.

I want to point out several key provisions of the agreement on USDA reorganization. They are:

It requires a reduction in total USDA employment of 7,500 staff years over the next 5 years.

It clears the way for the Secretary to proceed with announced intentions to close and/or consolidate more than 1,000 USDA field offices.

It streamlines USDA's national office structure based on six basic mission areas.

It consolidates farmer service agencies into a single consolidated farm service agency, and requires collocation of all USDA field offices to provide one-stop service.

It separates USDA meat and food safety activities from its farm marketing activities through the mandated establishment of an Under Secretary for Food Safety.

It maintains a separate USDA resource conservation agency.

It establishes an independent national appeals division to handle administrative appeals of agency decisions.

TITLE III—MISCELLANEOUS PROVISIONS

Title III contains several miscellaneous provisions including two provisions of major interest to many Members.

The bill establishes an Office of Risk Assessment and Cost-Benefit Analysis to evaluate the cost/benefits of major proposed regulations. The language that has been worked out on this issue requires a review of major proposed regulations dealing with human health, human safety or the environment. The language requires an evaluation of the nature of the risk, implementation and compliance costs, and the regulation's benefits. it will only apply to proposed regulations with a national economic impact of more than $100 million annually.

The bill also directs USDA to encourage a greater diversity in the makeup of nominees for election to local farmer committees, and it requires USDA to rectify any past decisions not made in compliance with law. In addition, it requires a GAO study to determine whether minorities are underrepresented on these local committees, and if such underrepresentation exists, whether it has led to unfair program administration.

Mr. Speaker, this is a brief summary of some of the key provisions in the compromise agreement we have reached with our Senate colleagues on crop insurance reform and USDA reorganization.

This language represents a fair and equitable compromise on the various points of difference between the two bodies on these two very important initiatives.

To my colleagues, let me stress that this legislation is merely a part of our ongoing efforts to reshape the Department of Agriculture. We want a Department of Agriculture that better serves farmers and all Americans who depend on USDA programs for legitimate assistance. And we want a Department of Agriculture that safeguards the interests of American taxpayers by operating in the most cost-effective manner possible and by preventing fraud and abuse.

This legislation gives USDA the authority, tools and guidance to restructure itself to better meet today's challenges for our Nation and for American agriculture. I urge my colleagues to support its passage.

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

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

Mr. Speaker, the path to comprehensive crop insurance reform and the reorganization of the U.S. Department of Agriculture has been a long and, at times, difficult course. I would like to thank Chairman DE LA GARZA for his hard work and his willingness to listen to the minority's ideas and concerns regarding the final shape of this legislative package.

First, crop insurance. When the House Agriculture Committee completed action on a comprehensive reform of the Federal multiple peril crop insurance program, we were hopeful this legislation:

Would establish a viable, reformed crop insurance program that provided agricultural producers an array of risk-management tools;

Would forcefully meet the challenge of preventing future costly ad hoc disaster assistance legislation;

Would save taxpayers roughly $400 million per year based on the annual average of recent ad hoc disaster assistance costs; and,

Would address the immediate concerns regarding shortfalls in discretionary funding relative to the current program.

We worked with Chairman DE LA GARZA in a bipartisan manner to amend this legislation to ensure that:

It is fully funded and within the budget rules of the House; and, it makes additional cuts in the program where reasonable and appropriate, and in such a manner as not to destroy the viability of the reform package to meet its goals of preventing future disaster programs and providing usable risk management tools to farmers.

We have worked with our colleagues in the other body, and have made the tough choices and necessary adjustments to the crop insurance reforms to meet these goals. Further, our committee has pledged to help devise the mechanisms to address future potential discretionary shortfalls, a pledge we have been very clear on from the beginning.

By approving this legislation, we are ensuring availability of the Federal multiple peril crop insurance program for coverage of 1995 crops. While the package certainly is not all we had hoped for, Kansas wheat farmers already are putting the seed for next year's crop in the ground. They need to know right now what tools will be available to manage the weather and other risks that too often threaten a crop's success.

USDA REORGANIZATION

The second part of this package are provisions aimed at reorganizing the Department of Agriculture, an effort that actually began during the Bush administration, and after many twists and turns, has resulted in the final package before us.

While I intend to support this combined crop insurance/USDA reorganization package, it is my view that little in this legislation is necessary to achieve the general administrative reorganization outlined earlier this year by Secretary Espy. The Secretary currently has sufficient discretionary authority to make the vast majority of these reforms, including field office closure and consolidation. Additionally, the budgetary savings that will be claimed by supporters of this legislation can and will be achieved whether we adopt reorganization legislation or not.

I would also like to express reservations that this legislation fails to include the renamed Soil Conservation Service—the Natural Resources Conservation Service—in the Consolidated Farm Services Agency. I continue to

believe that exclusion of this agency from the organization working most closely with farmers raises the potential for escalating the adversarial relationship between SCS and farmers, which has developed over the last few years. This does not serve the long term interests of either farmers or taxpayers.

However, I am happy to report to my colleagues that this legislation simply authorizes—it does not mandate—the formation of the Consolidated Farm Service Agency, an important point to those of us worried about the interests of farmers and ranchers. During deliberations in the subcommittee, at full committee and on the House floor, I contended the formation of this superbureaucracy was of dubious value, especially if it did not include the Natural Resources Conservation Service.

While I am still concerned, I am more comfortable leaving its future to the discretion of present and future Secretaries of Agriculture. In any event, this is a topic that will doubtless be the subject of intensive oversight by the House Committee on Agriculture.

As a leader in the unfunded mandates caucus, I am concerned about government regulations promulgated by government agencies which purport to protect public health from the some imagined risk without any regard to cost. This bill establishes an Office of Risk Assessment within the USDA to analyze and compare the risk the regulations are addressing with the cost of those regulations.

The provision, while modest in scope, does represent a major accomplishment. For the first time Congress is establishing as a matter of policy that the Federal Government should utilize a science-based approach to risk/benefit analysis in writing regulations.

We, as a society, must come to realize we do not live in a risk free environment. Every activity we engage in our daily lives involves risk. We need to have a better understanding of the risk involved and what we are paying as a society to protect ourselves from that risk. This legislation will provide that information. Only when we have a scientific analysis of risk versus cost, can we efficiently and rationally manage that risk through sound policy decisions.

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

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I commend the chairman for the legislation we have here before us today, and I commend all of the members of the Committee on Agriculture. I especially wish to commend the gentleman from South Dakota [Mr. JOHNSON] for the work that he has done diligently as chairman of the subcommittee to bring this legislation in regard to Federal crop insurance to the floor. For the first time, I believe we now have a Federal crop insurance program that will work for our producers. I stand here strongly in support of it.

Mr. Speaker, I also wish to commend the gentleman from Texas [Mr. STENHOLM] for the reorganization legislation, because for the first time the Department of Agriculture is actually going to lead with a reduction of force of approximately 7,500 men and women over the next 5 years, and we are going to streamline the USDA through this legislation, and make it more efficient and better responsive to our producers.

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

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON], our distinguished colleague who is a major participant in the endeavor which we are about to finalize.

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank the gentleman for yielding to me.

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

Mr. JOHNSON of South Dakota. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I think we should also recognize that there was a person who tried to bring us down the road of this catastrophic Federal crop insurance, and the person who started this is no longer with us, the gentleman from Oklahoma, Glenn English. I think we ought to give some tribute to him for leading us and starting us on this way. I thank the gentleman for yielding to me.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in support of H.R. 4217, the Federal Crop Insurance Reform Act of 1994, and USDA reorganization. I commend the chairman of the committee, the gentleman from Texas [Mr. DE LA GARZA], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from Texas [Mr. COMBEST] for their contributions.

Mr. Speaker, I rise in support of H.R. 4217, the Federal Crop Insurance Reform Act of 1994 and USDA reorganization. I applaud my colleagues on the House and Senate Agriculture Committees for compromising on this legislation so that we will be able to pass it before the end of this Congress. The crop insurance portion of this bill makes fundamental changes to the way our farmers will manage financial risk due to crop shortfalls.

As chairman of the Agriculture Subcommittee with jurisdiction over crop insurance, I held four hearings on H.R. 4217. At each hearing there was a unanimous feeling that the present crop insurance program was not working. Two problems with the current program were immediately evident: First, participation was too limited to be a successful risk management tool for our nation's farmers and second, coverage was often inadequate when crop losses did occur to preclude calls for ad hoc disaster assistance passed by Congress.

It was realized that broadening participation and increasing benefits would increase the cost of the Federal crop insurance program. The administration requested that the average annual expenditures for ad hoc disaster payments for farmers of $1 billion be added to the budget baseline for crop insurance. I want to thank my colleagues on the Budget Committee for honoring this request.

I also want to emphasize to my colleagues that this is a fiscally responsible bill. We have repealed current authorities for disaster assistance and amended the Budget Enforcement Act to require that any spending for agricultural disasters would be on-budget and not declared as emergency spending. We also included provisions which should help to ensure that we do not see cases of fraud on disaster assistance as the inspector general has found in the program since 1988 by requiring producers to report their acreage in advance and certify losses within a reasonable amount of time. The $92 million in fraudulent claims over the last several years is part of over $10 billion paid out in the last 6 years. While I won't defend that ratio, I'm going to pledge to my colleagues that the Ag Committee will monitor the non-insured disaster assistance program to ensure that the new safeguards are working.

The bill provides two types of protection. For the 50 crops that are insured, catastrophic coverage is free, except for a $50 processing fee. Crops not covered by crop insurance are eligible for noninsured disaster assistance payments. Payments are made to a farmer under this program when they lose more than half their crop. For greater protection under the crop insurance program, higher levels of crop insurance coverage can be purchased with government subsidies averaging about 40 percent of the premium, in effect reducing a farmer's out-of-pocket costs by 8 to 17 percent from present levels. With increased levels of protection being offered and lowered costs, farmer participation is expected to increase from present levels of about 30 percent to about 80 percent of all insurable land.

I would also like to continue to express my support for provisions that were included in the House report on H.R. 4217. These include encouraging the Corporation to review the pricing structure for drilled soybeans for the 1995 crop year. The current practice costs producers 25 percent more to insure drilled soybeans than to insure conventional row-planted soybeans, even though drilled soybeans produce higher yields. Many producers plant soybeans with a drill to maintain residue and cover as required for conservation compliance. Another practice recommended to meet Soil Conservation Service residue and cover requirements is the solid seed planting or narrow row spacing of sunflowers. I would hope that the FCIC would also explore the development of coverage for this practice.

The final two areas that I would expect the Corporation to follow up on include the plans for making canola/rapeseed an insurable crop for the 1995 crop year and establishing an appropriate price selection distinction between the two types of sunflower seeds—confectionery and oil-based. I would also hope that the Corporation would consider basing the price available for confectionery sunflowers to the contract price.

While this product is not all that I would like it to be due to funding difficulties and the various changes we have had to make to meet the concerns of both the Appropriations and Budget Committees, as well as the Senate budget rules requiring a 10-year score, it is a program that will be there for producers.

In that way the bill does more than just help our farmers. Unlike ad hoc disaster payments, funding for crop insurance is guaranteed to be in place every year. This means that farmers can take crop insurance to the bank, and use the insurance as collateral for farm loans. With secure financing and income protection from crop losses due to natural disasters, consumers can be assured of a plentiful supply of food at reasonable prices and rural areas will benefit from producers being able to pay their bills and participate in their communities. For these reasons, I urge my colleagues to support H.R. 4127.

I also rise in support of the USDA reorganization bill which contains provisions establishing a National Appeals Division within the Department of Agriculture. Among all of the changes to be brought about by reorganization of the Department, the National Appeals Division will have the most direct impact on the lives of farmers and ranchers.

It will provide them with an appeals process clear of any undue influence from the agencies which are making the determinations, and it should help to bolster producers' confidence in their ability to receive a fair and impartial hearing. We have designed the appeals process so that producers will know what to expect and when to expect it.

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

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank our distinguished colleague, the gentleman from Kansas [Mr. ROBERTS], our distinguished colleague, the ranking member, and all of the Members who have worked so diligently in this effort, everyone who has cooperated in every way possible with us to bring this to this point in time.

Mr. Speaker, I would like to say I certainly would give strong commendation to our former colleague, Mr. English, as was mentioned, to the gentleman from Texas [Mr. STENHOLM], and to all who have worked with us.

□ 1450

I might add one more word: The leadership exercised by Secretary Espy has been very helpful to us. His personal participation in this endeavor has been exemplary and we thank him for allowing us to be able to reduce expenditures, to consolidate programs, and to be able to be a more efficient agency. We appreciate his very helpful cooperation.

Mr. SMITH of Oregon. Mr. Speaker, the legislation before us today has both good, and not so good, elements. While I support crop insurance reform, I have serious misgivings about the value of the USDA reorganization provisions.

Comprehensive crop insurance reform has been needed for many years. This Nation's farmers and ranchers have called out for a disaster policy that resolves the inherent conflicts between the Federal Government's role in crop insurance and disaster assistance programs. Until today, this goal has eluded Congress.

Today's package eliminates the disaster programs whose provisions, administration, and usefulness have become as irregular and unpredictable as disasters themselves. Farmers in Oregon have asserted time and again that the most important component in the crop insurance versus disaster assistance policy debate was certainty. They need a program they can count on from one year to the next so they are able to adopt sound risk management strategies.

I am less pleased about the other major element of this legislation, language to reorganize the U.S. Department of Agriculture, I stated from the very beginning that my primary criterion for judging any reorganization legislation was the improvement of service to farmers and ranchers. I believe that wasteful USDA activities should be eliminated for taxpayers and inefficient procedures reduced for farmers.

Unfortunately, the reality is that this legislation is largely ineffective on these two points. The service improvements and cost reductions which will be hailed as a result of this legislation could be achieved entirely through the actions of the Secretary of Agriculture. The Secretary currently has the authority to accomplish most of the provisions in this bill, which leads one to question why he hasn't done so already.

In one small example, Secretary Ed Madigan left a complete field office closure and consolidation plan for USDA when he left the Department in January 1993. That plan has been complete for nearly 2 years, yet no action has been taken by the Clinton administration. In another example, the legislation calls for personnel reductions of 7,500, but the press releases you see later will not mention that 3,500 in personnel cutbacks have already occurred.

At the same time, the reorganization legislation contains provisions which are adverse to the interests of farmers and ranchers. The authorization of a superagency, the so-called Consolidated Farm Service Agency, without including the former Soil Conservation Service is ill-advised and will severely undermine the intent of this legislation. Most of the contact a farmer has with USDA is either with the Agricultural Stabilization and Conservation Service or the Soil Conservation Service. If you are seeking to consolidate agencies in order to improve service to producers, you haven't really accomplished much if the new, blended agency does not include the Soil Conservation Service.

The administration argued that the Soil Conservation Service should remain separate to maintain its technical expertise and credibility with the environmentalists. In reality, if the environmental community wants to be where the action is with respect to farmers, it needs to be in the new Consolidated Farm Service Agency. The administration of farm programs, farm lending, and insurance underwriting are all being moved into the CFSA. These are three entirely different functions, all highly complex, yet nobody is questioning the ability of the USDA to administer these functions within the same agency.

Others have argued that moving the Soil Conservation Service to the CFSA will anger the environmental community. Do we honestly believe that keeping them separate will appease the environmental community? As long as the USDA exists, environmentalists will seek policies that threaten the profitability of producers.

As long as conservation compliance is the law, the Soil Conservation Service—to be renamed the Natural Resource Conservation Service—and the Agricultural Stabilization and Conservation Service will be bound together—at least for farmers and ranchers. In the interests of streamlining the Department these agencies should be together. Moving the Soil Conservation Service to the Consolidated Farm Service Agency would have brought this agency, and all of its programs, closer to the local policy input process provided by the time tested farmer-elected county/area committee. Failing to do so undermines the value of this legislation to production agriculture and the taxpayers.

Mr. Speaker, as a member of the House Committee on Agriculture, I believe it is my responsibility to represent the best interests of farmers and ranchers. For this reason, I believe it is important to caution my colleagues about the nature of its reorganization provisions.

Mr. EVERETT. Mr. Speaker, as a member of the House Agriculture Committee, I rise today to express my displeasure in the fact that the Federal Crop Insurance Reform Act, H.R. 4217, does not include language which would not only preclude waste, fraud, and abuse in the crop insurance and disaster program, thereby saving the Federal Government money, it would also enable many of the small producers in flooded areas to obtain much-needed relief.

Today's New York Times article entitled "Reports Describe Widespread Abuse in Farm Program" reveals that Federal investigators have uncovered far-reaching fraud and mismanagement in the Agriculture Department's disaster assistance program. The report found that farmers have collected excessive payments by inflating crop losses, misstating the acreage they planted, or failing to harvest crops when market prices fell below the amount paid in disaster assistance.

Mr. Speaker, as many of you know, I represent a rurally district that represents the third largest producer of peanuts in the United States. This matter of fraud first came to my attention during the flooding which occurred in my district in July as a result of heavy rains by Tropical Storm Alberto. Many producers under the present disaster formula are not only eligible for full compensation of the quota which they produce, but are also eligible for additional payments.

I am disappointed that we missed this opportunity to correct these problems in this conference report. Furthermore, this legislation was supported by USDA and the various producers. I am hopeful that the disaster assistance program will be addressed next year when Congress reauthorizes all the Department of Agriculture's farm programs in the

1995 farm bill. I will continue to work with other concerned members so that this mismanagement and abuse which apparently has been occurring in the disaster program will be curtailed.

Mr. COMBEST. Mr. Speaker, today the House takes a giant stride toward reforming how the Federal Government responds to weather-related disasters that harm American farmers.

Federal crop insurance for catastrophic weather events will be available to all producers who cultivate crops currently insured by the Federal Crop Insurance Corporation [FCIC]. In fact, with a few exceptions, all producers who receive USDA payments of one form or another must insure themselves against a catastrophic disaster. That insurance may be purchased through local USDA offices or from local, private insurance companies for a $50 processing fee. Producers whose crops are not now eligible for coverage from FCIC may receive disaster assistance when losses exceed 35 percent on an area-wide basis. This will usually be at the county level.

Producers who traditionally have purchased multi-peril crop insurance through private insurance companies still will have those options available to them. Premium costs are estimated to be about 17 percent lower than the current program. This should give many producers an incentive to insure their crops at 65 percent of their actual yields at 100 percent of the annual price election.

Mr. Speaker, the portion of this bill dealing with crop insurance is substantially the same as the legislation, H.R. 4217, that passed the House by voice vote last August 5. The changes it contains are the result of our work to incorporate portions of the Senate bill, S. 2095. Both bills, H.R. 4217 and S. 2095, worked off the administration's original proposal that was designed to stop ad hoc disaster assistance and provide a better insurance product. I believe we have succeeded under unusual circumstances to reform both the policy of assisting our farmers and the process of keeping that assistance within a strict budget.

A key change in law prohibits spending under the budget act by excluding agricultural disasters from those emergencies the President may declare off budget. This means an end to emergency spending for agricultural disasters. Substantial reforms are also included to crack down on the abuse that has existed in these programs in the past. You may have noticed a story on the front page of today's New York Times regarding this abuse. Provisions in H.R. 4217 should eliminate these abuses by requiring acreage reports and certification procedures to ensure producers are paid only on actual, verifiable losses.

As I noted in August, the Congress and USDA can no longer afford agricultural disaster assistance that has amounted to billions of dollars. Following the 1988 drought alone, the Federal Government provided more than $7 billion in crop insurance indemnities, disaster payments and Farmers Home Administration emergency loans.

Both agriculture committees of the Congress have worked diligently to finish this legislation so that FCIC may implement the program for the 1995 crop year. That means they must begin now so that producers of fall-seeded crops may enroll in the program. It will be a monumental task under the best of circumstances, and as the ranking Republican on the House subcommittee with legislative and oversight responsibility, I certainly pledge my support and assistance to USDA to get this important job done.

In addition to the farmer-assistance program, the bill also requires important regulatory reforms designed to reduce paperwork and cut delivery costs of private insurance providers. These reforms are equally important to the success of multiperil crop insurance since the bill substantially alters the current expense reimbursement mechanism. The committee needs to make certain these crucial reforms are carried out to the fullest extent within the boundaries of program integrity.

Mr. Speaker, I urge adoption of H.R. 4217.

Mr. STENHOLM. Mr. Speaker, after years of review, Congress is finally taking a bold and significant step in restructuring and streamlining the bureaucracy of the U.S. Department of Agriculture. For the first time in decades, USDA will undergo an unprecedented overhaul in its bureaucracy. Over $2 billion will be saved; 7,500 staff cuts will be made; Federal agencies and field offices will be consolidated or eliminated; computer systems will be modernized—efficiencies and services improved. The farmer and the taxpayer will enjoy the benefit of a more cost-effective and competent arm of government.

Regarding research and education activities within USDA, the Conference agreement specifically provides for the following:

First, in section 251 (a), the world "shall" is replaced by "is authorized." Thus, the Secretary is authorized, not required, to establish the position of Under Secretary for Research, Education and Economics.

Second, in section 251(d)(1), the word "Extension" was added to the title, thus creating the "Cooperative State Research, Education, and Extension Service."

Third, in section 252, the Program Planning and Budget Staff in section 804 of the Senate bill is replaced with language that addresses the reduction of "Program Staff" equal to that of the overall departmental reductions.

Fourth, given that there is no report language to accompany the conference agreement, the House report language for research and education prevails as the intent of Congress.

An extremely important aspect of this reorganization is the coordination of research and education activities. To ensure efficiencies regarding national research, education, and economic objectives and priorities, it is the House Agriculture Committee's intent that section 251 of subtitle F of the conference report specify that research activities of the Department be coordinated through the Under Secretary for Research, Education and Economics—to the maximum extent practicable. Given limited resources, all agencies are expected to cooperate and communicate with the Office of the Under Secretary for Research, Education and Economics in addressing appropriate issues, rather than duplicate such activities elsewhere in the Department.

To ensure such coordination, the committee expects the Secretary to establish a coordinating council within the Office of the Under Secretary for Research, Education, and Economics. This council will be composed of the heads of all agencies that report to the Under Secretary, including the head of the Cooperative State Research, Education and Extension Service, and will also have advisory members selected from the State agricultural experiment stations, the State extension system, and other agencies within the Department that the Secretary deems appropriate. The committee expects this council to provide a mechanism at the Under Secretary level: to coordinate all Department research, education, and economics activities; to avoid unnecessary duplication; to ensure accountability for research objectives and for the expenditure of taxpayer dollars; and to encourage a more interdisciplinary approach to problems that require solutions from the research, education, and economics branches of USDA.

The Cooperative State Research, Education and Extension Service established by this legislation would subsume the functions now performed by the Cooperative State Research Service and the Extension Service, aggregating into one agency the elements of the current Science and Education functions involving State-Federal partnerships, while separating them from the line agencies of USDA, which are managed in fundamentally different ways.

The head of the Service will report directly to the Under Secretary for Research, Education and Economics. The planning, budget development, and program activities relevant to the Cooperative State Research, Education and Extension Service will be kept within the Service, building on and incorporating the local and state priority setting and program development processes of the land-grant university system. Moreover, the committee expects the land-grant university system to have direct input into the design and program development of the new Cooperative State Research and Education Service. Any questions can be answered by referring to the House report language (103–714), as the House provisions addressing research and education prevailed in the conference.

The committee expects the Secretary to ensure that any reorganization of USDA enhance rather than impair the historical cooperation between the Federal, State, and local governmental levels with regard to research and extension. This relationship has been based upon mutual benefit and the sharing of expenses. It is noteworthy that, currently, State experiment stations receive, on average, only 15 percent of their funding, and State extension programs about 30 percent of their funding, from USDA. USDA's proposal would have created an organizational imbalance where Federal research officials, who provide only a fraction of the funds, would have unfair influence over research planning, budget development, and program management. The House bill, which was effectively endorsed by the House-Senate agreement on H.R. 4217, seeks to maintain the strengths of grass-roots participation in priority-setting and program development, while still providing the Secretary with the latitude he needs to downsize Department staffing activities to achieve efficiencies and cost savings.

Mrs. THURMAN. Mr. Speaker, I rise in support of the conference report on the reorganization of the Department of Agriculture. I especially want to express my unequivocal support for the newly created Office of Risk Assessment and Cost Benefit Analysis within USDA. I want to congratulate my friend and colleague from California, Mr. CONDIT, for his tireless efforts on this important issue.

This is a historic moment: for the first time, a Federal department will be utilizing the vital management tools of risk assessment and cost/benefit analyses in formulating sound public policy.

I believe that now is the time to expand the scope of risk assessment and cost benefit analysis beyond USDA to all Federal agencies and department. Risk assessment and cost/benefit analysis will help the Federal Government allocate scarce resources and create good public policy.

Under the current deficit climate in which we must allocate the taxpayers' money as wisely as possible, we must consider the economic impact of Federal regulations on State and local governments and industry while, at the same time, ensuring that human health, safety, and the environment are protected. This is an extremely daunting task. In a perfect fiscal world, we would have unlimited funds to eliminate the serious health and environmental threats facing our Nation today. However, reality dictates that we make due with the scarce resources available.

Like many Members of this body, I have a background in State and local government. I served as mayor of a small north-central Florida town and then in the Florida Senate. I have first-hand knowledge of the financial burden that Federal regulations place on our local and State governments. Risk assessment and cost/benefit analysis would prioritize the most serious threats to our citizens, and we here in the House can then appropriate the necessary money.

I will continue to fight to incorporate risk assessment and cost/benefit analysis throughout every Federal Agency and Department.

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

The SPEAKER pro tempore (Mr. MILLER of California). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and agree to the resolution, House Resolution 559.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 559, the resolution just agreed to, and on the previous bill, H.R. 967.

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

There was no objection.

HOPEWELL TOWNSHIP INVESTMENT ACT OF 1994

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4704) to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development, as amended.

The Clerk read as follows:

H.R. 4704

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 "Hopewell Township Investment Act of 1994".

SEC. 2. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services (hereinafter in this Act referred to as the "Administrator") is authorized to transfer, by negotiated sale at fair market value, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" all right, title, and interest of the United States in and to those pieces or parcels of land in Hopewell Township, Pennsylvania, described in subsection (c), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for economic development in Hopewell Township.

(b) CONVEYANCE TERMS.—

(1) DATE OF CONVEYANCE.—The date of the conveyance of property under subsection (a) shall be not later than the 180th day following the date of the enactment of this Act.

(2) TERMS AND CONDITIONS.—The conveyance of property under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(3) QUITCLAIM DEED.—The conveyance of property under subsection (a) shall be by quitclaim deed.

(c) PROPERTY DESCRIPTION.—The land referred to in subsection (a) is the parcel of land in the township of Hopewell, county of Beaver, Pennsylvania, bounded and described as follows:

(1) Beginning at the southwest corner at a point common to Lot No. 1, same plan, lands now or formerly of Frank and Catherine Wutter, and the easterly right-of-way line of Pennsylvania Legislative Route No. 60 (Beaver Valley Expressway); thence proceeding by the easterly right-of-way of Pennsylvania Legislative Route No. 60 by the following three courses and distances:

(A) North 17 degrees, 14 minutes, 20 seconds West, 213.10 feet to a point.

(B) North 72 degrees, 45 minutes, 40 seconds East, 30.00 feet to a point.

(C) North 17 degrees, 14 minutes, 20 seconds West, 252.91 feet to a point; on a line dividing Lot No. 1 from the other part of Lot No. 1, said part now called Lot No. 5, same plan; tence by last mentioned dividing line, North 78 degrees, 00 minutes, 00 seconds East; 135.58 to a point, a cul-de-sac and the southerly side of Industrial Drive by the following course and distances:

(i) By a curve to the right having a radius of 100.00 feet for an arc distance of 243.401 feet to a point.

(ii) Thence by a curve to the right having a radius of 100.00 feet for an arc distance of 86.321 feet to a point.

(iii) Thence by 78 degrees, 00 minutes, 00 seconds East, 777.78 feet to a point.

(iv) Thence, North 12 degrees, 00 minutes, 00 seconds West, 74.71 feet to a point.

(v) Thence by a curve to the right, having a radius of 50.00 feet for an arc distance of 78.54 feet to a point.

(vi) Thence North 78 degrees, 00 minutes, 00 seconds East, 81.24 feet to a point.

(vii) Thence by a curve to the right, having a radius of 415.00 feet for an arc distance of 140.64 feet to a point.

(viii) Thence, South 82 degrees, 35 minutes, 01 second East, 125.00 feet to a point.

(ix) Thence, South 7 degrees, 24 minutes, 59 seconds West, 5.00 feet to a point.

(x) Thence by a curve to the right, having a radius of 320.00 feet for an arc distance of 256.85 feet to a point.

(xi) Thence by a curve to the right having a radius of 50.00 feet for an arc distance of 44.18 feet to a point on the northerly side of Airport Road.

(2) Thence by the northerly side thereof by the following:

(A) South 14 degrees, 01 minute, 54 seconds West, 56.94 feet to a point.

(B) Thence by a curve to the right having a radius of 225.00 feet for an arc distance of 207.989 feet to a point.

(C) Thence South 66 degrees, 59 minutes, 45 seconds West, 192.08 feet to a point on the southern boundary of Lot No. 1, which line is also the line dividing Lot No. 1 from lands now or formerly, Frank and Catherine Wutter.

(3) Thence by the same, South 75 degrees, 01 minutes, 00 seconds West, 1,351.23 feet to a point at the place of beginning.

SEC. 3. ALTERNATIVE CONVEYANCE.

In the event that the conveyance under section 2(a) is not completed on or before the 180th day following the date of the enactment of this Act, the Administrator is authorized to dispose of the land referred to in section 2(a) to Hopewell Township, Pennsylvania, in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. KLINK], the sponsor of the bill.

Mr. KLINK. Mr. Speaker, today I wish to express my thanks to Chairman NORM MINETA and the ranking member, BUD SHUSTER, my fellow Pennsylvanian, and the other members of the Committee on Public Works and Transportation for their assistance with my bill, the Hopewell Township Investment Act of 1994 (H.R. 4704).

The purpose of my bill is to promote economic development and to create jobs in Hopewell Township at a site near Aliquippa, PA.

Specifically, H.R. 4704 accomplishes this goal by directing negotiations between the Administrator of the General Services Administration and the Beaver County Corporation for Economic Development [CED] for the sale of the former Mine Safety and Health Administration site.

Under the amended bill, when the GSA sells the land to the corporation the property will only be used for economic development purposes.

If the GSA and the corporation cannot agree on a sale price 6 months after the bill's enactment date, then the land will be transferred at no cost to Hopewell Township to be used for parkland and for recreational purposes.

The Beaver County Corporation for Economic Development is a non-profit corporation that has the responsibility for spurring economic development and bringing new businesses in a portion of my congressional district in western Pennsylvania.

The corporation has pledged its resources to preparing the property for new industry once its ownership changes hands. The corporation has envisioned two types of development that could occur on this property—either an incubator facility for a variety of new businesses or a single large employer such as an engineering or a research and development firm.

In 1987, the Mine Safety and Health Administration announced plans to consolidate its activities by locating additional operations at this site and creating 200 new jobs. At that time, this site served as the staging area for the Federal Government's response to mine disasters in the Eastern United States.

In anticipation of attracting a larger Federal presence, Hopewell Township spent $250,000 to upgrade the site with sewer and road improvements.

Bowing to pressure from a Member of the other body, the Mine Safety and Health Administration moved its consolidation to Beckley, WV and in the process transferred its Hopewell operation there. Rather than gaining 200 new Federal jobs, our area lost 20 Federal employees in the Consolidation.

So as you can see this was a situation where the glass started out half-full, the locality poured its resources into topping off the glass. Unfortunately, the glass in now empty.

Currently, the property includes a 44,000-square-foot, one-story block building that is vacant and it is situated on a plot of nearly 16 acres that is accessed by a gravel road. Since the Mine Safety and Health Administration's move to West Virginia, the site has been under the jurisdiction of the General Services Administration.

Site development would require the widening and the paving of the road, substantial renovation to the building and the extension of sewer and water services. To complete the job, the corporation has pledged as much as $1 million in infrastructure improvements.

Once the corporation takes over the property it will use local and State funding only and no Federal money for the building renovation, landscaping, and the required improvements to ready the property for an industrial client or industrial clients.

My bill clears the deck so Beaver County can use this site to recruit industry, create jobs and put it back on the tax rolls. This legislation will enable the affected localities, rather than the Federal Government, to determine their own destiny.

I would add that I have worked with the Committee on Government Operations and the GSA to incorporate their suggestions into H.R. 4704.

I want to express my sincere thanks to my friends, Chairman JIM TRAFICANT and ranking member JOHN DUNCAN, of the Subcommittee on Public Buildings and Grounds as well as their staff members, Susan Brita and Richard Barnett, for their guidance and stalwart support during the bill's markup and our discussions with the GSA and the Committee on Government Operations.

Mr. Speaker, I urge the prompt consideration of this legislation.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking Republican on the committee.

Mr. SHUSTER. Mr. Speaker, I rise simply to say that the gentleman from Pennsylvania [Mr. KLINK] has done an absolutely outstanding job in moving this legislation. This is badly needed. He is the one who pushed it through our committee, and I salute him for his efforts.

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

Mr. Speaker, H.R. 4704 was introduced for the worthwhile purpose of making certain property available for use for economic development purposes. The General Services is authorized to transfer the property to a nonprofit organization through negotiated sale at fair market value. The Beaver County Corporation for Economic Development is a nonprofit corporation certified by the Commonwealth of Pennsylvania. This corporation is responsible for the economic development of Beaver County and Hopewell Township. The goal of this particular development opportunity is to utilize this property as the centerpiece of the Hopewell Aliquippa Airport Industrial Park, and thereby create much needed jobs for western Pennsylvania.

This bill has bipartisan support, and we are pleased to support congressman RON KLINK in his efforts to create jobs for his community.

Mr. Speaker, I urge adoption of H.R. 4704, with amendments.

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

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

Mr. Speaker, I rise in support of H.R. 4704, the Hopewell Township Investment Act of 1994. This bill, introduced by the gentleman from Pennsylvania, RON KLINK, received a hearing on August 10, by the Subcommittee on Public Buildings and Grounds, and local officials made a compelling case for this transfer.

H.R. 4704 would transfer, through negotiated sale, approximately 16 acres of land, plus a 45,000-square foot building, from the Federal property inventory to the Beaver County Corporation for Economic Development. The corporation would be responsible for pursuing job creating and economic development initiatives with this property. If this does not come to pass, the land will revert to the Federal Government.

This property, near the Aliquippa Airport, was originally purchased by the Federal Government in 1981 to establish an emergency response center for the Mine Safety and Health Administration of the Department of Labor. The prospect of the facility prompted the township to invest in infrastructure improvements to serve this facility. However, this facility was never occupied, and in 1993 the Federal Government declared it surplus.

This bill allows Hopewell Township to negotiate with GSA for the sale of this property. Congress recognizes a local community's efforts to provide basic services to help support a proposed Federal facility. Passage of this legislation helps meet the objectives of the community in job creating activities.

I support this bill and I urge my colleagues to support the measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4704, as amended.

The question was taken.

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 4704, as amended, the bill just considered.

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

There was no objection.

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WATER RESOURCES DEVELOPMENT ACT OF 1994

Mr. APPLEGATE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4460) to provide for conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4460

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 "Water Resources Development Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Small flood control projects.
Sec. 104. Small bank stabilization projects.
Sec. 105. Small navigation projects.
Sec. 106. Small shoreline protection projects.
Sec. 107. Small bank stabilization and beach erosion control project, Watson Island Park, Miami, Florida.
Sec. 108. Small snagging and sediment removal project, Mississippi River, Little Falls, Minnesota.
Sec. 109. Upper Truckee River, El Dorado County, California.
Sec. 110. Muskingum River, Ohio.
Sec. 111. Project reauthorizations.
Sec. 112. Continuation of authorization of certain projects.
Sec. 113. Reuse of waste water.
Sec. 114. Studies.
Sec. 115. Project deauthorizations.
Sec. 116. Namings.

TITLE II—GENERALLY APPLICABLE PROVISIONS

Sec. 201. Recreation policy and user fees.
Sec. 202. Recovery of costs.
Sec. 203. Cost sharing of environmental projects.
Sec. 204. Construction of flood control projects by non-Federal interests.
Sec. 205. Collaborative research and development.
Sec. 206. National inventory of dams.
Sec. 207. Maintenance, rehabilitation, and modernization of facilities.
Sec. 208. Federal lump-sum payments for Federal operation and maintenance costs.
Sec. 209. Long-term sediment management strategies.
Sec. 210. Emergency response.
Sec. 211. Obstruction removal requirement.
Sec. 212. Small project authorizations.
Sec. 213. Aquatic plant control.
Sec. 214. Beneficial uses of dredged material.
Sec. 215. Sediments decontamination technology.
Sec. 216. Project deauthorizations.
Sec. 217. Foreign travel.
Sec. 218. Support of Army civil works program.
Sec. 219. Hopper dredge fleet.
Sec. 220. Restoration of environmental quality.
Sec. 221. Cost sharing for creation of dredged material disposal areas.
Sec. 222. Loss of life prevention.
Sec. 223. Sense of Congress; requirement regarding notice.
Sec. 224. Reservoir Management Technical Advisory Committee.
Sec. 225. Technical corrections.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Watershed management, restoration, and development.
Sec. 302. Lakes program.
Sec. 303. Environmental infrastructure.
Sec. 304. Environmental dredging.
Sec. 305. Chesapeake Bay restoration and protection program.
Sec. 306. Saint Lawrence Seaway collection of tolls.
Sec. 307. River basin plan for lower Mississippi.
Sec. 308. Extension of jurisdiction of Mississippi River Commission.
Sec. 309. Great Lakes dredged material testing and evaluation manual.
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Sec. 314. Water quality projects.
Sec. 315. New England Division headquarters facility.
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Sec. 317. Benton and Washington Counties, Arkansas.
Sec. 318. Calaveras County, California.
Sec. 319. Lake Elsinore, California.
Sec. 320. Beneficial use of dredged material, Montezuma, California.
Sec. 321. Prado Dam safety improvements.
Sec. 322. San Jose, California.
Sec. 323. Tampa, Florida.
Sec. 324. Kankakee River Basin, Illinois.
Sec. 325. Watershed management plan for Deep River Basin, Indiana.
Sec. 326. Restoration projects for Maryland, West Virginia, and Kentucky.
Sec. 327. Beneficial use of dredged material, Poplar Island, Maryland.
Sec. 328. Erosion control measures, Smith Island, Maryland.
Sec. 329. Beneficial use of dredged material, Worton Point, Kent County, Maryland.
Sec. 330. Massachusetts coastal saltmarsh restoration authorization.
Sec. 331. Boston, Massachusetts, alternative technology project.
Sec. 332. Lake St. Claire, Michigan.
Sec. 333. Duluth, Minnesota.
Sec. 334. St. John's Bayou—New Madrid Floodway.
Sec. 335. Durham, New Hampshire.
Sec. 336. New York Bight and Harbor study.
Sec. 337. New York State canal system.
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Sec. 339. Northeastern Ohio.
Sec. 340. Ohio River.
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Sec. 342. Columbia River Basin, Oregon.
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Sec. 345. Hopper dredge McFarland.
Sec. 346. Seven Points Visitors Center, Raystown Lake, Pennsylvania.
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Sec. 348. Earthquake Preparedness Center of Expertise extension.
Sec. 349. Murfreesboro, Tennessee.
Sec. 350. Repeal of termination date for construction of Virgin Islands projects by the Secretary.
Sec. 351. Huntington, West Virginia.
Sec. 352. Southern West Virginia.
Sec. 353. Removal or remediation of contaminated sediments, Lower Fox River, Wisconsin.
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SEC. 2. DEFINITIONS.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this section:

(1) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,530,000, with an estimated Federal cost of $4,420,000 and an estimated non-Federal cost of $1,110,000.

(2) SAN LORENZO RIVER, SANTA CRUZ, CALIFORNIA.—The project for flood control, San Lorenzo River, Santa Cruz, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $15,670,000, with an estimated Federal cost of $7,910,000 and an estimated non-Federal cost of $7,760,000.

(3) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $26,300,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $9,200,000.

(4) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

(5) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic intracoastal waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,083,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a local responsibility and the local interest must assume ownership of the bridge.

(6) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $192,251,000, with an estimated Federal cost of $104,435,000 and an estimated non-Federal cost of $87,816,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of

$8,169,000, with an estimated Federal cost of $5,310,000 and an estimated non-Federal cost of $2,859,000.

(7) WHITE RIVER, INDIANAPOLIS, INDIANA.—The project for flood control and recreation, White River, Indianapolis, Indiana, at a total cost of $52,700,000, with an estimated first Federal cost of $32,425,000 and an estimated first non-Federal cost of $20,275,000, is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers and with such modifications as are recommended by the Secretary. No construction on the project may be initiated until such a report of the Chief of Engineers is issued and approved by the Secretary.

(8) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 4, 1992, at a total cost of $490,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(9) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,374,000, with an estimated Federal cost of $11,039,000 and an estimated non-Federal cost of $5,335,000.

(10) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $49,200,000, with an estimated non-Federal cost of $49,200,000. Funds derived by the Tennessee Valley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost sharing requirements for the project.

(11) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—A project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated December 1994, at a total cost of $3,313,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $1,102,000.

(12) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,200,000, with an estimated Federal cost of $5,100,000 and an estimated non-Federal cost of $5,100,000.

(13) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $22,000,000, with an estimated Federal cost of $14,700,000 and an estimated non-Federal cost of $7,300,000.

(14) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated July 28, 1994, at a total cost of $14,817,000, with an estimated Federal cost of $11,113,000 and an estimated non-Federal cost of $3,704,000.

(15) COOS BAY, OREGON.—The project for deep draft navigation, Coos Bay, Oregon: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $13,700,000, with an estimated Federal cost of $8,800,000 and an estimated non-Federal cost of $4,900,000.

(16) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of $18,857,000, with an estimated Federal cost of $9,913,000 and an estimated non-Federal cost of $8,944,000.

(17) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $30,700,000, with an estimated Federal cost of $22,900,000 and an estimated non-Federal cost of $7,800,000.

(18) WATERTOWN, SOUTH DAKOTA.—The project for flood control, Watertown and Vicinity, South Dakota: Report of the Chief of Engineers, dated August 31, 1994, at a total cost of $16,092,000, with an estimated Federal cost of $11,835,000 and an estimated non-Federal cost of $4,257,000.

(19) ATLANTIC INTRACOASTAL WATERWAY, CHESAPEAKE, VIRGINIA.—The project for navigation, Atlantic intracoastal waterway, Great Bridge, Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,007,000, with an estimated Federal cost of $19,771,000 and an estimated non-Federal cost of $3,236,000.

(20) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $261,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. In conducting any real estate acquisition activities, the Secretary shall give priority consideration to those individuals who would be directly affected by any physical displacement due to project design and shall consider the financial circumstances of such individuals. The Secretary shall proceed with real estate acquisition in connection with the project expeditiously.

SEC. 102. PROJECT MODIFICATIONS.

(a) NOGALES WASH AND TRIBUTARIES, ARIZONA.—The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with sections 103(k) and 103(m) of the Water Resources Development Act of 1986 and to direct the Secretary to enter into negotiations with non-Federal interests pursuant to section 103(l) of such Act concerning the timing of the initial payment of the non-Federal contribution.

(b) OAKLAND INNER HARBOR, CALIFORNIA.—The project for deep-draft navigation, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to construct the project at a total cost of $57,000,000, with an estimated Federal cost of $35,900,000, and an estimated non-Federal cost of $21,100,000.

(c) POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.—The project for flood protection, Potomac River, Washington, District of Columbia, authorized by section 5 of the Flood Control Act of June 22, 1936 (74 Stat. 1574), is modified to provide for completion of the project substantially in accordance with the General Design Memorandum dated May 1992, the General Design Memorandum Supplement dated May 1994, and a letter report dated August 9, 1994, at a Federal cost of $1,800,000.

(d) CENTRAL AND SOUTHERN FLORIDA, CANAL 51 (C-51).—The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", with such modifications as are approved by the Secretary. The additional work authorized by this subsection shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

(e) CENTRAL AND SOUTHERN FLORIDA, CANAL 111 (C-111).—

(1) IN GENERAL.—The project for Central and Southern Florida, authorized by the Flood Control Act of June 30, 1948, and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740-741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida", dated May 1994, including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(2) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(B) DEPARTMENT OF INTERIOR RESPONSIBILITY.—The Department of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Department of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(C) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this subsection shall be 100 percent; except that the Federal Government shall reimburse the non-Federal project sponsor 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

(f) TYBEE ISLAND, GEORGIA.—The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5), is modified to include as part of the project the portion of the ocean shore of Tybee Island located south of the extension of 9th Street.

(g) CHICAGO, ILLINOIS.—The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the vicinity of McCook, Illinois, and to provide that the reservoir project may only be constructed on the basis of a specific plan that has been evaluated by the Secretary under the provisions of the National Environmental Policy Act of 1969.

(h) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood protection,

North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the Report of the Chief of Engineers dated March 1994, at a total cost of $34,800,000, with an estimated Federal cost of $20,774,000 and an estimated non-Federal cost of $14,026,000.

(i) REND LAKE, ILLINOIS.—The project for flood control, Rend Lake, Illinois, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189), is modified to direct the Secretary to correct the design deficiency in the Rend Lake Subimpoundment, Benton, Jefferson County, Illinois, at full Federal expense, with an estimated cost of $5,300,000.

(j) ARKANSAS CITY, KANSAS.—The project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to construct the project at a total cost of $35,700,000, with an estimated Federal cost of $26,600,000 and an estimated non-Federal cost of $9,100,000.

(k) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project in accordance with the Report of the Chief of Engineers dated March 19, 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(l) LEVISA AND TUG FORKS OF THE BIG SANDY RIVER AND CUMBERLAND RIVER, KENTUCKY, WEST VIRGINIA, AND VIRGINIA.—The project for flood control, Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to provide that the minimum level of flood protection to be afforded by the project shall be the level required to provide protection from a 100-year flood or from the flood of April 1977, whichever level of protection is greater.

(m) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The project for hurricane protection, West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128), is modified to authorize the Secretary to carry out the project in accordance with the Report of the Chief of Engineers dated November 1994, at a total cost of $119,700,000, with an estimated Federal cost of $77,800,000 and an estimated non-Federal cost of $41,900,000.

(n) MISSISSIPPI RIVER OUTLETS, VENICE, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep by 250-foot wide Baptiste Collette Bayou entrance channel to approximately Mile 8 of the Mississippi River-Gulf Outlet navigation channel, at a total estimated Federal cost of $80,000.

(o) BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.—

(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(A) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the "community center lot"), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(B) The "school lot" described as Lot 2, block 5, on the plat of relocated North Bonneville.

(C) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(D) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, provided the Secretary determines, at the time of the proposed conveyance, that the Army has taken all action necessary to protect human health and the environment.

(E) Such portions of Parcel H which can be conveyed without a requirement for further investigation, inventory or other action by the Department of the Army under the provisions of the National Historic Preservation Act.

(F) Such easements as the Secretary deems necessary for—

(i) sewer and water line crossings of relocated Washington State Highway 14; and

(ii) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(2) TIME PERIOD FOR CONVEYANCES.—The conveyances referred to in paragraphs (1)(A), (1)(B), (1)(E), and (1)(F)(i) shall be completed within 180 days after the United States receives the release referred to in paragraph (4). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(3) PURPOSE.—The purpose of the conveyances authorized by paragraph (1) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(4) ACKNOWLEDGEMENT OF PAYMENT; RELEASE OF CLAIMS RELATING TO RELOCATION OF CITY.—As a prerequisite to such conveyances, the city of North Bonneville shall execute an acknowledgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States growing out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(5) RELEASE BY ATTORNEY GENERAL.—Upon receipt of the city's acknowledgment and release referred to in paragraph (4), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under the February 20, 1987, judgment of the United States Claims Court, including any interest thereon.

(6) ACKNOWLEDGMENT OF ENTITLEMENTS; RELEASE BY CITY OF CLAIMS UNDER THIS SUBSECTION.—Within 60 days after the conveyances authorized by paragraph (1) (other than subparagraph (F)(ii)) have been completed, the city shall execute an acknowledgement that all entitlements under such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this subsection.

(7) EFFECTS ON CITY.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(A) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the United States Army Corps of Engineers in connection with the Bonneville project; and

(B) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

(p) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of the enactment of this Act.

(q) MANISTIQUE HARBOR, SCHOOLCRAFT COUNTY, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the Rivers and Harbors Appropriations Act of March 3, 1905 (33 Stat. 1136), is modified to provide for an authorized project depth of 12 feet.

(r) SAGINAW RIVER, MICHIGAN.—The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of $800,000.

(s) SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.—

(1) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as provided by this subsection.

(2) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project referred to in paragraph (1) shall be paid as follows:

(A) That portion of the non-Federal share which the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(B) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(3) PAYMENT TERM OF ADDITIONAL PERCENTAGE.—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project referred to in paragraph (1) may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(4) GREAT LAKES STATES DEFINED.—For the purposes of this subsection, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(t) NEW MADRID HARBOR, MISSOURI.—The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 102(n) of the Water Resources Development Act of 1992

(106 Stat. 4807), is further modified to direct the Secretary to assume responsibility for maintenance of the existing Federal channel referred to in such section 102(n) in addition to maintaining New Madrid County Harbor.

(u) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118–4119), is modified to authorize the Secretary to construct the project, including implementation of nonstructural measures, at a total cost of $44,200,000, with an estimated Federal cost of $32,300,000 and an estimated non-Federal cost of $11,900,000.

(v) JONES INLET, NEW YORK.—The project for navigation, Jones Inlet, New York, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downdrift from the federally maintained channel for the purpose of mitigating the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

(w) RAMAPO AND MAHWAH RIVERS, NEW JERSEY AND NEW YORK.—The project for flood control, Ramapo and Mahwah Rivers, New Jersey and New York, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project in accordance with the Report of the Chief of Engineers dated May 1994, at a total cost of $10,800,000, with an estimated Federal cost of $8,120,000 and an estimated non-Federal cost of $2,680,000.

(x) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of $43,900,000, with an estimated Federal cost of $20,100,000 and an estimated non-Federal cost of $23,800,000.

(y) GARRISON DAM, NORTH DAKOTA.—The project for flood control, Garrison Dam, North Dakota, authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to authorize the Secretary to acquire permanent flowage and saturation easements over the lands in Williams County, North Dakota, extending from the riverward margin of the Buford-Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford-Trenton Irrigation District pumping station located in the northeast quarter of section 17, township 152 north, range 104 west, and continuing northeasterly downstream to the land referred to as the East Bottom, and any other lands outside of the boundaries of the Buford-Trenton Irrigation District which have been adversely affected by rising ground water and surface flooding. Any easement acquired by the Secretary pursuant to this subsection shall include the right, power, and privilege of the Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land. The cost of acquiring such easements shall not exceed 90 percent, or be less than 75 percent, of the unaffected fee value of the lands. The project is further modified to authorize the Secretary to provide a lump sum payment of $60,000 to the Buford-Trenton Irrigation District for power requirements associated with operation of the drainage pumps and to relinquish all right, title, and interest of the United States to the drainage pumps located within the boundaries of the Irrigation District.

(z) WISTER LAKE, OKLAHOMA.—The flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), is modified to increase the level of the conservation pool by 1 foot and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

(aa) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project in accordance with the Report of the Chief of Engineers dated January 31, 1994, at a total cost of $12,140,000, with an estimated Federal cost of $9,105,000 and an estimated non-Federal cost of $3,035,000.

(bb) SAN JUAN HARBOR, PUERTO RICO.—The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as generally described in the General Reevaluation Report and Environmental Assessment, dated March 1994, at a total cost of $43,993,000, with an estimated Federal cost of $27,341,000 and an estimated non-Federal cost of $16,652,000.

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for the removal and demolition of the India Point Railroad Bridge, Seekonk River, Providence, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (100 Stat. 4258), is modified to authorize the Secretary to demolish and remove the center span of the bridge, at a total cost of $1,300,000, with an estimated Federal cost of $650,000 and an estimated non-Federal cost of $650,000.

(dd) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—

(1) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that, notwithstanding the last sentence of subsection (c) of section 104 of the Water Resources Development Act of 1986, non-Federal interests may apply for crediting under such section 104, against the non-Federal share of the cost of the project, the cost of work performed by the non-Federal interests in constructing flood protection works for Rochester Park and the north section of the Central Wastewater Treatment Plant.

(2) DETERMINATION OF AMOUNT.—The amount to be credited under paragraph (1) shall be determined by the Secretary. In determining such amount, the Secretary may permit crediting only for that portion of the work performed by the non-Federal interests which is compatible with the project referred to in paragraph (1), including any modification thereof, and which is required for construction of such project.

(3) CASH CONTRIBUTION.—Nothing in this subsection shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 to the project referred to in paragraph (1).

(ee) LITTLE DELL DAM AND RESERVOIR, SALT LAKE CITY STREAMS, UTAH.—The project for flood control, Little Dell Dam and Reservoir, Salt Lake City Streams, Utah, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 744) and modified by section 170 of the Water Resources Development Act of 1976 (90 Stat. 2936), is further modified to allocate the flood control and water supply costs in accordance with the percentages set forth in item 6h of table 16 of the Corps of Engineers Sacramento District Reexamination Report, dated February 1984, and to provide that cost-sharing be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(ff) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to construct the project at a total cost of $12,100,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,100,000.

(gg) HAYSI LAKE, VIRGINIA.—The Haysi Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to add recreation as a project purpose.

(hh) RUDEE INLET, VIRGINIA BEACH, VIRGINIA.—The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for the life of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986.

(ii) BLUESTONE LAKE, WEST VIRGINIA.—Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting "except for that organic matter necessary to maintain and enhance the biological resources of such waters," after "project," the first place it appears.

(jj) KICKAPOO RIVER, WISCONSIN.—

(1) IN GENERAL.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFER OF PROPERTY.—

(A) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in subparagraph (B), including all works, structures, and other improvements to such lands.

(B) LAND DESCRIPTION.—The lands to be transferred pursuant to subparagraph (A) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(C) TERMS AND CONDITIONS.—The transfer under subparagraph (A) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in subparagraph (B) is sold or transferred by the State, then the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(D) DEADLINES.—Not later than July 1, 1995, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this paragraph. Such offer shall provide for the transfer to be made in the period beginning on November 1, 1995, and ending on December 31, 1995.

(E) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfer under this paragraph.

(F) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfer under this subsection.

(3) COMPLETION OF PROJECT FEATURES.—

(A) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in paragraph (1):

(i) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(ii) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(iii) Cultural resource activities to meet the requirements of Federal law.

(B) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features described in subparagraph (A), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(4) FUNDING.—There is authorized to be appropriated to carry out this subsection for fiscal years beginning after September 30, 1994, $17,000,000.

SEC. 103. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) ST. LOUIS, MISSOURI.—A project for flood control in Carondelet and Germania neighborhoods in St. Louis, Missouri.

(2) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—A project for flood control, Fulmer Creek, Village of Mohawk, New York.

(3) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—A project for flood control, Moyer Creek, Village of Frankfort, New York.

(4) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—A project for flood control, Sauquoit Creek, Whitesboro, New York.

(5) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—A project for flood control, Steele Creek, Village of Ilion, New York.

(6) SUNBURY, PENNSYLVANIA.—A project for flood control, Susquehanna River, at Sunbury, Pennsylvania, to rehabilitate existing flood control structures.

SEC. 104. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) WABASH RIVER, NEW HARMONY, INDIANA.—A project for bank stabilization to prevent further erosion of the east bank of the Wabash River in the vicinity of New Harmony, Indiana.

(2) HICKMAN BLUFF, HICKMAN, KENTUCKY.—A project for bank stabilization, Hickman Bluff, Hickman, Kentucky.

(3) WICKLIFFE, BALLARD COUNTY, KENTUCKY.—A project for bank stabilization, Wickliffe, Ballard County, Kentucky, on the Mississippi River between the existing Wickliffe and Mayfield revetments.

(4) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—A project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

SEC. 105. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) AKUTAN, ALASKA.—A navigation project for Akutan, Alaska, consisting of a bulkhead and a wave barrier.

(2) KING COVE, ALASKA.—A navigation project for King Cove, Alaska, consisting of a small rubble mound structure and a vertical wave screen.

(3) TACONITE, MINNESOTA.—A navigation project for Taconite, Minnesota.

(4) TWO HARBORS, MINNESOTA.—A navigation project for Two Harbors, Minnesota.

(5) BROOKLYN, NEW YORK.—A project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

SEC. 106. SMALL SHORELINE PROTECTION PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, shall carry out the project under section 3 of the Shoreline Protection Act of August 13, 1946 (33 U.S.C. 426g):

(1) FAULKNER'S ISLAND, CONNECTICUT.—A project for shoreline protection, Faulkner's Island, Connecticut.

(2) SYLVAN BEACH BREAKWATER, TOWN OF VERONA, ONEIDA COUNTY, NEW YORK.—A project for shoreline protection, Sylvan Beach Breakwater, town of Verona, Oneida County, New York.

(b) COST SHARING AGREEMENT.—In carrying out the project authorized by subsection (a)(1), the Secretary shall enter into an agreement with the property owner of the project to determine allocation of the project costs.

SEC. 107. SMALL BANK STABILIZATION AND BEACH EROSION CONTROL PROJECT, WATSON ISLAND PARK, MIAMI, FLORIDA.

The Secretary shall conduct a study for a project for bank stabilization and beach erosion control, Watson Island Park, Miami, Florida, and, if the Secretary determines that the project is feasible, shall carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) and section 103 of the River and Harbor Act of 1962 (33 U.S.C. 426g).

SEC. 108. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.

The Secretary shall conduct a study for a project for snagging and sediment removal, Mississippi River, Little Falls, Minnesota, and, if the Secretary determines that the project is feasible, shall carry out the project under section 3 of the River and Harbor Act of March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

SEC. 109. UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.

The Secretary shall conduct a study for a project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement, and, if the Secretary determines that the project is feasible, shall carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

SEC. 110. MUSKINGUM RIVER, OHIO.

The Secretary shall conduct a study of the feasibility of carrying out a major rehabilitation project for the locks on the Muskingum River, Ohio, constructed under the National Industrial Recovery Act and, if the Secretary determines that project is feasible, carry out the project.

SEC. 111. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4045), is authorized to be carried out by the Secretary.

SEC. 112. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) GENERAL RULE.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the following projects shall remain authorized to be carried out by the Secretary:

(1) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

(2) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(3) CEDAR RIVER HARBOR, MICHIGAN.—The project for navigation, Cedar River Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(4) CROSS VILLAGE HARBOR, MICHIGAN.—The project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(5) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 113. REUSE OF WASTE WATER.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects described in subsection (c) for the beneficial reuse of waste water. Such assistance may be in the form of technical, planning, design, and construction assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this section shall be 55 percent. The non-Federal share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) WEST DADE REGIONAL REUSE FACILITY, FLORIDA.—The West Dade Regional reuse facility, Florida, to increase water supply to the Everglades National Park and associated natural systems.

(2) CHARLOTTE COUNTY, FLORIDA.—Charlotte County, Florida, for aquifer storage and recovery of reclaimed water.

(3) ALAMEDA COUNTY, CALIFORNIA.—Alameda County Phase I waste water reclamation project serving the cities of Fremont, Union City, and Newark, California.

(4) SUNNYVALE, CALIFORNIA.—The city of Sunnyvale, California, Phase II water reclamation project.

(5) PALO ALTO, CALIFORNIA.—The city of Palo Alto, Phase I water reclamation project.

(6) SOUTH BAYSIDE, CALIFORNIA.—The South Bayside System Authority for Phase I of the Redwood City-South Bayside System Authority water reclamation program serving Redwood City, Menlo Park, and San Carlos, California.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $39,000,000. Such sums shall remain available until expended.

SEC. 114. STUDIES.

(a) GILA RIVER, GILLESPIE DAM TO YUMA, ARIZONA.—The Secretary shall conduct a study of the feasibility of implementing water conservation measures at the Gila River, Gillespie Dam to Yuma, Arizona, including an evaluation of the reoperation of Painted Rock Reservoir as well as other structural and nonstructural features.

(b) NOGALES WASH AND TRIBUTARIES, ARIZONA.—

(1) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

(c) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall conduct a study of the advisability of modifying the project for flood control, Lake Elsinore, Riverside County, California, authorized pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), in order to provide for water conservation storage up to 1249 feet mean sea level.

(d) SANTA MONICA BREAKWATER, CALIFORNIA.—The Secretary shall complete the feasibility study for the breakwater project, Santa Monica, California, and shall consider as commercial benefits for purposes of section 119 of the River and Harbor Act of 1970 benefits from reestablishment of past charter fishing vessel accommodation activities which existed in the area prior to damage of the breakwater structure.

(e) YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.—The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

(f) CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.—The Secretary shall conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage.

(g) BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.—The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

(h) INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.—The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 658).

(i) JEFFERSONVILLE, INDIANA.—

(1) STUDY.—The Secretary shall conduct a study of the feasibility of carrying out major rehabilitation of the levee at Jeffersonville, Indiana, authorized pursuant to section 4 of the Rivers and Harbors Act of June 28, 1938 (52 Stat. 1217).

(2) REPORT.—Not later than 18 months 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 paragraph (1).

(j) KNIGHT TOWNSHIP LEVEE, EVANSVILLE, INDIANA.—

(1) STUDY.—The Secretary shall conduct a study of the feasibility of carrying out major rehabilitation of the Knight Township levee at Evansville, Indiana, authorized pursuant to section 4 of the Rivers and Harbors Act of June 28, 1938 (52 Stat. 1217).

(2) REPORT.—Not later than 18 months 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 paragraph (1).

(k) KOONTZ LAKE, INDIANA.—The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

(l) LITTLE CALUMET RIVER, INDIANA.—

(1) STUDY.—The Secretary shall conduct a study of the impact of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(2) 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 paragraph (1), together with recommendations for cost-effective remediation of impacts described in paragraph (1).

(3) FEDERAL SHARE.—The Federal share of the cost of the study to be conducted under paragraph (1) shall be 100 percent.

(m) CALCASIEU PARISH, LOUISIANA.—The Secretary shall conduct a study of the economic, engineering, and environmental feasibility of providing additional water supply for Calcasieu Parish and vicinity in southwest Louisiana, with a view toward providing for future regional increases in municipal and industrial water demand and for increasing agricultural production.

(n) CALCASIEU SHIP CHANNEL, HACKBERRY, LOUISIANA.—The Secretary shall conduct a study to determine the need for improved navigation and related support service structures in the vicinity of the Calcasieu Ship Channel, Hackberry, Louisiana.

(o) CROWLEY, LOUISIANA.—The Secretary shall conduct a study of the feasibility of implementing measures for controlling erosion on Bayou Blanc immediately downstream from the Louisiana State Highway Route 13 bridge crossing.

(p) RIVER DES PERES, SAINT LOUIS COUNTY, MISSOURI.—In conducting the feasibility study of potential flood control measures for the River Des Peres, Saint Louis County, Missouri, the Secretary shall include potential storm water runoff and related improvements and shall cooperate with the Metropolitan Saint Louis Sewer District.

(q) PORT OF NEW YORK-NEW JERSEY.—

(1) STUDY OF MEASURES TO REDUCE SEDIMENT DEPOSITION.—The Secretary shall conduct a study of measures that could be used to reduce sediment deposition in the vicinity of the Port of New York-New Jersey for the purpose of reducing the volumes to be dredged for navigation projects in the Port.

(2) DREDGED MATERIAL DISPOSAL STUDY.—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey which could accommodate as much as 250,000 cubic yards of dredged materials for the purpose of demonstrating the feasibility of underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(3) REPORT.—The Secretary shall transmit to Congress a report on the results of the

studies conducted under this subsection, together with any recommendations of the Secretary concerning reduction of sediment deposition referred to in paragraph (1).

(r) MAUMEE RIVER, OHIO.—The Secretary shall study the feasibility of realigning and extending the Federal channel, Maumee River, Lucas County, Ohio.

(s) SNAKE AND COLUMBIA RIVERS, OREGON, WASHINGTON, AND IDAHO.—

(1) STUDY.—The Secretary shall conduct a study to assess the authority of the Secretary to implement salmon protection measures in operating dams on the Snake and Columbia Rivers, Oregon, Washington, and Idaho.

(2) REPORT.—Not later than 6 months 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 paragraph (1), including recommendations for any additional authority needed to implement such protection measures.

(t) CUMBERLAND RIVER, DAVIDSON COUNTY, TENNESSEE.—

(1) STUDY.—The Secretary shall conduct a study of the benefits of establishing a greenway along the Cumberland River, Davidson County, Tennessee.

(2) 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 paragraph (1).

(u) JOHN H. KERR AND PHILPOTT RESERVOIRS, VIRGINIA AND NORTH CAROLINA.—The Secretary shall conduct a study of the advisability of modifying the multi-purpose project for the John H. Kerr and Philpott Reservoirs, Virginia and North Carolina, authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 894)—

(1) to include environmental enhancement, public recreational opportunities, regional economic development, and increased public participation in shoreline management as management goals of the project; and

(2) to authorize the use of power sale revenues for operation, maintenance, and capital improvements for the project.

SEC. 115. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of the enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297): A 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the existing Federal channel and Hollisters Dam.

(2) JOHNSONS RIVER CHANNEL, BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634): Northerly of a line across the Federal channel. The coordinates of such line are N 123318.35, E 486301.68 and N 123257.15, E 486380.77.

(3) SOUTHPORT HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION PORTION OF PROJECT.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel whose coordinates are north 109131.16, east 452653.32 running thence in a northeasterly direction about 943.01 feet to a point whose coordinates are north 109635.22, east 453450.31 running thence in a southeasterly direction about 22.66 feet to a point whose coordinates are north 109617.15, east 453463.98 running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The remaining portion of the project referred to in subparagraph (A) northerly of a line whose coordinates are north 108699.15, east 452768.36 and north 108655.66, east 452858.73 shall be redesignated as an anchorage.

(4) FALMOUTH, MASSACHUSETTS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(A) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 24.6 seconds east 440.44 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north 199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 04.4 seconds east 547.66 feet returning to a point north 199286.37 east 844394.81.

(B) The portion commencing at a point north 199647.42 east 845035.25 a line running north 43 degrees 09 minutes 35.0 seconds east 767.14 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 23 degrees 36 minutes 31.9 seconds west 2381.38 feet returning to the point north 199647.42 east 845035.25.

(5) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel of the project for navigation, Ogdensburg Harbor, New York, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 635), as modified by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1037), which is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(b) REDESIGNATION.—The portion of the project for navigation Falmouth, Massachusetts, referred to in subsection (a)(4) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

SEC. 116. NAMINGS.

(a) MILT BRANDT VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192), shall be known and designated as the "Milt Brandt Visitors Center".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the "Milt Brandt Visitors Center".

(b) WILLIAM H. NATCHER BRIDGE, MACEO, KENTUCKY, AND ROCKPORT, INDIANA.—

(1) DESIGNATION.—The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the "William H. Natcher Bridge".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the "William H. Natcher Bridge".

(c) J. EDWARD ROUSH LAKE, INDIANA.—

(1) REDESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the "J. Edward Roush Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "J. Edward Roush Lake".

(d) LOCK AND DAM 4, Red River Waterway, Louisiana.—

(1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the "Russell B. Long Lock and Dam".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

(e) LOCK AND DAM 3, RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—Lock and Dam 3 of the Red River Waterway, Louisiana, shall be known and designated the "Edwin W. Edwards Lock and Dam".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Edwin W. Edwards Lock and Dam".

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. RECREATION POLICY AND USER FEES.

(a) RECREATION POLICIES.—

(1) IN GENERAL.—The Secretary shall provide increased emphasis on and opportunities for recreation at water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) RECREATION USER FEES.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) is amended by adding at the end the following:

"(5) USE OF FEES COLLECTED AT FACILITY.—The Secretary of the Army shall ensure that at least an amount equal to the total amount of fees collected at any project under this subsection in a fiscal year beginning after September 30, 1994, are expended in the succeeding fiscal year at such project for operation and maintenance of recreational facilities at such project.".

SEC. 202. RECOVERY OF COSTS.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 203. COST SHARING OF ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) subject to section 906 of this Act, environmental protection and restoration: 25 percent.".

SEC. 204. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws, in advance of actual construction.

(b) STUDIES AND ENGINEERING.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and engineering for any construction to be undertaken pursuant to subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and engineering during the period that the studies and engineering will be conducted.

(c) COMPLETION OF STUDIES.—The Secretary is authorized to complete and transmit to the appropriate non-Federal interests any study for flood control which was initiated before the date of the enactment of this Act or, upon the request of such non-Federal interests, to terminate the study and transmit the partially completed study to such non-Federal interests for completion. Studies subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project or separable element thereof based on the results of completed studies and engineering for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed (and, in those cases where such activities will not be the responsibility of the Secretary, operated and maintained) in accordance with the terms and conditions of such permit.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element thereof, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and engineering prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(3) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control constructed under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(4) LIMITATION ON REIMBURSEMENTS.—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

SEC. 205. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting "civil works" before "mission";

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

(3) in subsection (d), as so redesignated, by striking "(b)" and inserting "(c)";

(4) by striking subsection (f), as so redesignated; and

(5) by inserting after subsection (a) the following new subsection:

"(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination. Any technology covered by this section which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.".

SEC. 206. NATIONAL INVENTORY OF DAMS.

Section 13 of Public Law 92–367 (33 U.S.C. 467l), is amended by striking the second sentence and inserting the following: "There is authorized to be appropriated $500,000 for each fiscal year for the purpose of carrying out this section.".

SEC. 207. MAINTENANCE, REHABILITATION, AND MODERNIZATION OF FACILITIES.

(a) IN GENERAL.—In accomplishing the maintenance, rehabilitation, and modernization of hydroelectric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production and the capacity of these facilities if, after consulting with other appropriate Federal and State agencies, the Secretary determines that such uprating—

(1) is economically justified and financially feasible;

(2) will not result in significant adverse effects on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operation changes in the project.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsection (a) shall be construed as affecting the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).

SEC. 208. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—At a water resources project where the non-Federal interest is responsible for performing the operation, maintenance, replacement, and rehabilitation of the project and the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs, the Secretary may provide, under terms and conditions acceptable to the Secretary and the non-Federal interest, a payment of the estimated total Federal share of such costs to the non-Federal interest after completion of construction of the project or a separable element thereof.

(b) DETERMINATION OF AMOUNT.—The amount to be paid shall be equal to the present value of the Federal payments over the life of the project, as agreed by the Federal Government and the non-Federal interest, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interest has entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement must be in accordance with the requirements of section 221 of the Flood Control Act of 1970 (84 Stat. 1831) and

must contain provisions specifying the terms and conditions under which a payment may be made under this section and the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section in the event the non-Federal interest suspends or terminates its performance of operation, maintenance, replacement, and rehabilitation of the project or separable element or fails to perform such activities in a manner consistent with the agreement between the Secretary and the non-Federal interest.

(d) RELIEF FROM FUTURE OBLIGATIONS.—Except as provided in subsection (c), a payment provided to the non-Federal interest under this section shall relieve the Government of any future obligations for paying any of the operation, maintenance, replacement, and rehabilitation costs for the project or separable element.

SEC. 209. LONG-TERM SEDIMENT MANAGEMENT STRATEGIES.

(a) DEVELOPMENT.—The Secretary shall enter into cooperative agreements with non-Federal sponsors of navigation projects for development of long-term management strategies for controlling sediments in such projects.

(b) CONTENTS OF STRATEGIES.—Each strategy developed under this section for a navigation project—

(1) shall include assessments of the following with respect to the project: sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) shall include a timetable for implementation of the strategy; and

(3) shall incorporate, as much as possible, relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) CONSULTATION.—In developing strategies under this section, the Secretary shall consult with interested Federal agencies, States, and Indian tribes and the public.

SEC. 210. EMERGENCY RESPONSE.

Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: ", or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor".

SEC. 211. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act of March 3, 1899 (30 Stat. 1153; 33 U.S.C. 411), is amended—

(1) by striking "thirteen, fourteen, and fifteen" and inserting "13, 14, 15, 19, and 20"; and

(2) by striking "not exceeding twenty-five hundred dollars nor less than five hundred dollars" and inserting "of up to $25,000 per day".

(b) GENERAL AUTHORITY.—Section 20 of the Act of March 3, 1899 (30 Stat. 1154; 33 U.S.C. 415), is amended—

(1) by striking "expense" the first place it appears in subsection (a) and inserting "actual expense, including administrative expenses,";

(2) in subsection (b) by striking "cost" and inserting "actual cost, including administrative costs,";

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

(4) by inserting after subsection (a) the following new subsection:

"(b) REMOVAL REQUIREMENT.—Within 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section.".

SEC. 212. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "$12,500,000" and inserting "$15,000,000"; and

(2) by striking "$500,000" and inserting "$1,500,000".

SEC. 213. AQUATIC PLANT CONTROL.

Section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b)) is amended by striking "$12,000,000" and inserting "$25,000,000".

SEC. 214. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204(e) of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking "$15,000,000" and inserting "$50,000,000".

SEC. 215. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) PROJECT PURPOSE.—Section 405(a) of the Water Resources Development Act of 1992 (106 Stat. 4863; 33 U.S.C. 2239 note) is amended by adding at the end the following:

"(3) PROJECT PURPOSE.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 400 cubic yards per day.".

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 405(c) of such Act is amended to read as follows: "There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 1993 and 1994 and $10,000,000 for fiscal years beginning after September 30, 1994.".

(c) REPORTS.—Section 405 of such Act is amended by adding at the end the following:

"(d) REPORTS.—Not later than September 30, 1996, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the intent of the program set forth in subsection (a)(3).".

SEC. 216. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "Before" at the beginning of the second sentence and inserting "Upon"; and

(2) by inserting "planning, designing, or" before "construction" in the last sentence.

(b) TECHNICAL AMENDMENT.—Section 52 of the Water Resources Development Act of 1988 (33 U.S.C. 579a note; 102 Stat. 4044) is amended—

(1) by striking subsection (a); and

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

SEC. 217. FOREIGN TRAVEL.

Section 211 of the Flood Control Act of 1950 (64 Stat. 183) is repealed.

SEC. 218. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and non-profit organizations.

(b) SPECIAL RULES.—With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may also use such potential application as an evaluation factor where appropriate.

SEC. 219. HOPPER DREDGE FLEET.

(a) IN GENERAL.—In order to more effectively manage and protect the commercial viability of the Nation's vital deep draft seaports, the Secretary—

(1) shall conduct advanced maintenance sufficient to ensure that authorized deep draft channel dimensions are continuously maintained;

(2) may conduct analysis and demonstration of experimental maintenance dredging techniques or improved environmental techniques in federally authorized deep draft navigation channels in order to evaluate the ability of such techniques to increase the reliability of channel dimensions; except that any dredging undertaken pursuant to this paragraph shall be limited and shall not replace or be substituted for routine maintenance dredging;

(3) shall, to the maximum extent practicable, utilize sediments dredged under paragraphs (1) and (2) for beneficial purposes; and

(4) shall contract for private dredging services to perform priority-expedited dredging work unless the appropriate District Engineer of Corps of Engineers determines that a Federal dredge can be brought on scene more quickly or is operationally better suited to undertake the work than any available non-Federal dredge.

With respect to priority-expedited dredging work undertaken under paragraph (4), the District Engineer shall employ innovative, expedited contracting procedures to ensure a timely response. In the case of contract disputes, the District Engineer is authorized to employ whatever measures are necessary to accomplish the priority-expedited dredging work.

(b) HOPPER DREDGE FLEET REQUIREMENTS.—In order to ensure the continued viability of the Federal hopper dredge fleet and private industry hopper dredge fleet, the Secretary—

(1) shall, except as provided in section 342 of this Act, relating to the hopper dredge, *McFarland*, maintain the Federal minimum hopper dredge fleet for at least 4 years or more beginning in fiscal year 1995 in a fully operational and active status;

(2) may undertake measures to maintain or improve the efficiency, operation, and design of the Federal hopper dredge fleet; and

(3) shall, for fiscal years beginning in fiscal year 1995 and ending in fiscal year 1998, advertise for competitive bid at least 7,500,000

cubic yards of hopper dredge work formerly accomplished by the Government fleet in years preceding fiscal year 1992 consistent with the policies developed by the Secretary to implement the requirements of section 106 of the Energy and Water Development Appropriations Act, 1993 (106 Stat. 1326) and section 106 of the Energy and Water Development Appropriations Act, 1994 (107 Stat. 1320); except that (A) hopper dredge work which results from activities undertaken in accordance with subsection (a)(1) or (a)(2) shall be advertised for competitive bid and shall not be counted toward the 7,500,000 cubic yards required to be advertised by this paragraph; and (B) operation of the Corps of Engineers hopper dredge fleet resulting from activities undertaken in accordance with subsections (a)(2) and (a)(4) shall not be used to determine days of operation of the Corps of Engineers hopper dredge fleet necessary to achieve the 7,500,000 cubic yards required to be advertised by this paragraph.

(c) PRIORITY-EXPEDITED DREDGING WORK DEFINED.—For purposes of this section, the term "priority-expedited dredging work" means work necessary to maintain a federally authorized deep draft navigation channel at project dimensions whenever the appropriate District Engineer of the Corps of Engineers determines that siltation, sedimentation, or other events altering channel dimensions has caused, or is anticipated to cause, imminent impairment of ongoing commercial navigation.

(d) USE OF CORPS DREDGE FLEET.—Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well-equipped contractor doing the work or to respond to emergency requirements.

SEC. 220. RESTORATION OF ENVIRONMENTAL QUALITY.

Section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251–4252; 33 U.S.C. 2309a) is amended—

(1) by striking the period at the end of subsection (a) and inserting the following: "and to determine if the operation of such projects has contributed to the degradation of the quality of the environment.";

(2) by striking the last 2 sentences of subsection (b);

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following new subsections:

"(c) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality if such measures are feasible and consistent with the authorized project purposes.

"(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) of this section shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification. No more than $5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.".

SEC. 221. COST SHARING FOR CREATION OF DREDGED MATERIAL DISPOSAL AREAS.

(a) FEDERAL SHARE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Federal share";

(2) by indenting and moving paragraph (1), as so designated, 2 ems to the right; and

(3) by adding at the end the following:

"(2) CONFINED DISPOSAL FACILITIES.—The Federal share of the cost of project features that are necessary for the creation of dredged material disposal areas, including capping, retaining dikes, bulkheads, embankments, and associated structures, shall be determined in accordance with subsection (a)(1).".

(b) CONFORMING AMENDMENTS.—Section 101 of such Act (33 U.S.C. 2211) is amended—

(1) in the second sentence of subsection (a)(2)—

(A) by inserting "and" after "rights-of-way,"; and

(B) by striking ", and dredged material disposal areas";

(2) in subsection (a)(3)—

(A) by inserting "and" after "rights-of-way,"; and

(B) by striking ", and dredged material disposal areas" and inserting ", including those required for dredged material disposal areas,"; and

(3) in subsection (e)(1) by striking ", and to provide dredged material disposal areas".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to construction of dredged material disposal areas for which a contract for construction has not been awarded before the date of the enactment of this Act. The Secretary may amend any cooperation agreement entered into before such date of enactment that does not provide for a Federal share of project costs of dredged material disposal areas as determined in accordance with such amendments if the non-Federal interest agrees to the amendment of the contract.

SEC. 222. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended by inserting "including the loss of life which may be associated with flooding and coastal storm events," after "costs,".

SEC. 223. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 224. RESERVOIR MANAGEMENT TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) PUBLIC PARTICIPATION.—".

SEC. 225. TECHNICAL CORRECTIONS.

(a) SECTION 203 OF 1992 ACT.—Section 203(b) of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended by striking "(8662)" and inserting "(8862)".

(b) SECTION 225 OF 1992 ACT.—Section 225(c) of the Water Resources Development Act of 1992 (106 Stat. 4838) is amended by striking "(8662)" in the second sentence and inserting "(8862)".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary is authorized to provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Projects carried out pursuant to subsection (a) may include the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural state as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project for which assistance is provided under this section shall be 50 percent. The non-Federal share shall be subject to the ability of the non-Federal interest to pay, including application of the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(d) PROJECT LOCATIONS.—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Colusa basin, California.

(2) Los Angeles River basin, California.

(3) Russian River watershed, California.

(4) Sacramento River watershed, California.

(5) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.

(6) Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(7) Lower Platte River watershed, Nebraska.

(8) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal years beginning after September 30, 1994. Such sums shall remain available until expended.

SEC. 302. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

"(12) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;

"(13) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

"(14) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion.".

SEC. 303. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(d) of the Water Resources Development Act of 1992 (106 Stat. 4836) is amended by striking "$5,000,000" and inserting "$50,000,000".

SEC. 304. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639-4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting "and remediate" after "remove" each place it appears;

(2) in subsection (b)(1) by inserting "and remediation" after "removal" each place it appears;

(3) in subsection (b)(2) by striking "$10,000,000" and inserting "$50,000,000"; and

(4) by striking subsection (f).

SEC. 305. CHESAPEAKE BAY RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of technical, planning, and design assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, waste water treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement pursuant to section 221 of the Flood Control Act of 1970 (84 Stat. 1818) with a non-Federal interest to provide for technical, planning, and design assistance for the project.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a plan, including appropriate engineering plans and specifications and an estimate of expected benefits.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1995. Such sums shall remain available until expended.

SEC. 306. SAINT LAWRENCE SEAWAY COLLECTION OF TOLLS.

Section 13 of the Act of May 13, 1954 (33 U.S.C. 988a) is amended to read as follows:

"SEC. 13. WAIVER OF COLLECTION OF CHARGES AND TOLLS.

"(a) WAIVER.—Notwithstanding section 12 or any other provision of law, the Corporation shall not collect any charge or toll established pursuant to section 12 with respect to a commercial vessel (as defined by section 4462(a)(4) of the Internal Revenue Code of 1986).

"(b) RECORD.—The Corporation shall maintain a record of the annual amount of each charge or toll that would have been collected with respect to a commercial vessel described in subsection (a) but for the requirement of subsection (a).".

SEC. 307. RIVER BASIN PLAN FOR LOWER MISSISSIPPI.

(a) DEVELOPMENT.—The Secretary shall develop a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Lower Mississippi River system.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1994. Such sums shall remain available until expended.

SEC. 308. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission, established by the Act of June 29, 1879 (33 U.S.C. 641), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 309. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

SEC. 310. GREAT LAKES SEDIMENT REDUCTION.

(a) GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODEL.—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern, the Secretary, in consultation and coordination with the Great Lakes States, shall develop a tributary sediment transport model.

(b) REQUIREMENTS FOR MODELS.—In developing a tributary sediment transport model under this section, the Secretary shall—

(1) build upon data and monitoring infrastructure generated in earlier studies and programs of the Great Lakes and their tributaries; and

(2) complete models for 30 major river systems within the 5-year period beginning on the date of the enactment of this Act.

SEC. 311. CONFINED DISPOSAL FACILITIES.

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.

(3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

SEC. 312. ALTERNATIVE TO ANNUAL PASSES.

(a) IN GENERAL.—The Secretary shall carry out a project to evaluate the feasibility of implementing an alternative to the $25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(b) ANNUAL PASS.—The project to be carried out under this section shall include the establishment of an annual pass which costs $10 or less for the use of recreation facilities at Raystown Lake, Pennsylvania.

(c) REPORT.—Not later than December 31, 1997, the Secretary shall transmit to Congress a report on the results of the project carried out under this section, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

SEC. 313. RECREATION PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In demonstrating the feasibility of the public-private cooperative, the Secretary shall provide, at Federal expense, such infrastructure improvements as are necessary to support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $4,500,000 for fiscal years beginning after September 30, 1994. Such sums shall remain available until expended.

(c) REPORT.—Not later than December 31, 1997, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

SEC. 314. WATER QUALITY PROJECTS.

Section 307(d) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "$70,000,000" and inserting "$100,000,000".

SEC. 315. NEW ENGLAND DIVISION HEADQUARTERS FACILITY.

(a) GENERAL AUTHORITY.—The Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for the New England Division of the United States Army Corps of Engineers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1994, $30,000,000 to carry out this section.

SEC. 316. QUARANTINE FACILITY.

Section 108(c) of the Water Resources Development Act of 1992 (106 Stat. 4816) is amended by striking "$1,000,000" and inserting "$4,000,000".

SEC. 317. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following new subsection:

"(c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.".

SEC. 318. CALAVERAS COUNTY, CALIFORNIA.

The Secretary, in cooperation with Federal, State, and local agencies, is authorized—

(1) to conduct investigations and surveys of the watershed of the Lower Mokelume River in Calaveras County, California; and

(2) to provide technical, planning, and design assistance for abatement and mitigation of degradation caused by abandoned mines and mining activity in the vicinity of such river.

SEC. 319. LAKE ELSINORE, CALIFORNIA.

(a) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Lake Elsinore, Riverside County, California, shall be $7,500,000 instead of $5,000,000.

(b) REVISION OF LOCAL COOPERATION AGREEMENT.—The Secretary shall revise the local cooperation agreement for the project referred to in subsection (a) in order to take into account the increase in the Federal participation in such project pursuant to subsection (a).

(c) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under the Water Resources Development Act of 1986.

SEC. 320. BENEFICIAL USE OF DREDGED MATERIAL, MONTEZUMA, CALIFORNIA.

The Secretary shall carry out a project for the beneficial use of dredged material at Montezuma, California, pursuant to section 204 of the Water Resources Development Act of 1992.

SEC. 321. PRADO DAM SAFETY IMPROVEMENTS.

The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113).

SEC. 322. SAN JOSE, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall transfer funds appropriated to carry out this section to the Administrator of the Environmental Protection Agency for making grants to the city of San Jose, California, and the Santa Clara Valley Water District, San Jose, California, to promote and implement the use of treated waste water for critical water supply purposes and for the protection of San Francisco Bay.

(b) PURPOSES OF ASSISTANCE.—Assistance may be provided under this section for projects for the planning, design, and construction of facilities to reuse waste water in the San Jose area, including necessary distribution facilities. Design and construction of such projects shall be carried out by non-Federal interests.

(c) APPROVAL OF PLANS.—Upon approval of necessary plans and specifications, the Administrator is authorized to make grants under this section in accordance with the existing grant procedures of the Environmental Protection Agency.

(d) TRANSFER OF FUNDS.—The transfer of funds under subsection (a) shall occur pursuant to a memorandum of agreement between the Secretary and the Administrator. Such memorandum of agreement shall be entered into on or before the 60th day after the date upon which funds are made available to the Secretary to carry out this section.

(e) COST SHARING.—The Federal share of the cost of a project carried out under this section shall be 55 percent. Other Federal funds may be contributed to the project, and the non-Federal sponsors shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $71,500,000. Such sums shall remain available until expended and shall be in addition to and not in lieu of any other amounts authorized to be appropriated under any other Act, including title II of the Federal Water Pollution Control Act.

SEC. 323. TAMPA, FLORIDA.

The Secretary may enter into a cooperative agreement under section 218 of this Act with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of $500,000.

SEC. 324. KANKAKEE RIVER BASIN, ILLINOIS.

(a) MASTER PLAN.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in cooperation with other interested Federal, State, and local agencies and private citizens, shall study, and prepare a comprehensive master plan for the management of, the Kankakee River Basin, Illinois. The study shall focus primarily on basinwide management methods for flood damage reduction, environmental enhancement, and erosion control and may evaluate water quality, land use management, and other related topics.

(b) FEASIBILITY REPORT.—Not later than 30 months after the date of completion of the study and plan under subsection (a), the Secretary shall prepare, in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), a feasibility report concerning the measures described in the plan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for the study and preparation of the plan required under subsection (a) and such sums as may be necessary to prepare the feasibility report required under subsection (b).

SEC. 325. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.

(a) DEVELOPMENT.—The Secretary, in consultation with the Soil Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, which includes Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) CONTENTS.—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including sediment flow into Deep River, Turkey Creek, and other tributaries; control of sediment quality in Lake George; flooding problems; the safety of the Lake George Dam; and watershed management.

SEC. 326. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, WEST VIRGINIA, AND KENTUCKY.

The Secretary, in cooperation with Federal, State, and local agencies, is authorized—

(1) to conduct investigations and surveys of the watersheds of the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; New River, West Virginia; and Pond Creek, Kentucky; and

(2) to provide technical, planning, and design assistance for abatement and mitigation of surface water quality degradation caused by abandoned mines and mining activity in the vicinity of such rivers and creek.

SEC. 327. BENEFICIAL USE OF DREDGED MATERIAL, POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992.

SEC. 328. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) IN GENERAL.—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of $450,000.

(b) IMPLEMENTATION ON EMERGENCY BASIS.—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) COST SHARING.—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 329. BENEFICIAL USE OF DREDGED MATERIAL, WORTON POINT, KENT COUNTY, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Worton Point, Kent County, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992.

SEC. 330. MASSACHUSETTS COASTAL SALTMARSH RESTORATION AUTHORIZATION.

Subject to the cost sharing provisions of the Water Resources Development Act of 1986, the Secretary shall, as part of the long-term goal of Corps of Engineers water resources development program of increasing the quality and quantity of the Nation's wetlands, investigate and carry out saltmarsh restoration projects along the coastline of Massachusetts.

SEC. 331. BOSTON, MASSACHUSETTS, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for disposal of contaminated

dredged material at the Port of Boston, Boston, Massachusetts, using innovative and environmental technologies, including thermal remediation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1994, to carry out this section $2,000,000. Such sums shall remain available until expended.

SEC. 332. LAKE ST. CLAIRE, MICHIGAN.

The Secretary shall carry out a program to control aquatic plants in Lake St. Claire, Michigan, under section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b)).

SEC. 333. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1994, to carry out this section $1,000,000. Such sums shall remain available until expended.

SEC. 334. ST. JOHN'S BAYOU—NEW MADRID FLOODWAY.

The Secretary is directed to review the project for flood control, St. John's Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), to determine the ability of the non-Federal interests to pay the project costs, including operation and maintenance costs, in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) and in light of locally prevailing conditions which would limit the ability of local interests to participate as non-Federal project sponsors in accordance with established cost-sharing formulas.

SEC. 335. DURHAM, NEW HAMPSHIRE.

The Secretary may enter into a cooperative agreement under section 218 of this Act with the University of New Hampshire to provide technical assistance for a water treatment technology center addressing the needs of small communities.

SEC. 336. NEW YORK BIGHT AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking "$1,000,000" and inserting "$10,000,000".

SEC. 337. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make capital improvements to the New York State Canal System.

(b) AGREEMENTS.—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trailside facilities and other recreational projects along the waterways of the canal system.

(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term "New York State Canal System" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1994. Such sums shall remain available until expended.

SEC. 338. NEW YORK CITY WATERSHED.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) FORM.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) ELIGIBLE PROJECTS.—

(1) CERTIFICATION.—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) SPECIAL CONSIDERATION.—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures which preserve and enhance the economic and social character of the watershed communities.

(3) PROJECT DESCRIPTIONS.—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses that preserve and enhance the economic and social character of the watershed communities and protect and enhance water quality.

(d) LOCAL COOPERATION AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a cooperative agreement with the State director for the project to be carried out with such assistance.

(e) COST SHARING.—

(1) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

(2) INTEREST.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest to provide the non-Federal share of a project's cost.

(3) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

(4) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) NEW YORK CITY WATERSHED DEFINED.—For purposes of this section, the term "New York City Watershed" means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Duchess which contributes water to the water supply system of New York City.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1994.

SEC. 339. NORTHEASTERN OHIO.

The Secretary is authorized to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 75 percent.

SEC. 340. OHIO RIVER.

(a) CENTER FOR ENVIRONMENTAL STUDIES FOR LARGE RIVERS.—The Secretary shall establish a Center for Environmental Studies of Large Rivers at Jefferson Technical College, Ohio.

(b) STUDY.—

(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the Ohio River Valley Water Sanitation Commission to develop the necessary methodologies to make improvements in, and assess the environmental health of, the Ohio River.

(2) REPORT.—Not later than December 31, 1996, the Secretary shall submit a report to Congress on the results of the study conducted under paragraph (1), together with recommendations on reducing and eliminating pollution in the Ohio River.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1994, $2,000,000 to carry out subsection (a) and $1,000,000 to carry out subsection (b).

SEC. 341. REMOVAL OR REMEDIATION OF CONTAMINATED SEDIMENTS, MAHONING RIVER, OHIO AND PENNSYLVANIA.

The Secretary shall remove or remediate contaminated sediments from the Mahoning River, Northeast Ohio and Western Pennsylvania, pursuant to section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1252 note).

SEC. 342. COLUMBIA RIVER BASIN, OREGON.

The costs of measures undertaken to mitigate the adverse effects on fish and wildlife of water resources projects constructed by the Secretary within the McKenzie River Sub-Basin within the Columbia River Basin, Oregon, shall be allocated as provided in section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

SEC. 343. SOUTH CENTRAL PENNSYLVANIA.

(a) IN GENERAL.—Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845–4847) is amended—

(1) in the heading to subsection (c) by striking "WITH SARCD COUNCIL";

(2) in subsection (c) by inserting "with State, regional, and local officials, including, where applicable," after "consult";

(3) in subsection (d)(2)(A) by inserting ", where applicable," after "Council";

(4) in subsection (g)(1) by striking "$17,000,000" and inserting "$50,000,000"; and

(5) in subsection (h)(2) by striking "Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset" and inserting "Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, and Westmoreland".

(b) COST SHARING.—Section 313(d)(3) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended to read as follows:

"(3) COST SHARING.—

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

"(B) INTEREST.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest to provide the non-Federal share of a project's cost.

"(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

"(D) OPERATION AND MAINTENANCE CREDIT.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.".

SEC. 344. BROAD TOP REGION OF PENNSYLVANIA.

Section 304(c) of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended by striking "$5,500,000" and inserting "$11,000,000".

SEC. 345. HOPPER DREDGE MCFARLAND.

(a) PROJECT AUTHORIZATION.—The Secretary shall carry out a project at the Philadelphia Naval Shipyard, Pennsylvania, to make modernization and efficiency improvements to the hopper dredge McFarland.

(b) REQUIREMENTS.—In carrying out the project under subsection (a), the Secretary shall—

(1) determine whether the McFarland should be returned to active service or the reserve fleet after the project is completed; and

(2) establish minimum standards of dredging service to be met in areas served by the McFarland while the drydocking is taking place.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1994.

SEC. 346. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000. Such sums shall remain available until expended.

SEC. 347. BLACKSTONE RIVER VALLEY, RHODE ISLAND, AND MASSACHUSETTS.

(a) IN GENERAL.—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island, and Massachusetts.

(b) FEDERAL SHARE.—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

SEC. 348. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXTENSION.

The Secretary shall establish an extension of the Earthquake Preparedness Center of Expertise for the central United States at an existing district office of the Corps of Engineers near the New Madrid fault.

SEC. 349. MURFREESBORO, TENNESSEE.

The Secretary shall carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 350. REPEAL OF TERMINATION DATE FOR CONSTRUCTION OF VIRGIN ISLANDS PROJECTS BY THE SECRETARY.

Section 406 of the Water Resources Development Act of 1990 (48 U.S.C. 1405c note) is amended by striking subsection (c).

SEC. 351. HUNTINGTON, WEST VIRGINIA.

The Secretary may enter into a cooperative agreement under section 218 of this Act with Marshall University, Huntington, West Virginia, to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences.

SEC. 352. SOUTHERN WEST VIRGINIA.

(a) COST SHARING.—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

"(3) COST SHARING.—

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

"(B) INTEREST.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest to provide the non-Federal share of a project's cost.

"(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

"(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.".

(b) FUNDING.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 353. REMOVAL OR REMEDIATION OF CONTAMINATED SEDIMENTS, LOWER FOX RIVER, WISCONSIN.

The Secretary shall remove or remediate contaminated sediments from the Lower Fox River, Lake Winnebago to Green Bay, Wisconsin, pursuant to section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1252 note).

SEC. 353. SAVINGS CLAUSE.

Nothing in section 204, section 207, or any other provision of this Act or any amendment made by this Act shall be construed to authorize the construction, operation, or maintenance of any dam, water conduit, reservoir, power house, transmission line, or other project works for which a license or exemption is required under the Federal Power Act. Nothing in such sections or any other provision of this Act or any amendment made by this Act shall by construed to affect the authority or jurisdiction of the Federal Energy Regulatory Commission under the Federal Power Act or under any other provision of law.

The SPEAKER pro tempore (Mr. MILLER of California). Pursuant to the rule, the gentleman from Ohio [Mr. APPLEGATE] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentlemen from Ohio [Mr. APPLEGATE].

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

Mr. Speaker, I rise in support of H.R. 4460.

Mr. Speaker, today we bring before the House the Water Resources Development Act of 1994. The Subcommittee on Water Resources held hearings on June 22, July 19, and July 26, 1994. In those hearings we heard from the administration and numerous Members of Congress and public witnesses. Our action on this bill demonstrates a commitment to continue the biennial authorization cycle for the Water Resources Development Program of the U.S. Army Corps of Engineers.

The bill before us continues the Nation's progress in preserving, developing, and restoring our water resources through responsible projects and studies for navigation, flood control and environmental restoration and protection. Mr. Speaker, the bill represents an excellent effort to draft a workable, signable bill while fulfilling the requests of Members to the greatest extent possible.

This doesn't mean we were able to give every Member everything which they requested, but we did try to give Members something if it was feasible.

This year, we have worked with the administration and our minority to develop a bill which the administration could support. Because of the short time remaining in the session, and the

uncertainty of the Senate, I believe that this bill represents the best way for the House to proceed.

For projects which had completed reports, the bill authorizes construction. For projects without reports, the bill authorizes studies of the projects so construction can be authorized in subsequent bills. Additionally, the bill modifies a number of existing projects to make them more responsive to local needs, changed circumstances or environmental concerns.

As we have done in previous years, we have reviewed the recommendations of the administration and adopted several of them. These include enhanced authorities to conduct research in support of the corps' mission, the establishment of environmental cost-sharing, and several technical improvements to the operation of the corps civil works program.

We have avoided controversial recommendations such as any increase in corps regulatory fees.

Title I of the bill relates to water Resources projects. Section 101 authorizes projects recommended by the Chief of Engineers for construction by the Corps of Engineers. Section 102 contains modifications to 33 previously authorized water resources projects. These modifications relate to such things as increases in cost limitations, changes in the structure and configuration of projects, additional recreation or environmental features, crediting of non-Federal interests for work done which is compatible with the project, and incorporation of new project features.

The title also includes project reauthorizations, continuation of authorization of certain projects, project deauthorizations and projects and project modifications that the corps should study.

Title II of the bill contains generally applicable provisions relating to the corps Water Resources Development Program. Among the highlights is cost-sharing changes concerning dredged material disposal areas. These dredged disposal areas will no longer be a 100 percent local responsibility. Instead, they will be cost-shared as other construction costs are shared.

Other changes include: Requiring that an amount equal to 100 percent of the recreational user fees collected at a site be used for operation and maintenance at that facility.

Allowing the Secretary to use emergency levee rebuilding funds for nonstructural alternatives.

Title III includes miscellaneous provisions. Among the highlights of title III are:

Authority for a new watershed management restoration and development program.

A restoration protection program for the Chesapeake Bay.

Extension of jurisdiction of the Mississippi River Commission.

Several projects for the beneficial use of dredge material.

Repeal of collection of tolls on the St. Lawrence Seaway.

I urge all my House colleagues to support this very worthwhile legislation.

Mr. Speaker, I include for the RECORD an exchange of letters between the chairman of the Committee on Merchant Marine and Fisheries and the chairman of the Committee on Energy and Commerce.

The letters referred to are as follows:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, October 3, 1994.

Hon. NORMAN Y. MINETA,
Chairman, Committee on Public Works and Transportation, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to see that the Committee on Public Works has reported H.R. 4460, the Water Resources Development Act of 1994.

As reported by your Committee, this bill contains numerous provisions which are within the jurisdiction of the Committee on Merchant Marine and Fisheries pursuant to Rule X, Clause (1)(n), of the Rules of the House of Representatives. My Committee has received sequential referral of past water resources bills based on similar provisions.

I support prompt consideration of this bill in the House. Therefore, I agree to waive a sequential referral request in return for your acknowledgement of my Committee's jurisdiction.

Sincerely,

GERRY E. STUDDS,
Chairman.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, October 3, 1994.

Hon. GERRY E. STUDDS,
Chairman, Committee on Merchant Marine and Fisheries, Longworth HOB, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter and for your cooperation in moving H.R. 4460, the Water Resources Development Act of 1994.

I agree that certain provisions in this bill are within the jurisdiction of the Committee on Merchant Marine and Fisheries and that your Committee would have received a sequential referral had you chosen to request one.

I will continue to work for enactment of this legislation prior to adjournment. Thank you again for your cooperation.

Sincerely,

NORMAN Y. MINETA,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 3, 1994.

Hon. NORMAN Y. MINETA,
Chairman, Committee on Public Works and Transportation, House of Representatives Washington, DC.

DEAR MR. CHAIRMAN: Our staffs have discussed H.R. 4460, the "Water Resources Development Act of 1994" which includes provisions that do not recognize the licensing and exemption authority of the Federal Energy Regulatory Commission under the Federal Power Act. This is particularly a concern in sections 204 and 207.

I understand that is not the intention of your Committee and I recognize that you are anxious to have this bill considered on the suspension calendar today. Our Committee wishes to cooperate and will have no objections to such consideration so long as the enclosed provision is included in the bill as passed by the House. Of course, if there is a conference with the Senate, we will expect to request to be represented on matters in the bill, such as these sections. Our Committee would also expect to be consulted should the Senate seek to resist the enclosed provision or otherwise include matters within our jurisdiction. Just as we worked out similar concerns of your Committee regarding H.R. 3392, the Safe Drinking Water Act Amendments Act of 1994, I assume that these undertakings are acceptable and that your floor comments will include this letter and your acknowledgment.

With every good wish.

Sincerely,

JOHN D. DINGELL
Chairman.

We appreciate very much the fine way our two committees have been working.

Enclosure.

Insert at the end of section 204:

( ) SAVINGS CLAUSE.—Nothing in this section, in section 207, or in any other provision of this Act or in any amendment made by this Act shall be construed to authorize the construction, operation, maintenance of any dam, water conduit, reservoir, power house, transmission line, or other project works for which a license or exemption is required under the Federal Power Act, and nothing in such sections or in any other provision of this Act or in any amendment made by this Act shall by construed to affect the authority or jurisdiction of the Federal Energy Regulatory Commission under the Federal Power Act or under any other provision of law.

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

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

Mr. Speaker, I rise in strong support of the legislation.

Mr. Speaker, I rise today in strong support of the Water Resources Development Act of 1994. This legislation continues a long standing tradition of authorizing Army Corps of Engineer's navigation, flood control, and environmental infrastructure projects on a biennial basis.

WRDA 1994 provides critically needed improvements to our Nation's water infrastructure. Water remains the most efficient way to transport many of the products and commodities produced in our country. The legislation before us today will ensure that the harbors, rivers, and locks which we all directly or indirectly depend on, continue to serve our transportation interests.

The legislation before us has been the subject of extensive hearings in which interests ranging from the Corps of Engineers to American Rivers testified before the Water Resources and Environment Subcommittee.

The provisions contained in WRDA 1994 were considered in a thorough and bipartisan manner. Chairman APPLEGATE must be complimented on the open and inclusive manner in which WRDA 1994 has been considered. Chairman APPLEGATE's leadership on the

Water Resources and Environment Subcommittee will be missed. I would like to take this opportunity to wish Chairman APPLEGATE continued success and health upon leaving this body.

This legislation also makes good fiscal sense. WRDA 1994 comes in at a lower price tag than WRDA 1992, which this body successfully passed on suspension.

WRDA 1994 is critically important to the maintenance and improvement of America's water infrastructure. I urge all of my colleagues to support the passage of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the full committee.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me the time and I rise in strong support of this legislation. It is the routine biannual reauthorization of the Corps of Engineer projects. The minority has been treated very fairly in this and I urge its support.

Mr. MINETA. Mr. Speaker, first, I want to pay special recognition to our subcommittee chair, the distinguished gentleman from Ohio, who, as we all know, is retiring. I want to take this opportunity to say how much I personally have enjoyed working with him not only in his capacity as chair of our Water Resources Subcommittee, but also as a very active and very important member of our committee on a wide range of issues. The gentleman from Ohio will be missed and on behalf of our committee and the House, we wish him many happy and prosperous years on his retirement from Congress.

Mr. Speaker, H.R. 4460, the Water Resources Development Act of 1994 is a product deserving of House approval.

We have worked diligently, on a bipartisan basis and with the administration, to create a bill which this Congress and the administration can support.

This bill is modest in size and scope. We have preserved the cost-sharing principles agreed to over the past decade. We have authorized projects within the traditional role and the increasingly environmental role of the Corps of Engineers. We have avoided projects and provisions more suitably included in the Clean Water Act bill. And we have kept the dollar total well below the bill President Bush signed 2 years ago.

In short, this bill continues the present Corps of Engineers programs and trends without any significant expansion.

It continues the Nation's progress in preserving, developing, and restoring our water resources through responsible projects and studies for navigation, flood control, and environmental restoration and protection.

Over the past several years, the Corps of Engineers—at congressional direction—has changed its emphasis from traditional flood control and navigation to become more sensitive to environmental protection as an equal concern for the agency. This bill is consistent with that progression.

First, the cost sharing for environmental restoration projects is established at 75 percent Federal, 25 percent local. In addition, to encourage the implementation of these projects, non-federal costs of such projects can be paid through in-kind services of the local sponsors.

The bill also expands the program for the beneficial use of dredge spoils as well as providing Federal assistance for non-structural replacement of flood control structures that have been damaged but only with the concurrence of the local interest.

The bill is a good, workable product which gives us the best possible shot at enacting legislation this year. I think it is worthy of the committee's support and urge its approval.

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 4460, the Water Resources Development Act of 1994.

Mr. Speaker, this is an important piece of legislation, authorizing conservation and development of water and water-related resources and providing for the construction of much needed improvements to rivers and harbors of the United States.

I want to begin by congratulating the chairman of the full committee, Mr. MINETA and the ranking member, Mr. SHUSTER for their yeoman's effort in bringing this bill to the House floor. The lives and livelihoods of many of our constituents depend upon the projects in this bill. The chairman and the ranking member still have a daunting task before them to get this legislation through the process before adjournment, but I am grateful to have their leadership and offer to help in any way I can.

The bill contains many much needed environmental restoration projects. Those of us who represent California know the impact of listing of species as threatened or endangered, so we appreciate the proactive environmental initiatives in this bill. For example, the bill provides for several important projects to make beneficial use of dredged materials.

The Montezuma Slough project in northern California is a good example of an environmentally sound project to create wetlands. The President, during one of his recent trips to California, spoke about the importance of developing international trade by maximizing our investment in our ports. Unfortunately, the San Francisco Bay Area has a serious problem in disposing of dredged materials. In-bay disposal is effectively prohibited and ocean disposal gives rise to some significant environmental concerns.

A very sensible, environmentally attractive, and fiscally responsible alternative is the upland disposal at Montezuma Slough—a site that would be turned into wetlands and dedicated to the public. This type of forward looking program will ensure the continued economic growth associated with trade goods moving through our ports while actually creating wetlands for migrating waterfowl and other aquatic wildlife.

In addition, the bill recognizes the value of properly managing our water resource to protect water quality. One good example of these projects can be seen in the Colusa Basin Drainage District's proposal to put in place an integrated resource management plan, which seeks to develop flood control, water quality, water supply, environmental restoration solutions for an entire watershed on a voluntary basis.

This is the kind of voluntary program that needs the support of the Corps of Engineers as well as other resource agencies, if it is to succeed. The corps must become a partner in helping local farmers, water managers, State and other Federal agencies, environmentalists and the citizens of affected towns to identify projects that will benefit the basin. A similar project is planned for the Sacramento River to deal with toxic issues.

I appreciate the committee direction to study the acquisition of delta island in the San Francisco Bay Delta system. Authorizing the Corps of Engineers to make land acquisitions in the Sacramento-San Joaquin Delta for hydraulic and environmental mitigation in association with the Sacramento River Flood Control Project and other projects and potential projects will positively impact the stages of the Sacramento and American rivers.

Mr. Speaker, this is a good bill that is much needed. I urge my colleagues to vote "aye."

Mr. UNSOELD. Mr. Speaker, I rise in support of H.R. 4460.

I want to thank the chairman of the Water Resources and Environment Subcommittee, Representative APPLEGATE, as well as the chairman of the full committee, Representative MINETA, for including within this bill language I developed to resolve a long-standing problem involving the small town of North Bonneville and the U.S. Army Corps of Engineers. It has been a problem that has for so long defied a solution—until now.

The story began some 20 years ago when the town of North Bonneville on the Washington State side of the Columbia River was condemned to make room for the second powerhouse at Bonneville Dam. As part of this process, Congress, in section 83 of Public Law 93–251, required the corps to relocate the town.

Although a detailed relocation agreement between the corps and the town was executed in 1975, the relocation effort became mired in contentious litigation and is still not complete.

The trouble started when the town, having lost its revenue base during the relocation period, subjected corps contractors to a business and occupation [B&O] tax which was challenged by the corps and the Justice Department. Although the town prevailed in court on this issue, additional litigation led to an increasingly hostile relationship between the parties and the collapse of cooperation.

The town refused to accept unfinished and defective municipal improvements, including water, sewer, and storm drain systems, for the initial town. Some optimum town lands identified in the agreement as necessary for the town's growth and economic viability have since been dedicated to wildlife mitigation by the corps or contaminated with construction wastes. For example, Hamilton Island, which includes much of the optimum town lands, was placed on the Superfund national priority list in October 1992.

In addition, claims and counterclaims resulted in a judgment against the town in the amount of $365,181 for operation and maintenance of town utilities by the corps. The town filed for bankruptcy in 1991.

With half a dozen lawsuits pending and the promise of another 20 years of bitter litigation without a just resolution, I could not remain uninvolved—although I received plenty of warnings to do so.

Last Congress we devised a legislative solution that I thought was a fair and balanced framework for completing the North Bonneville relocation. In essence, section 9147 of Public Law 102–396 called for the timely transfer of town lands and canceled the town's debt to the corps in exchange for the town dropping its claims against the corps.

More specifically, section 9147 required the corps to: First, complete the relocation by conveying to the city: (a) lands and facilities identified in the plats of the relocated town, as required by the relocation act—at no cost to the city—and (b) lands identified in the plats as "optimum" town lands—parcels 2, B, C, and H—at a cost to the city of $597,804; second, forgive O&M debt owed to the corps for facilities—about $365,000; and third, clean up its hazardous waste site on Hamilton Island—one of the optimum town lands.

In return, the town was required to: First, relinquish its right to sue the corps under the Relocation Act-Agreement for failure to perform; and second, agree to accept lands and facilities identified in plats of "original" town in "as is" condition and pay for optimum town lands.

Regrettably, the Justice Department and the corps refused to settle the North Bonneville controversy in this manner, primarily because of concerns over the Government's long-term liability associated with transferring Parcel B, Hamilton Island, which was listed as a Superfund site by EPA. With additional litigation appearing inevitable, I initiated a settlement process—involving the town, the corps, and the Justice Department—that ultimately led a solution to resolve this matter once and for all.

This solution is legislated in the bill before us today. Specifically, it amends section 9147 of Public Law 102–396 to require that parcel be used to meet part of the corps' wildlife mitigation requirements—after clean up to open space standards. In exchange, the remaining optimum town lands would be conveyed to the town at no cost.

I urge my colleagues to support this bill and, specifically, its provisions to bring the North Bonneville saga to an equitable and long-overdue conclusion.

Mr. GOSS. Mr. Speaker, I would like to thank the Chairman, Mr. MINETA, and SHERRY BOEHLERT, and BUD SHUSTER for their leadership in bringing this Corps of Engineers authorization to the floor. Included are solid examples of local-Federal partnerships that will further Federal environmental goals while providing some cost-sharing assistance to local governments. In southwest Florida, for instance, Charlotte County is launching a major wastewater construction program to correct significant public health and environmental threats. The first phase of this product includes an advanced water recovery and reuse program, which will result in significant water conservation and pollution-prevention. This re-use facility will allow the county to both reduce pollution flowing into Charlotte harbor, and address the problem of salt water intrusion into the drinking water supply. While the county will pay the majority of the costs associated with the overall program, the cost-sharing assistance provided under this bill will help ease the economic burden on the Charlotte community, while providing a boost for environmental protection and restoration. This is a good arrangement that will yield positive benefits.

Mr. BORSKI. Mr. Speaker, I wish to compliment the leadership of the Public Works and Transportation Committee for presenting the House with an outstanding Water Resources Development Act.

Our Committee Chairman, the gentleman from California, Mr. MINETA, our Ranking Republican Member, the gentleman from Pennsylvania, Mr. SHUSTER, and the Ranking Republican on the Subcommittee on Water Resources and Environment, the gentleman from New York, Mr. BOEHLERT, have done an excellent job on this bill.

I especially want to pay tribute to the Chairman of the Subcommittee on Water Resources and Environment, the gentleman from Ohio, Mr. APPLEGATE, who has been a leader in the House on these issues and many other water resources issues.

It was a sad moment for the Public Works and Transportation Committee and for the House when Chairman APPLEGATE announced his decision to retire from Congress at the end of this year. He has been one of the guiding lights on the Committee for 18 years and he will be missed.

It has truly been a pleasure to work with the gentleman from Ohio during my six terms in Congress and I wish him all the best as he leaves Congress. He has been a credit to the institution.

Passage of H.R. 4460 will be a fitting tribute to the gentleman from Ohio's tenure as Chairman of the Subcommittee on Water Resources and Environment.

H.R. 4460 is a bill that makes an important contribution to our Nation's infrastructure investment program. This bill will continue our biannual tradition of moving the Corps of Engineers program for development of ports and inland waterways forward.

There has been a long-standing consensus that the Corps of Engineers program—which benefits all parts of our country—should receive an authorization in every Congress. We should continue that tradition with H.R. 4460.

It is important to note that there are several other issues involving the Corps of Engineers program that should be addressed in the future. Such issues as the role of the Corps in environmental restoration and urban infrastructure, flood plain management and dredging policy must be considered. However, that should be done as part of a more comprehensive review of these policies, not as part of H.R. 4460.

I also want to note that H.R. 4460 authorizes the overhaul of the Corps of Engineers hopper dredge McFarland at the Philadelphia Naval Shipyard. This work will be performed under private contract and is not intended to extend the closing date for the Naval Shipyard.

The overhaul of the McFarland will accomplish two important goals. First, the McFarland, an outdated and inefficient dredge, will be made more efficient and cost-effective to perform the needed dredging work on the East Coast.

Second, the private dredging industry will be given the opportunity during the time the McFarland is in the drydock to demonstrate that it can provide the flexibility, emergency services and specialized services that the customers of the McFarland have come to expect.

This provision should result in better dredging services available for the ports and channels of the East Coast. It will mean improved access to ports, which is the goal of this bill and this program.

H.R. 4460 is important infrastructure legislation and I urge its support in the House.

Mr. ROGERS. Mr. Speaker, I rise today in strong support of H.R. 4460, the Water Resources Development Act of 1994, and urge its adoption.

I would like to congratulate the chairman from California, Mr. MINETA, and the ranking member from Pennsylvania, Mr. SHUSTER for the fine work that they have accomplished in this bill. I also would salute the gentleman from Ohio, Mr. APPLEGATE and the gentleman from New York, Mr. BOEHLERT for their leadership on this legislation.

The Water Resources Development Act is one of the most important laws that Congress must approve. It authorizes a range of much-needed projects for flood control, navigation, and other water-related infrastructure. These projects are vital for safety and protection in our flood-prone areas.

This bill improves a critical floor control project—the section 202 program—by providing a greater level of flood protection to communities in the Appalachian regions of Kentucky, West Virginia, and Virginia. This change will afford citizens greater safety and more opportunity for economic development and I am pleased the committee included this in the bill.

This bill, however, achieves much more by granting additional technical assistance and expertise to communities which need it the most. In my district in southern and eastern Kentucky, many families still lack basic plumbing, large portions of our rivers are off limits because of pollution, and safe drinking water is not available to everyone. This bill begins to address these problems and I thank the committee for their foresight.

Again, I salute the chairman and ranking member of the full committee and the chairman and ranking member of the subcommittee for bringing this bill to the floor. I am thankful for what is in this bill, and look forward to future discussions on these critical issues.

Mr. CLINGER. Mr. Chairman, I rise in support of the bill. Other speakers have described the provisions of the bill so I will take this time to elaborate further.

From a parochial standpoint, however, I would like to point out that the conference report includes language concerning the performance of the Corps of Engineers in issuing wetlands permits for flood prevention initiatives in north-central Pennsylvania.

In mid-August north-central Pennsylvania, which is represented in this Chamber by JOE MCDADE and myself, was deluged with rain by tropical storm Beryl. Streams carrying the runoff were unable to handle the quantity of rain because gravel bars, built up over the years, diverted the water flow. Consequently, stream banks eroded and flooding occurred in several areas. Damage has been estimated in the tens of millions of dollars.

A few days after these storms hit, I met with about 500 constituents in Wellsboro, PA. At this meeting it was revealed that residents had been trying to remove the very gravel bars that had been the root cause of the flooding, but the Corps of Engineers had been slow in issuing the permits necessary to do so. This delay left many residents of Tioga County with the impression that the government was exacerbating the problem rather than helping them find a solution or even staying out of the process altogether.

It had been my hope that the Corps permitting process would have been addressed legislatively before this Congress adjourned. Obviously that will not come to pass, but, until such time, it is inevitable that extraordinary situations will arise which makes it incumbent upon the Corps to act as quickly as possible under the law.

In conclusion, I would like to thank the subcommittee staff for their help in drafting the language and the committee leadership for agreeing to include this language in the bill.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in strong support of H.R. 4460, the Water Resources Development Act of 1994 [WRDA]. Although there are many elements in this bill I support, I would like to bring to my colleagues' attention the two provisions of particular interest to my constituents.

The first provision is similar to a bill I introduced last year (H.R. 2310) that would direct the Army Corps of Engineers to fully consider the prevention of the loss of human life when planning water resources projects. My legislation, which was originally conceived by our former colleague, Millicent Fenwick, garnered 13 cosponsors.

Currently, the prevention of the loss of life is not one of the principal criteria used in deciding whether to proceed with a particular water resources project. For example, the Corps considers the loss of livestock when deciding whether to build a flood-control project, yet it does not quantify human life in the same terms. In this century alone, tens of thousands of Americans have lost their lives due to flooding. Most recently, 26 people died in the flooding of the Mississippi River last year, and 31 victims perished in the Georgia floods this past summer. Clearly, if the Corps considers the loss of animals when determining the viability of a water resources project, they should be attaching even greater significance to the saving of human lives.

I believe the policy of weighing economic and environmental factors more heavily than the consideration of how many lives a flood control project could potentially save is flawed and unfair. In practice, this means affluent communities are more likely to qualify for a flood control project than poor neighborhoods whose residents are at greater risk of losing their lives. Elevating the criteria of saving human life would simply help eliminate this disparity when the Corps conducts its cost/benefit analysis of a water resources project.

As a member of the House Public Works and Transportation Committee, I am pleased that I was able to include the provisions of H.R. 2310 as Section 221 of H.R. 4460. I thank the lead Democratic cosponsor of H.R. 2310, who also serves on the House Public Works and Transportation Committee, Ms. SHEPHERD, and the other 12 cosponsors of my bill for their support.

The second important provision of H.R. 4460 concerns the Green Brook Flood Control Project, which Congress authorized in 1986 and has funded every year since. Unfortunately, the New York district of the Army Corps of Engineers has allowed this project to languish. I, and many of my constituents are growing increasingly impatient with the lack of urgency accorded this project by the Corps. Therefore, I suggested that the Committee include report language admonishing the Corps for the slow pace of this project, and requested that the New York district form a Task Force to expedite this project. I am gratified that the Committee agreed with my position, and included suitable report language directing the Corps to form a Green Brook task force. Because I hold the Army Corps of Engineers in high regard, I am confident that this project will be far along when Congress considers the WRDA again in 1996.

Mr. Speaker, the House Public Works and Transportation Committee has again crafted a fine water resources bill. I am proud to have played a part in shaping this legislation, which will benefit my country and my constituents. I urge my colleagues to vote "yea" on H.R. 4460.

Mr. BOEHLERT. Mr. Speaker, on October 3, the House passed H.R. 4460, the Water Resources Development Act of 1994. During debate of the bill, I included language in my Floor statement regarding the Public Works and Transportation Committee's intent behind provisions on cost sharing of dredged material disposal areas. Unfortunately, the language was inadvertently omitted from the October 3 CONGRESSIONAL RECORD. Therefore, I'm including the language and clarification of our Committee's intent as an extension of remarks in today's CONGRESSIONAL RECORD.

Section 221 of the bill amends section 101(b) of WRDA 1986 to clarify that the Federal Government will share in the cost of project features that are necessary for the creation of dredged material disposal areas, including capping, retaining dikes, bulkheads, embankments, and associated structures. This amendment applies to the construction of new projects under section 101(a), as well as maintenance projects under 101(b). There has been some confusion over this and I wish to have the record made clear. This amendment is very important to Massport, because when Congress authorized funding in 1990 for the Boston Harbor Dredging Project, the U.S. Army Corps of Engineers assumed the use of ocean disposal, but it now appears this may not be acceptable. Instead, Massport may need to use in-channel, near-shore, or upland sites. Under current interpretations of WRDA, the Corps would not share in the cost of disposal at these sites.

This amendment applies to both new construction projects and maintenance projects. Accordingly, Massport's project would be covered by the amendment.

Finally, Mr. Speaker, I would like to thank the gentleman from Massachusetts [Mr. BLUTE] for his leadership in helping to clarify this provision. I appreciate his efforts, both in the Public Works and Transportation Committee and on the House Floor, to improve the bill.

Mr. MINETA. Mr. Speaker, the Committee on Public Works and Transportation and the House recently completed work on the Water Resources Development Act of 1994 (H.R. 4460). I wish to offer some additional explanatory comments concerning two provisions in the bill as it passed the House. These comments will aid the public in understanding the bill, and will aid the Secretary of the Army and the Corps of Engineers in implementing the bill.

The first provision is section 345, Hopper dredge *McFarland*. This section directs the Secretary of the Army to make modernization and efficiency improvements to the *McFarland* at the Philadelphia Naval Shipyard.

This section is not intended to delay the closing date of the Philadelphia Naval Shipyard. Instead, the improvements to the *McFarland* would be performed by private companies under contract.

The Secretary is also directed to establish minimum standards of dredging service to be met during the period in which the *McFarland* is undergoing repairs. At the conclusion of the repairs, the Secretary shall determine whether the *McFarland* should be returned to active service or should be placed in ready-reserve status.

At the conclusion of the repairs, the Secretary may return the *McFarland* to

full active service as long as necessary to determine the efficacy of the repairs. Any determination to maintain the *McFarland* in full active operation should include not only cost and efficiency data on the *McFarland* itself but the following performance criteria to measure the effectiveness of the private dredging industry:

1. A demonstration that private industry has sufficient capacity to perform the required dredging operations and that there is effective and full competition within the industry. Sufficient capacity could be demonstrated through the submission of at least three responsive bids by responsible bidders per solicitation of hopper dredge work.

2. A demonstration that the private industry has the capability and flexibility to respond to emergency and routine dredging requirements in a timely manner. A timely manner for routine dredging could be demonstrated by commencing work at the site within 10 days after Notice to Proceed is given. Timely response for shoaling and other priority-expedited or emergency work could be demonstrated by commencing work in 72 hours or less.

3. A review of the instances of delays in awarding or commencement of dredging contracts, including the following: Contractor protests of contract plans and specifications which delay the opening of bids; Contractor protests of government estimates; No bids or no responsive bids being received; Excessively high bids being received which result in the need for rejection of the bids and readvertisement of the work; The low responsive bidder experiencing significant delays in acquiring the bonds required for contract notice to proceed; The willingness of the private dredging industry to divert equipment from other, more productive operations to respond to priority-expedited or emergency conditions; The ability of the industry to perform unique, specialized dredging tasks which it has not traditionally undertaken; The impact that the presence of an active *McFarland* would have on the competitiveness of the market as compared to the competitiveness when no government hopper dredge is available.

Any determination by the Secretary should be made in comparison to the efficiency, resources and flexibility provided by a modernized *McFarland*.

I also want to clarify the Committee's intent in Section 221 of the bill, regarding changes to cost sharing for dredged material disposal areas for navigation projects.

Section 221 of the bill amends section 101(b) of Water Resources Development Act of 1986 to clarify that the Federal Government will share in the cost of project features that are necessary for the creation of dredged material disposal areas, including capping, retaining dikes, bulkheads, embankments, and associated structures. This amendment applies to cost-sharing for the construction of new projects as provided in section 101(a), as well as cost-sharing for maintenance of projects as provided in section 101(b). There has been some confusion over this and I wish to have the record made clear. This amendment is very important to previously authorized projects such as Boston Harbor. When Congress authorized funding in 1990 for the Boston Harbor dredging project, the Corps of Engineers assumed the use of ocean disposal for dredged material, but it now appears this option may not be acceptable. Instead, the Corps and the non-Federal sponsor may need to use in-channel, near-shore, or upland sites. Under current law, the Corps would not share in the cost of providing disposal areas at these sites. This amendment would make such costs of construction associated with dredged material disposal subject to Federal participation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. APPLEGATE] that the House suspend the rules and pass the bill, H.R. 4460, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4460, the bill just passed.

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

There was no objection.

FREDERICK S. GREEN UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4939) to designate the U.S. courthouse located at 201 South Vine Street in Urbana, IL, as the "Frederick S. Green United States Courthouse."

The Clerk read as follows:

H.R. 4939

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

SECTION 1. DESIGNATION.

The United States courthouse located at 201 South Vine Street in Urbana, Illinois, shall be known and designated as the "Frederick S. Green United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Frederick S. Green United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICIANT].

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

Mr. Speaker, I want to commend the gentleman from Illinois, Mr. BOB EWING, for his effort in the naming of this courthouse.

Mr. Speaker, Frederick S. Green of Illinois, is a distinguished State Judge. He has held a number of important judicial positions during his long legal career.

In 1956, Green became county judge for Champaign County and held this position until 1964. From 1964 to 1974, he served as circuit judge for the sixth district of Illinois.

Throughout his career, Green has dedicated himself to serving his community of Urbana and the State of Illinois and they have been enriched by his contributions.

Consequently, it is fitting and proper to honor him by having this U.S. Courthouse in Urbana, IL, named after him. This bill has my strong support, and the bipartisan support of the committee. I urge adoption of H.R. 4939.

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

Mr. PETRI. Mr. speaker, I yield myself such time as I may consume and rise in support of the bill.

Mr. Speaker, I rise in support of H.R. 4939, a bill to designate the U.S. courthouse in Urbana, IL, as the Frederick S. Green United States Courthouse. I wish to congratulate my friend and colleague, Congressman TOM EWING from the great State of Illinois, who sponsored this bill to designate this Federal building in Judge Green's honor.

Frederick Green has been a lifelong resident of Urbana. He was born in Urbana on November 23, 1923 and attended local schools. During World War II, Judge Green served in the U.S. Army in the Pacific. He returned to Urbana where he attended the University of Illinois, and was a member of the varsity basketball squad, which placed third in the NCAA championships in 1949. Judge Green received an undergraduate degree in 1949, and a law degree in 1951, both from the University of Illinois.

In 1956, Judge Green was elected County Judge for Champaign County, where he served until 1964, when he was elected Circuit Judge in Illinois' Sixth Circuit. In 1974, Judge Green was elected to the Fourth Judicial District, where he serves today.

This legislation has the support of the local chamber of commerce, and I urge my colleagues to support this measure.

Mr. EWING. Mr. Speaker, I rise in strong support of H.R. 4939, a bill to designate the recently completed U.S. courthouse in Urbana, IL, in Illinois' 15th Congressional District, as the "Frederick S. Green United States Courthouse."

Judge Green was born in Urbana, IL, November 23, 1923, and has lived there all of his life.

A star athlete in both football and basketball, he helped lead Urbana High School to second place in the 1941 Illinois State High School basketball Tournament.

Following high school, Judge Green entered the U.S. Army serving his country in the field artillery unit of the Army's 37th Division in the South Pacific in world War II.

After the war, he entered the University of Illinois in Urbana and starred on the varsity basketball team which won the Big 10 title and placed third in the NCAA Tournament in 1949.

Upon receiving his undergraduate degree, Judge Green continued his education at the University of Illinois obtaining a law degree and being admitted to the Illinois Bar in 1951.

He practiced law in Urbana for 5 years before being elected Champaign County Judge in 1956 where he served until 1964.

In 1964, Judge Green became a circuit judge in Illinois' Sixth Circuit serving there until 1974.

In 1974, he was elected to serve on the bench in Illinois' Fourth Judicial District where he continues to serve.

Over the years, Judge Green has been an original charter member of the Champaign County Urban League, chairman of the Illinois Judicial Conference, member of the executive committee of the National Conference of State Trial Judges, and was appointed by then Illinois Governor Stratton to serve a 2-year term on the Illinois Commission on Human Relations.

He is married to the former Carolyn Wildman and has three sons.

I cannot think of anyone better suited to have the new federal courthouse in Urbana named after. Support for this action arises from the community where this outstanding citizen and jurist has lived and served for his entire life. I think all of us should aspire to be so loved and respected by the citizens we serve and live among to have a groundswell of support emerge for the naming of a new courthouse after us. I have received numerous letters and cards in support of this effort, including a letter from the Champaign County Chamber of Commerce which I would like to have entered into the RECORD.

I would like to thank Public Buildings and Grounds Subcommittee Chairman JIM TRAFICANT and ranking member, Congressman JOHN DUNCAN for their support and assistance in bringing this legislation to the floor.

Again, I strongly support this bill and encourage my fellow colleagues to do the same.

CHAMPAIGN COUNTY CHAMBER OF COMMERCE,
Champaign, IL, August 4, 1994.

Representative THOMAS EWING,
Urbana, IL.

DEAR CONGRESSMAN EWING, the Champaign County Chamber of Commerce hereby endorses the community wide effort to name the new federal courthouse in Urbana after the Honorable Frederick S. Green. Judge Green's long, respected career as a jurist and practicing attorney qualifies him as an appropriate candidate for such a distinction. Please give this recommendation all due consideration.

Sincerely,

MICHAEL J. HENNEMAN,
Chairman, Board of Directors.

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

Mr. TRAFICANT. Mr. Speaker, I urge an aye vote on this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4939.

The question was taken.

Mr. PETRI. 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. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4939, the bill just considered.

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

There was no objection.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4910) to designate the U.S. courthouse under construction in White Plains, NY, as the Thurgood Marshall United States Courthouse.

The Clerk read as follows:

H.R. 4910

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

SECTION 1. DESIGNATION.

The United States courthouse under construction at 300 Quarropas Street in White Plains, New York, shall be known and designated as the "Thurgood Marshall United States Courthouse".

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be reference to the "Thurgood Marshall United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California, [Mr. MINETA], chairman of the full Committee on Public Works and Transportation.

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

Mr. Speaker, first of all, I want to commend both the gentlemen from Ohio and Tennessee for their hard work and leadership on all these important public buildings and grounds measures. I do want to note in particular my support for H.R. 4910, a bill to name the U.S. courthouse in New York after Thurgood Marshall.

This is a fitting tribute to a great jurist who was a relentless voice for minorities and whose six-decade legal career was emblematic of the civil rights revolution.

Thurgood Marshall's roots were unlike those of any Justice before him.

He was born in Baltimore, MD, on July 2, 1908. The son of an elementary school teacher and yacht club steward, and the great-grandson of a slave brought to America from Africa's Congo region, Marshall was named after his paternal grandfather, who had chose the name "through good" for himself when enlisting in the Union Army during the Civil War.

In his youth, Marshall attended Douglas High School in Baltimore, and worked as a delivery boy for a women's store. He also attended the all-black Lincoln University in Pennsylvania and earned money for tuition by waiting tables.

He obtained his law degree from Howard University in 1933, graduating first in his class.

Before he joined the Supreme Court, Marshall distinguished himself as our country's first black Solicitor General. He served in that post from 1965 to 1967 and took the lead in promoting the Johnson administration's civil and constitutional rights agenda.

He came to national prominence as the chief lawyer for the NAACP legal defense and educational fund when he argued a series of 1954 school desegregation cases known collectively as *Brown* v. *Board of Education*. The Supreme Court ruled in those cases that segregation in public schools was unconstitutional.

Marshall also spearheaded litigation that ended white-only primary elections and explicit racial discrimination in housing contracts.

In 1967, President Johnson appointed Thurgood Marshall to the Supreme Court. During his 24-year tenure, he was the only black Justice.

Marshall's record on the Supreme Court was consistent: he defended individual rights, he sided with minorities and the underprivileged, he favored affirmative action, and he always opposed the death penalty.

A genuine, sincere individual, Marshall said he wanted to be remembered this way: "That he did what he could with what he had."

Naming the U.S. courthouse in White Plains, NY, after Thurgood Marshall will serve as a lasting memory to one whose commitment to and reverence for the American justice system were second to none.

I urge support for the bill, and again thank the gentleman for yielding to me.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York, Mr. HAMILTON FISH, the ranking Republican on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my colleague from Wisconsin for yielding me this time and the committee for bringing this measure before us.

Mr. Speaker, several New Yorkers are cosponsors of this legislation, Mrs. LOWEY and Congressman ENGEL, one of the driving forces bringing this legislation to the House and Congressman GILMAN and myself. Some of us represent White Plains, some of us represent areas immediately adjacent to White Plains.

This is very much in response to the wishes of the city council of the city of White Plains which encouraged us to name the courthouse after the Justice as well as several other authorities, Afro-American groups in the county of Westchester which were very much in favor of taking this step, and the bar association.

It was your Committee on the Judiciary which authorized in the late 1970's the siting of the Federal court in White Plains, and it is only now, as was mentioned by the chairman of the full committee, that we are in the position of building a Federal courthouse. We look forward very much to this courthouse being named after Thurgood Marshall. It is very appropriate that after a 17-year effort to build a courthouse in White Plains it is coming to fruition. We had the groundbreaking a couple of years ago.

I commend the committee for the expeditious manner in which the courthouse is being named this year.

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

I want to commend the sponsors of the bill, the gentleman from New York, Mr. ELIOT ENGEL, and the gentleman who has just spoken, who has a distinguished record, the Honorable HAMILTON FISH, ranking member of the Committee on the Judiciary, who played an important role in this as well.

Mr. Speaker, Thurgood Marshall of New York was a towering figure in American jurisprudence. He had a lifelong commitment to bringing about equal treatment before the law for African-Americans and all others in this country.

One of the most important cases he won was the famous 1954 Brown versus The Board of Education case which ended "separate but equal" school systems and would lead to integration of schools across the Nation.

In 1961, President Kennedy appointed Marshall to the U.S. Court of Appeals for the Second District. In 1965, President Johnson appointed him to the prestigious position of Solicitor General of the United States. In this capacity, he was able to win Supreme Court approval of the Voting Rights Act of 1965.

In 1967, President Johnson named Marshall to the Supreme Court making him the first African-American to serve on the venerated Court. He served on the Court for 24 years.

Thurgood Marshall will be remembered not only as a brilliant civil rights leader, but more importantly, as a great American. It is fitting and proper to name this courthouse in White Plains, NY, after him to honor his remarkable achievements.

This bill has my strong support, and the bipartisan support of the committee. I urge adoption of H.R. 4910.

□ 1510

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

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the coauthor of the bill before us.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 4910, legislation designating the U.S. Courthouse in White Plains, NY, as the Thurgood Marshall U.S. Courthouse. As a cosponsor of this legislation, I am pleased that the House is discussing this measure today.

As the first African-American to serve on the Supreme Court, I can think of no more fitting manner in which to honor Thurgood Marshall.

In the struggle for equality and justice, Thurgood Marshall was a natural leader. With his keen intellect, and his instinctive gift for the law, Thurgood Marshall worked his way through Lincoln University; later graduating first in his class from the Howard University Law School in 1933.

As Thurgood Marshall's fine reputation spread, he continued to champion the rights of all. He worked, first, as an assistant, and then as the chief legal counsel to the National Association for the Advancement of Colored People. Thurgood Marshall went on to create the NAACP Legal Defense and Education Fund. Until his untimely death in 1993, he continued to be one of the most outspoken advocates of equality.

Perhaps one of Thurgood Marshall's finest moments came in 1954, when he successfully argued, Brown versus the Topeka Board of Education, before the U.S. Supreme Court. His concise arguments, which continue to serve as the foundation for modern students of law, awakened first the Court, and finally all Americans, to the simple fact that segregation based on the color of one's skin is inherently wrong. In 1967, President Lyndon B. Johnson appointed Marshall to the Supreme Court. During his tenure, Thurgood Marshall worked on behalf of all Americans. As the conscience of the Court, Justice Marshall reminded us that the law exists to protect the individual. Whether part of the majority, or part of the minority, Justice Marshall dedicated himself to protecting the liberties that we, as Americans, are fortunate to enjoy.

It is extremely fitting to honor Thurgood Marshall, and his legacy, with the dedication of the U.S. Courthouse in White Plains, NY. I urge my colleagues to join me in paying this special tribute to a fine American.

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

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

Mr. Speaker, I rise in support of H.R. 4910, a bill to designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse.". I commend my colleagues on this side of the aisle, BEN GILMAN, and HAM FISH, for cosponsoring this bill, and I congratulate them for taking this action to name this courthouse under construction in Justice Marshall's honor.

Justice Marshall was a titan of civil rights law. Born the grandson of a slave, he achieved academic excellence, by graduating No. 1 in his class in 1933 from Howard Law School. He commenced a legal practice, where he founded the NAACP Legal Defense and Education Fund. For the next 21 years, Marshall successfully defended the civil rights cases, and in 1954 successfully argued the landmark case, Brown versus the Board of Education, which had the effect of striking down the concept of separate but equal education.

In 1961, President Kennedy appointed Marshall to the U.S. Court of Appeals for the Second District, and in 1965, Marshall was appointed Solicitor General of the United States. In 1967, President Johnson nominated Marshall to be an Associate Justice of the Supreme Court, where he served with distinction until his retirement in 1991. He died in 1993.

I support this bill and I urge my colleagues to support this measure.

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of H.R. 4910, to designate the courthouse in White Plains, NY, the "Thurgood Marshall United States courthouse." This action implements the consensus recommendation of leaders of Westchester County who have suggested the designation for Justice Marshall.

White Plains City Councilman William Brown deserves special credit for his work in spearheading the effort to secure this designation. He worked Tirelessly to coordinate the broad support throughout Westchester County. The White Plains City Council unanimously endorsed his resolution of support. Similar resolutions were approved by the Westchester County Board of Legislators, the White Plains Council on Human Rights, the Pan-Hellenic Council of Westchester, both the Black Democrats and Republicans of Westchester, and a number of other community organizations. Without a doubt, this legislation has the support of a cross section of the Westchester community.

Indeed, leaders of our community understand the immense contributions made to our society by Justice Marshall throughout his life—on the Supreme Court and before. His arguments in the case of Brown versus Board of Education literally reshaped our society in the second half of this century. His commitment to principle and reason were a compelling force in shaping jurisprudence in America during his years on the Nation's highest Court. And, most importantly, Justice Marshall's presence on the American scene brought a new day to the cause of justice and equality. His life was a testament to the true meaning of justice, and his name on this courthouse will serve as a constant reminder of the standards of justice to which we should all aspire.

This legislation honors this exceptional individual in a most fitting and appropriate manner, and I am proud to say that it reflects the commitment of the Westchester community to recognize the importance of Justice Marshall.

I have been pleased to work closely with my colleagues who also represent parts of Westchester County: Congressmen ENGEL, FISH, and GILMAN, in introducing this legislation and moving it to the House floor. I encourage each and every Member of this House to join us in giving H.R. 4910 unanimous approval.

Mr. ENGEL. Mr. Speaker, in conjunction with my colleagues NITA LOWEY, BEN GILMAN, and HAM FISH, I'm proud to rise in support of H.R. 4910 a bill which would designate the U.S. Courthouse in White Plains, NY as Thurgood Marshall United States Courthouse. Since its introduction H.R. 4910 has enjoyed support from many government and citizen groups in Westchester County. These groups, as well as my colleagues and I, all believe this to be a modest tribute to an extraordinary defender of civil rights.

Mr. Marshall's career was a distinguished and historic one. Beginning in the early thirties as a lawyer for the NAACP he argued numerous civil rights cases before the Supreme Court in support of fair voting rights, and desegregation. As chief counsel for the NAACP Legal Defense and Education Fund, Mr. Marshall successfully argued the historic Brown versus Board of Education case which declared racially segregated public schools as unconstitutional.

In 1961, Mr. Marshall accepted and appointment from President John F. Kennedy to the U.S. Court of Appeals for the Second Circuit, which includes New York, Vermont, and Connecticut. President Johnson appointed Marshall to the position of Solicitor General and in 1967 to the Supreme Court—the first African-American to hold that position. During his tenure on the Supreme Court he vigilantly continued to defend individual rights, protecting minorities and the underprivileged, and supporting affirmative action, and abortion rights, while opposing the death penalty.

I would like to thank Ms. Yvonne Jones, the president of the White Plains-Greenburgh branch of the National Association of the Advancement of Colored People, the board of directors of the Westchester County Bar Association, Mr. Fred Campbell, chairman of the African-American Federation of Westchester, Mr. Greg Smith, president and CEO of the ADF, Mr. William Brown, Jr., member of White Plains Common Council, Mr. Leroy Wilson Jr., of White Plains, and all those who have given support to this important project.

This courthouse in White Plains will serve a meaningful purpose to the residents of Westchester. To name this building in honor of Thurgood Marshall is to recognize the importance of his role in one of the most historic movements of this country as well as his role as the defender of the rights for which he fought as a Justice of the Supreme Court.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4910.

The question was taken.

Mr. PETRI. 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 (Mr. MILLER of California). Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4910, the bill just considered.

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

There was no objection.

THEODORE LEVIN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4967) to designate the Federal building and U.S. courthouse in Detroit, MI, as the "Theodore Levin Federal Building and United States Courthouse," as amended.

The Clerk read as follows:

H.R. 4967

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

SECTION 1. THEODORE LEVIN UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 231 West Lafayette Street in Detroit, Michigan, shall be known and designated at the "Theodore Levin United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Theodore Levin United States Courthouse".

SEC. 2. GEORGE W. YOUNG POST OFFICE.

(a) DESIGNATION.—The postal facility located at 1401 West Fort Street, in Detroit, Michigan, shall be known and designated as the "George W. Young Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the postal facility referred to in subsection (a) shall be deemed to be a reference to the "George W. Young Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, I want to commend the author of the bill, the gentlewoman from Michigan [Miss COLLINS] who has distinguished herself here in her first term, and also the gentleman from Michigan [Mr. DINGELL], a very powerful chairman of the House, for their contributions.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I rise in support of H.R. 4967 as amended. This bill designates the Federal building and U.S. courthouse as the "Theodore Levin Federal Building & United States Courthouse." It also designates the Postal facility at 1401 West Fort Street, Detroit, MI as the "George W. Young Post Office."

Mr. Speaker, both Judge Levin and George Young were institutions in Detroit, and it is with great pleasure and privilege that we honor these men by the naming of these buildings.

Judge Theodore Levin served the people of the eastern district of Michigan as U.S. district judge from the time of his appointment by President Harry S. Truman in 1946 until his death in 1970. He served as chief judge from 1959 until 1967. Judge Levin exemplified the hallmarks of a good judge, including attributes of fairness, compassion, public service, and humility, and inspires lawyers throughout this country to be committed to and love the practice of law.

He also served his community outside of his work on the bench. It was his belief in the power of the community that initially attracted him to the

practice of law. He believed that society would be a much better place if we contributed our time and energy to our respective communities.

I am pleased to join the countless others who support the naming of this Federal building and U.S. courthouse as the "Theodore Levin Federal Building and United States Courthouse."

George W. Young also was a stellar Detroiter. He diligently served as a dedicated employee of the Detroit Postal Service for more than 20 years. He began his employment with the Postal Service as a window clerk, before moving up to become assistant personnel director, then assistant postmaster for the Detroit Regional Post Office, in the 1960's and 1970's.

As a former Postal employee, I had the pleasure of serving under Mr. Young when he was the assistant postmaster for Detroit. George Young had a special way of listening to Postal employees. His responsiveness and attentiveness to employees concerns helped ease the stress and boost morale. He was a great and caring man.

He graduated magna cum laude from the University of Detroit in 1961. In addition, he graduated from the U.S. Army's Officer Candidate School, achieving the school's second highest test score, just below his brother, the Honorable Coleman A. Young, former mayor of the city of Detroit. Mr. Young was drafted in World War II and served in the Army Signal Corps, achieving the rank of captain. His widow, Mrs. Elizabeth Robinson, with whom he had one son, Ronald Young, still reside in my district in Detroit.

I am pleased to join the entire Young family, as well as the citizens of Detroit, in their desire to rename the Postal facility at 1401 West Fort Street the "George W. Young Post Office."

I urge my colleagues to support H.R. 4967 as amended.

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

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

Mr. Speaker, I rise in support of H.R. 4967, a bill to designate the U.S. courthouse in Detroit, MI, as the "Theodore Levin United States Courthouse." Judge Levin's family is well represented in Congress, as his nephews, Senator CARL LEVIN, and Congressman SANDY LEVIN, serve with distinction in the 103d Congress.

Judge Levin was born in Chicago, IL on February 18, 1897, and attended the University of Detroit, where he received a master of laws degree in 1924. He commenced the practice of law in Detroit, and in 1933 was appointed special assistant attorney general for the State of Michigan, where he conducted proceedings concerning bank closings in Michigan.

In 1946, Levin was nominated by President Truman to be a U.S. district judge for the eastern district of Michigan. Judge Levin served with distinction until shortly before his death in 1970. During his tenure on the Federal bench, Judge Levin promoted uniform sentencing for prisoners, and his efforts were well received by other judicial districts.

Judge Levin was active in civil, religious, and charitable activities, and was so recognized for his efforts.

I support this bill and urge my colleagues to support the measure.

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

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

Mr. Speaker, Theodore Levin of Michigan had a distinguished career, as has been cited by the beautiful testament here of the gentlewoman from Michigan [Miss COLLINS].

Mr. Speaker, this is a piece of legislation that has bipartisan support. I urge the adoption of the legislation.

Mr. Speaker, Theodore Levin of Michigan, had a distinguished career as an attorney and as a Federal judge. In his private practice, he became renowned in the Detroit community for his defense of the poor and forsaken.

In 1946 President Truman appointed Levin to be a U.S. district judge for the Eastern District of Michigan. His performance in this capacity was outstanding. This was especially true of his courageous innovations to achieve equal justice before the law for prisoners. In 1959 Levin became the chief judge of the court. He held that position until 1967 when he reached the age of 70. He remained on the bench until shortly before his death 3 years later.

This compassionate jurist deserves to be honored by having this U.S. courthouse named after him. This bill has my strong support, and the bipartisan support of the committee.

Mr. Speaker, the amendment to H.R. 4967 would designate the postal facility located at 1401 West Fort Street in Detroit, MI, as the George W. Young Post Office. Mr. Young served the Postal Service with distinction for over 20 years. He was revered for his caring and devotion to his fellow employees. He was a magna cum laude Graduate from the University of Detroit, and served in World War II in the Army Signal Corps.

I am pleased to join Ms. COLLINS in support of this effort.

I urge adoption of H.R. 4967, as amended, with an amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to thank my colleagues on the Committee on Public Works and Transportation for the fine job they have done on this legislation.

I want to commend my dear friend, the gentlewoman from Michigan [Miss COLLINS].

Judge Levin was a distinguished jurist, a great American, a patriot, a man of great dignity and gentleness and goodness. He was a Federal judge who personsified not only the dignity of the bench but the goodness of humanity. He is a man who is much respected and admired yet in Michigan. It is a wonderful thing that he is to receive this honor.

I want to thank my colleagues for the expeditious way in which they have handled it and commend the gentlewoman from Michigan for her leadership in this matter.

Mr. TRAFICANT. Mr. Speaker, I want to commend all who worked on the bill, the gentleman from Tennessee [Mr. DUNCAN], and all the staff, and I urge an "aye" vote.

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

Mr. DINGELL. Mr. Speaker, I rise in support of the legislation offered by my esteemed colleague, BARBARA-ROSE COLLINS. I commend the gentlelady for her hard work on this legislation, and commend the subcommittee chairman, Mr. TRAFICANT, and the subcommittee ranking minority member, Mr. DUNCAN, for their leadership in bringing this bill to the floor.

H.R. 4967 would pay a high tribute to one of the finest public servants I ever have known, Judge Theodore Levin.

I was fortunate to have known Judge Levin. Having served as his law clerk in the earliest days of my career, he taught me many lessons about the law as well as the meaning of dedicted public service.

Many Michiganians remember how Judge Levin's contributions epitomized the spirit which made Detroit a great city. During his lifetime, Detroit became known as the Motor City, and then the Arsenal of Democracy. People from across the Nation, and around the world, came to the Detroit of Judge Levin's day because of abundant opportunity in a prospering city.

Judge Levin served the eastern district of Michigan during Detroit's golden years, a time when this city was known as an example of the American dream. It is fitting that we place the name of Theodore Levin on this prominent building, at the center of a city rebuilding itself. By doing so, it reminds us that Detroit possesses a historical foundation which strongly supports its renaissance.

Judge Levin's appointment as a Federal judge was just one high point in a very distinguished career. Long before this appointment to the Federal bench by President Harry Truman in 1946, Judge Levin served as a progressive advocate of fairness in our rapidly changing society. One unpopular cause undertaken by Judge Levin was his fight against the Michgan Alien Registration and Fingerprinting Act of 1931. This act contained cruel requirements directed against immigrants, singling them out for humiliation. In response, then-attorney Theodore Levin joined others who fought the constitutionality of this legislation in Federal court—and won.

Taking the bench after the Second World War, Judge Levin quickly gained a reputation as an astute jurist, one who could discern the relevant issues in remarkably short order to arrive at a just decision. The judge earned a nationwide reputation for his advocacy of enlightened sentencing practices, and pioneered the use of sentencing councils in the eastern district of Michigan.

In addition, Judge Levin was an active and dedicated member of his community, serving

in leadership positions for many local charities and foundations. His contributions during this era were indicative of the can-do spirit which moved Detroit to great heights in the middle of this century.

After Judge Levin died in 1970, a memorial tribute stated the following:

He exercised the awesome power of a federal judge with compassion. While demanding perfection of himself, he was constantly aware of the frailties of human nature. He died as he had lived, with a deep sense of responsibility and an attitude of humility. He was a great judge.

Mr. Speaker, the verity of this statement has only strengthened over time. Early this past summer, when I was contacted by another of Michigan's most respected Federal jurists, Judge John Feikens, I instantly accepted his proposal that I support the naming of our courthouse for Judge Levin. It must be said that Judge Feikens has worked tirelessly on behalf of the legislation before this subcommittee today. The citizens of Michigan owe him a debt of gratitude for his efforts.

With the solid support of Michigan's legal community, I urge House adoption of H.R. 4967, and look forward to the bill's enactment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4967, as amended.

The question was taken.

Mr. PETRI. 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. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4967, the bill just considered.

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

There was no objection.

□ 1520

AIRLINER CABIN AIR QUALITY ACT OF 1994

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4495) to amend the Federal Aviation Act of 1958 to prohibit smoking on all scheduled airline flight segments in air transportation or intrastate air transportation as amended.

The Clerk read as follows:

H.R. 4495

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 "Airliner Cabin Air Quality Act of 1994".

SEC. 2. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(A) IN GENERAL.—SECTION 41706 OF TITLE 49, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

"§ 41706. Prohibitions against smoking on scheduled flights.

"(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

"(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit, on and after the 120th day following the date of the enactment of the Airliner Cabin Air Quality Act of 1994, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

"(c) LIMITATION ON APPLICABILITY.—The smoking prohibitions contained in subsection (a) and (b) shall apply only to the passenger cabin and lavatory of an aircraft operated by a foreign air carrier.

"(d) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 60th day following the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. MILLER of California). Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Speaker, H.R. 4495 would provide smoke-free flights on all U.S. domestic flights and ban smoking on U.S. and foreign carriers on the last leg to and the first leg from foreign points. As promised during discussion in full committee markup on this bill, H.R. 4495 also bans smoking in the cockpits of U.S. carriers.

In 1990 Congress banned smoking on all domestic flights of 6 hours or less except those to Alaska or Hawaii. Smoking is still permitted on international flights. H.R. 4495 would clear the air, to speak, on domestic flights and on many international flights as well.

The Subcommittee on Aviation held a hearing on airliner cabin air quality last May 18. At that hearing, nonsmoking flight attendants testified to suffering from lung diseases common to smokers including lung cancer, respiratory ailments, chronic bronchitis, sinus diseases, dizziness, headaches. Why should flight attendants not enjoy the smoke-free workplace that employees do in many office buildings, in Federal agencies, in this very Capitol Building, in all other House office buildings?

Flight attendants in their workplace cannot simply step outside for a breath of fresh air. They cannot do that 5 miles or 6 miles in the air. They cannot open a window and let the air in. They are stuck in smoke-filled galleys.

Equally awful is the fate of passengers. The flight attendants described the suffering of their passengers. Smoke penetrates the cabin even if smoking is confined to a few rows in the back. People seated near that section simply cannot escape the smoke surging forward from the smoking section. It is almost too distant in the memory of those of us who travel on domestic flights what it was like when smoking started up in the rear of the aircraft and surged forward. Well, that happens still on international flights.

Passengers allergic to smoke suffer wherever they are seated in the aircraft. Most pitiful of all are the children seated with smoking parents in the smoking section.

Mr. Speaker, this is not an afterthought. Its sponsors have plenty of company in seeking smoke-free skies. Many countries have banned smoking on their domestic flights, and a goodly number of our competitors in aviation have banned smoking on international flights on their carriers as well.

Three of domestic carriers offer or will shortly offer smoke-free flights overseas. Northwest Airlines the first domestic carrier to go smoke-free, this week announced a new nonsmoking route to go with its first-class nonsmoking flights worldwide. As of last Saturday, American Airlines has added new nonsmoking service abroad. Delta will go nonsmoking on its transatlantic, intra-Europe, and New York to Mexico City flights as of next January 1, 1995.

The international civil aviation, ICAO, in 1992 approved a resolution urging member nations to "take necessary measures as soon as possible to restrict smoking progressively on all international passenger flights, with the objective of implementing smoking bans by July 1, 1996.

The emphasis on "as soon as possible." July 1, 1996, is the outside date, not the only date, not just the most desirable date. But it is as far out as the participant nations in ICAO said nations should allow aircraft to go smoking. That resolution would provide relief to flight attendants and passengers as of the date envisioned in the ICAO bill. Out bill would provide relief for flight attendants, passengers, cockpit crews within 120 days of enactment, not 2 years from now, but as soon as possible.

We ought not to wait for another 2 years.

Mr. Speaker, this legislation will provide a level playing field for our carriers and foreign carriers by imposing the same regulations on foreign

carriers serving the United States as I have already described on the last point of departure from or first point of arrival at the foreign countries.

So we take a significant step forward, not a complete action that is needed to improve the quality of air for the airliners. We will do that in the next Congress. The subcommittee will continue its inquiry to review all aspects of the quality of air aboard aircraft. With the continued participation and splendid support of my colleague, the gentleman from Pennsylvania [Mr. CLINGER], the subcommittee will continue to pursue the broader issues of quality of air on aircraft.

I want to thank the gentleman for his participation as always, for his thoughtful suggestions in crafting an effective and far-reaching and important piece of legislation.

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

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

Mr. Speaker, as the subcommittee chairman has already described, H.R. 4495 would prohibit smoking on all commercial passenger flights that serve a U.S. airport. This includes foreign air carriers flying into or out of the United States. The legislation would protect nonsmoking passengers and flight crews from the effects of secondhand smoke which the chairman has already described.

Large commercial aircraft recirculate a portion of the cabin air. Depending on the model of the airplane and the pilot's use of recirculation equipment, the amount of recirculated air can vary, but the point is that smokers in the back of the cabin can easily pollute the entire cabin environment, however subtle. And in some cases smoking is permitted on one side of the aircraft and not on the other, and I think that makes an even worse situation.

Current law prohibits smoking on all flights within the 48 States and on flights traveling to or from Alaska and Hawaii which are less than 6 hours' duration. There are no smoking restrictions presently on international flights, although several carriers are beginning, as Chairman OBERSTAR said, to voluntarily impose smoking bans on some international flights. I think it is clear, Mr. Speaker, that this is the trend of the future. I think more and more airlines are recognizing that this is something that is in their best interest, and as a marketing tool, frankly, to provide a cleaner atmosphere in their cabins.

So I support H.R. 4495. The bill was reported by unanimous voice vote during consideration before our committee.

The aircraft carrier industry has no objection to the bill, as I understand, since the smoking ban would apply equally to domestic and foreign carriers and thus nobody would either receive a benefit or be disadvantaged by the legislation. Most importantly, most important, flight attendants and a silent majority of, I think, millions of airline passengers very strongly favor enactment of the legislation. Flight attendants working international flights today are one of the few segments in our workforce who must continue to endure exposure to secondhand smoke. As the chairman has said, they simply cannot step outside if somebody is smoking in the cabin.

Given the long flight times common to international travel, sometimes 14 or 16 hours, attendants could be exposed to cigarette smoke for long, long periods of time.

So I would encourage all Members to support the bill. It does represent the wave of the future. It is something that we need to be doing. We can accelerate the issue of cabin air quality which has come under very great scrutiny lately. One of the easiest and most effective steps we can take to improve cabin air is to ban smoking on all flights serving U.S. airports.

Mr. Speaker, I want to commend Chairman OBERSTAR in particular for his diligence in pursuing this issue.

□ 1530

He has been a champion of this issue for some time and brings it to the floor today. I think it represents the fruition of his very long and effective labor on this behalf.

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

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA] who has been a long, hard and effective advocate of clean air aboard aircraft and who has been a spokesman for it all along.

Mr. MINETA. Mr. Speaker, I want to commend Congressman OBERSTAR, as chair of our Subcommittee on Aviation, and Congressman CLINGER, for their leadership not only on this issue but on the numerous important issues the subcommittee addressed this Congress.

Mr. Speaker, I want to express my support for H.R. 4495, the "Airliner Cabin Air Quality Act of 1994." This bill would improve the air quality on board commercial aircraft by expanding the current prohibition on smoking on most flight segments in the United States, to prohibit smoking on international segments that operate into or out of the United States.

As the adverse effects of secondhand smoke have become more well documented, Congressional pressure has increased on both the public and private sectors to protect the nonsmoking public. The effects of secondhand smoke are very pronounced on board commercial aircraft, where passengers are in a very confined space. While smoking on domestic flights of less than 6 hours has been prohibited for several years, smoking is permitted on longer domestic flights and international flights. This distinction does not make sense. It presumes passengers will be less affected or bothered by secondhand smoke on long flights than on short ones; clearly an erroneous assumption.

Any nonsmoker will attest that merely sitting in the nonsmoking section of an aircraft in no way assures passengers of a smoke free environment. Smoke drifts throughout the aircraft cabin without regard for the distinctions designated by the airline.

In addition to passenger discomfort, the cabin crew is presently forced to work in a smoke filled environment. This would clearly be an unacceptable work environment in almost any other profession. At recent hearings before the Subcommittee on Aviation, witnesses testified to the significant adverse health effects they suffered as a result of years of working in a smoke filled environment. The flight attendant work force in this country deserves some mesaure of protection against long term exposure to secondhand smoke. This bill affords them that protection.

Finally, this bill would assume that U.S. carriers are not disadvantaged with respect to foreign air carriers. All commercial air carriers that operate within or to the United States will be required to prohibit smoking on flight segments within, into or out of the United States. This will not place U.S. carriers at a competitive disadvantage with their foreign counterparts. I consider this to be an important component of this legislation.

For all of the reasons I have articulated, I urge my colleagues to support H.R. 4495, and expand the smoking ban to improve the air quality in aircraft serving the United States.

Again, I thank the gentleman for yielding.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of H.R. 4495, the Airliner Cabin Air Quality Act of 1994, which would prohibit smoking on all international airline flights to and from the United States, as well as on any airline flight between two points in the United States, including Hawaii.

This legislation would expand the present smoking ban on domestic flights to include Hawaii and Alaska, which are exempted from the 1989 airline smoking ban law (Public Law 101–164). This 1989 law banned smoking on all foreign and domestic airline flights between any two points in the United States, except for flights to or from Hawaii and Alaska that last for 6 hours or more. Indeed, this is a major health concern for tourists and Hawaii residents, and the airline's flight crew, traveling more than 6 hours to and from my State for leisure or business from such distant points as Washington, DC, New York, or Chicago.

The serious health implications of smoke being recirculated—even with the use of filters—in these long haul, transoceanic flights

are of tremendous concern to me and many other frequent travelers to Hawaii. The exposure to cancer-causing agents, both primary and secondhand smoke in the airplane, have resulted in many respiratory ailments. There have been many medical and scientific studies which have concluded this fact.

Recently, the Centers for Disease Control [CDC] announced that secondhand smoke kills an estimated 3,000 adult nonsmokers through lung cancer, and causes other respiratory problems like severe coughing and chest discomfort, and reduced lung functions. Moreover, it is reported that of the 4,000 chemicals present in tobacco smoke, at least 43 are known to cause cancer in humans or animals.

In addition, I support the legislation's smoking ban on international flights for both U.S. and foreign airline carriers traveling to and from Hawaii. This bill would certainly complement the International Civil Aviation Organization's [ICAO] proposal to completely end smoking on all airline flights by July 1, 1996. While I am concerned about the economic impact of H.R. 4495's ban on smoking on flights to and from Hawaii from countries like Asia—especially Japan and China—and Europe, the bill in no way impedes the global competitiveness of our United States airline industry. As drafted, H.R. 4495 will apply to all domestic and foreign carriers. There are no exceptions to this rule.

I am also alarmed by the frequent in-flight spraying of toxic pesticides on international flights with air passengers and crew aboard. This common practice by foreign carriers has caused serious health problems for flight attendants exposed to pesticide spray often used on these international flights.

I was recently informed by a constituent, a former flight attendant of a major carrier, that as a result of pesticide spraying on these routes she suffered a debilitating illness called multiple chemical sensitivity [MCS] that forced her to retire early from the airline industry. She is now totally disabled and almost confined to her home due to the inhalation, for several years, of active chemicals in the pesticides during her years of service in the airline's international route.

Finally, I applaud Transportation Secretary Peña's aggressive efforts to inform other countries of the serious health risks posed by in-flight pesticide spraying and to suggest other alternative practices. However, this may not be enough to curb this practice. In light of this, I encourage my colleagues to support initiatives to eradicate pesticide use and smoking on all international flights.

I respectfully urge my colleagues to support H.R. 4495, the Airliner Cabin Air Quality Act of 1994, to prohibit smoking on domestic and international flights to and from the United States.

Mr. MEEHAN. Mr. Speaker, I rise in support of H.R. 4495, Mr. OBERSTAR's bill to expand the domestic airline smoking ban to international flights flown to and from the United States. H.R. 4495 essentially codifies a resolution adopted by the International Civil Aviation Organization [ICAO] and agreed to by the United States, which calls on ICAO's member nations to disallow smoking on all airline flights by July 1996. By applying equally to domestic and foreign carriers, the measure will level the playing field by eliminating any putative advantage now enjoyed by some foreign carriers as a consequence of the voluntary smoke-free international flights already established by some forward-thinking U.S. airlines.

Most importantly, this measure will safeguard the health of millions of air travelers and workers. I concur in the judgment of the Nation's flight attendants unions, including the Association of Flight Attendants, which represents 35,000 American flight attendants at 22 airlines, and the American Cancer Society and numerous other health and civic organizations who believe that workers and passengers on international flights must be protected against lung disease, asthma, and other health problems caused by forced inhalation of environmental tobacco smoke. These groups, representing millions of Americans, have toiled long and hard in support of this needed and sensible proposal, and I commend them for their ongoing commitment.

The message that people have a right to live, breathe, and work in smoke-free environs is finally being heard on Capitol Hill. I would observe that it is a good sign for the health of our citizens and our neighbors abroad that, in contrast with the fight over the domestic airline smoking ban measure adopted by Congress 4 years ago, the current measure virtually sailed through the Committee on Public Works and Transportation and its Aviation Subcommittee.

I urge my colleagues to vote for passage of H.R. 4495, both to usher in a new day of smoke-free skies worldwide and to reaffirm America's role as a leader in promoting a healthier and safer world.

Mr. ROGERS. Mr. Speaker, I rise in strong opposition to H.R. 4495, the Airliner Cabin Air Quality Act of 1994. This bill would ban smoking on any flight to or from the United States.

I am continually dismayed and shocked by my colleagues willingness to trample all over the First Amendment. That is what this bill is about—freedom of choice—nothing more, and nothing less.

Our forefathers drafted the First Amendment to prevent the tyranny of government from intruding into the personal freedoms of the individual.

For Congress to attempt to restrict the personal choice of any American to engage in the commerce or use of a legal product is a complete abrogation of the Constitution.

I am outraged, and my constituents are outraged. The 67,000 hard-working family farmers in Kentucky are outraged that many in Congress have launched an all-out assault to drive them out of business.

My constituents believe in the right of the individual over the right of the government. And, many are outraged that Congress continues to try to dictate their personal choices.

The issue here today is not whether or not you choose to smoke, or whether you agree with those who choose to smoke. This issue, is simple—should one group of individuals be able to restrict the rights of another group just because they disagree. The answer should be no. Sadly, today, this Congress has said yes, and sanctioned discrimination against hundreds of thousand of law-abiding citizens.

Today, it is tobacco. Who knows who will be next.

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

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

The SPEAKER pro tempore (Mr. MILLER of California). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 4495, as amended.

The question was taken.

Mr. CLINGER. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONCURRING IN HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2440, INDEPENDENT SAFETY BOARD ACT AMENDMENTS OF 1994

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 558) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2440.

The Clerk read as follows:

H. RES. 558

Resolved, That upon the adoption of this resolution the bill (H.R. 2440) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal year 1994, 1995, and 1996, and for other purposes, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Safety Board Act Amendments of 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter $37,580,000 for fiscal year 1994, $44,000,000 for fiscal year 1995, and $45,100,000 for fiscal year 1996. Such sums shall remain available until expended.".

SEC. 3. APPLICABILITY OF CERTAIN REGULATIONS AND REQUIREMENTS TO THE OPERATION OF PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(37) of title 49, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) does not include a government-owned aircraft—

"(i) transporting property for commercial purposes; or

"(ii) transporting passengers other than—

"(I) transporting (for other than commercial purposes) crewmembers or other persons

aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or

"(II) transporting (for other than commercial purposes) persons abroad the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States.

An aircraft described in the preceding sentence shall, notwithstanding any limitation relating to use of the aircraft for commercial purposes, be considered to be a public aircraft for the purposes of this part without regard to whether the aircraft is operated by a unit of government on behalf of another unit of government, pursuant to a cost reimbursement agreement between such units of government, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.".

(b) AUTHORITY TO GRANT EXEMPTIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may grant an exemption to any unit of Federal, State, or local government from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the amendment made by subsection (a) of this section.

(2) REQUIREMENTS.—The Administrator may grant an exemption under paragraph (1) only if—

(A) the Administrator finds that granting the exemption is necessary to prevent an undue economic burden on the unit of government; and

(B) the Administrator certifies that the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

(c) INVESTIGATIVE AUTHORITY OF BOARD.—

(1) ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—Section 1131(a)(1)(A) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "or an aircraft accident involving a public aircraft as defined by section 40102(a)(37) of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States".

(2) DUTIES AND POWERS.—Section 1131 of title 49, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following:

"(d) ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—The Board, in furtherance of its investigative duties with respect to public aircraft accidents under subsection (a)(1)(A) of this section, shall have the same duties and powers as are specified for civil aircraft accidents under sections 1132(a), 1132(b), and 1134(b)(2) of this title.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the 180th day following the date of the enactment of this Act.

SEC. 4. RELEASE OF RESERVATIONS AND RESTRICTIONS ON CERTAIN PROPERTY LOCATED IN RAPIDES PARISH, LOUISIANA.

(a) RELEASE.—Notwithstanding any other provision of law, and except as provided in subsections (b) and (d), the United States releases without consideration all reservations, restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain real property (together with any improvements thereon and easements appurtenant thereto) consisting of approximately 1,991.53 acres of land and located in Rapides Parish, Louisiana, the location of Esler Field, as identified in the deed of conveyance from the United States to the Parish of Rapides, Louisiana, dated January 23, 1958, to the extent such reservations, restrictions, conditions, and limitations are enforceable by the United States.

(b) EXCEPTIONS.—The United States reserves the right of reentry upon or use of the property described in subsection (a) for national defense purposes in time of war or other national emergency without charge. The release provided by subsection (a) does not apply to any conditions or assurances associated with (1) the continued nonexclusive use without charge of the airport and use of space at the airport, without charge, by the Louisiana National Guard, (2) the nonexclusive use of the airport by transient military aircraft without charge, or (3) the nonexclusive use of the airport by transient military aircraft without charge during periods of maneuvers.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the disposition or ownership of oil, gas, or other mineral resources either in or under the surface of the real property described in subsection (a).

(d) FEDERAL AVIATION ADMINISTRATION.—

(1) NONAPPLICABILITY OF RELEASE TO GRANT AGREEMENTS.—The release described in subsection (a) does not apply to any conditions and assurances associated with existing airport grant agreements between the Rapides Parish Airport Authority/Esler Field and the Federal Aviation Administration.

(2) AGREEMENT.—Notwithstanding any other provisions of law, the Administrator of the Federal Aviation Administration shall enter into an agreement with the Airport Authority of Rapides Parish, Louisiana, to provide for the terms and conditions under which the real property described in subsection (a) may be used, leased, sold, or otherwise disposed. The agreement shall be concluded not later than 180 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—This section shall take effect on the 180th day following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Speaker, this bill first passed the House on November 8, 1993, and has gone through a long review in the other body from which it was most recently reported, and we now consider slight adjustments and amendments to that bill.

There has been a compromise between the House and the Senate versions of the NTSB reauthorization bill. The compromise does include the funding levels provided in the bill originally passed in the House, funding levels that will allow the NTSB to cover their automatic cost increases, acquire badly needed equipment, add three employees to cover new responsibilities, to handle appeals of the FAA, civil penalties against pilots' actions, that authority we gave to the NTSB a year ago, and funding levels that will enable the board to continue its vital work of investigating accidents involving all modes of transportation, and making recommendations for changes needed to promote safety.

Mr. Speaker, I consider the NTSB to be the premier watchdog oversight in all modes of transportation in the United States. Their actions have saved countless thousands of lives, millions of dollars, made our airways, roadways, bridges, pipelines safer. The gentleman from Pennsylvania and I worked together in the Subcommittee on Investigations and Oversight several years ago on aspects of safety in which the NTSB was regularly involved, and we found their work to be detailed, factual, thorough, responsible, defensible, and also preventive, and what I would only urge the NTSB to do is a little more of their work of looking ahead, gathering all the information they have put together through their various investigations of accidents and to develop a concept of safety that can be preventive rather than simply reactive.

SUMMARY OF HOUSE AMENDMENTS TO NTSB REAUTHORIZATION

Section 1. Short Title: Independent Safety Board Act Amendments of 1994.

Section 2. Authorizes appropriations for NTSB of $37,580,000 for fiscal year 1994, $44,000,000 for fiscal year 1995, and $45,100,000 for fiscal year 1996.

Section 3. Amends the provisions of existing law which provide that the aircraft operated by federal, state, or local governments for non-commercial purposes (defined as "public aircraft") are not subject to most FAA regulations.

The amendments in this bill provide that:

(a) An aircraft is no longer a "public aircraft", and therefore is subject to FAA regulation, if the aircraft is used for transporting passengers. However, the aircraft remains a public aircraft if the crew members or other persons transported are performing a governmental function such as fire fighting or search and rescue, or if the aircraft is operated for noncommercial purposes by the Armed Forces or an intelligence agency of the United States.

(b) Authorizes the FAA to grant an exemption from any legal requirements to an aircraft which has lost its status as a public aircraft as a result of this bill, if the Administrator finds that granting the exemption is necessary to prevent an undue burden on the unit of government involved, and if the Administration certifies that the unit of government has an aviation safety program effective and appropriate to ensure safe operations of the type of aircraft operated.

(c) Provides that an aircraft does not lose its status as a public aircraft because one unit of government reimburses another for use of the aircraft. (FAA had ruled that in these circumstances the aircraft would be

operated for a commercial purpose and would meet the requirements for a public aircraft.) To remain a public aircraft, the unit of government on whose behalf the operation is conducted must certify to the Administrator that the operation is necessary to respond to a significant or imminent threat to life or property, and that no service by a private operator was reasonably available to meet the threat.

(d) Requires NTSB to investigate accidents involving public aircraft, other than those operated by the Armed Forces or an intelligence agency of the United States.

Section 4. Releases Esler Field in Rapides Parish, Louisiana from restrictions in a deed of conveyance of the Field from the United States to the Parish. The provision limits the releases to protect the interests of the United States in use of the field for military purposes, and to ensure that there are no changes in mineral rights in the property. The Administrator of the Federal Aviation Administration is directed to enter into an agreement with the Airport Authority of Rapides Parish to permit the field to be used, leased, sold, or otherwise disposed of.

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

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

Mr. Speaker, the House passed this bill reauthorizing the National Transportation Safety Board last year. At the time, the bill was a simple 3-year reauthorization. Since then, it has passed the Senate and gone through several changes. These changes require this body to consider the legislation once again. Despite the changes, I still support this bill.

The most significant change involves public aircraft. These are aircraft owned by government agencies and used for official purposes. The Senate bill changed the definition of public aircraft to exclude those carrying passengers. The effect could be the imposition of expensive FAA regulatory requirements on local governments.

In order to prevent this provision from turning into another unfunded Federal mandate, I suggested the addition of an exemption provision. That provision permits FAA to exempt public aircraft from FAA regulations if necessary to avoid an undue economic burden on local governments and if the FAA certifies that the government has an effective safety program. I appreciate the willingness of the chairman, Mr. OBERSTAR, to work with me on this.

This legislation also contains another provision on public aircraft that will enable government-owned aircraft to be used for fighting fires and other emergencies without having to comply with the full panoply of FAA regulations.

Mr. Speaker, the public aircraft matter is the issue in this bill that has gotten the most attention in the aviation community. However, my focus on it should not take away from the importance of the original purpose of this bill—to reauthorize the NTSB. Despite its small size, that agency does a good job of investigating accidents and being a safety watch-dog.

Therefore, I am pleased to join with the chairman in urging support for this 3-year reauthorization of the NTSB.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], chairman of the Committee on Public Works and Transportation.

□ 1540

Mr. MINETA. Mr. Speaker, I rise in strong support of H.R. 2440, the independent safety board act amendments of 1994. I want to commend the chair of our subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican on the Subcommittee on Aviation. They have worked very hard and very diligently over a long period of time through hearings, as well as in writing this legislation.

Mr. Speaker, This bill, which reauthorizes appropriations for the National Transportation Safety Board for fiscal years 1994–1996, has full bipartisan support. The House passed this bill on November 8, 1993, by a vote of 353 to 49.

The National Transportation Safety Board is unique within the Federal Government. The importance of its safety mandate transcends politics. The highly skilled NTSB work force investigates accidents to determine the probable cause in five transportation modes: aviation, highways, rail, pipeline, and marine. The safety recommendations made by the Board directly translate into lives saved. Every person in this room and in this country has benefited from the fine work done by the Board. It is a tribute to the reputation of the Board that more than 80 percent of their recommendations are accepted voluntarily.

This bill would enable the Board to continue its vital work at current staff levels. It is important that we ensure that fair funding levels are established in order to prevent any deterioration in the invaluable services provided by the National Transportation Safety Board. This bill establishes fair funding levels that have received bipartisan support in both the Committee on Public Works and Transportation, and the Committee on Energy and Commerce.

The Senate amended the bill to include a provision that addresses the issue of public use aircraft. This provision was included as a result of the tragic accident that took the life of the Governor of South Dakota. It is intended to require, for the first time, that the Federal Aviation Administration regulations apply to aircraft operated by government entities. This requirement does not apply to certain governmental functions, such as firefighting, search and rescue, and law enforcement. Rather, it is intended to apply to all operations in which government officials or other individuals are transported on government-owned aircraft. It is expected that if public use aircraft are required to adhere to the Federal Aviation regulations, the safety of these operations will be enhanced.

On a separate issue affecting public use aircraft, the House has added an amendment to the bill to address the narrow issue of public use aircraft used in emergency situations. This amendment permits cost reimbursement for the operation of public use aircraft between government entities if the aircraft is needed to address a significant and imminent threat to life or property, including natural resources, and no service by a private operator is reasonably available to meet that threat. This amendment merely permits government entities to take advantage of available government-owned aircraft in emergency situations when aircraft owned by private operators are not available. As the language of the amendment makes clear, government entities should not be competing with private companies to provide commercial services. However, in the event that private aircraft are not available in an emergency situation, and government-owned aircraft are, the issue of cost reimbursement should not prevent the utilization of available aircraft.

Finally, the bill includes a noncontroversial land transfer authorization in Rapides Parish, LA.

I urge my colleagues to support this important legislation.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT] who speaks for the Committee on Energy and Commerce in their joint jurisdiction over this issue.

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

Mr. Speaker, I am pleased to be able to support this reauthorization of the National Transportation Safety Board. The Safety Board is an independent agency that comes under the joint oversight of the Energy and Commerce Committee and the Public Works Committee. H.R. 2440 was passed out on a voice vote by the Energy and Commerce Committee in October of last year.

The mandate of the Safety Board is to investigate transportation accidents, including those involving railroads. The Board must determine probable cause and make recommendations designed to prevent such accidents from recurring. Since its inception 26 years ago, the Board has undertaken over 50,000 accident investigations and has issued more than 9,000 safety recommendations covering a wide range of transportation safety issues.

The Transportation and Hazardous Materials Subcommittee has oversight responsibilities for the Safety Board's

investigations and recommendations in rail accidents. The Safety Board has also undertaken a number of rail-related special studies, including studies on tank car and locomotive fuel tank integrity, collision avoidance and work/rest cycles on train crews. The Safety Board is held in high esteem by those who know of its work, and the bill before us ensures that such work will not be impaired.

I urge Members to pass this bill, H.R. 2440.

Mr. MOORHEAD. Mr. Speaker, I want to commend our committee chairman [Mr. DINGELL], our subcommittee chairman [Mr. SWIFT], and the subcommittee's ranking member [Mr. OXLEY] for their bipartisan efforts to reauthorize the very important activities of the National Transportation Safety Board. Until recently, the NTSB was identified in the public's eye almost exclusively with aircraft accident investigations. However, in the wake of the unfortunate Amtrak accident last September near Mobile, AL, I believe many more Americans now realize that the NTSB's safety investigations cover virtually every form of transportation. This is a highly respected and expert agency, and as such deserves to be reauthorized under the authorization ceilings provided in this bill. I strongly support this bipartisan bill and urge its prompt approval by the House.

Mr. OXLEY. Mr. Speaker, I want to commend our subcommittee chairman, the gentleman from Washington, for his very diligent and constructive efforts to enact this reauthorization of the National Transportation Safety Board. I also want to recognize the efforts of our committee chairman, the gentleman from Michigan, and our ranking committee member, the gentleman from California, as well as the efforts of the leadership of the Public Works Committee, with whom we share jurisdiction over the National Transportation Safety Board.

The NTSB performs an important safety function: it is capable of conducting an expert investigation of virtually any type of transportation accident. After such an investigation, the agency can then make recommendations aimed at avoiding similar accidents in the future. Because NTSB is not an enforcement or regulatory agency, it often can call the shots as it sees them, without some of the inhibitions that might apply within the Department of Transportation.

I strongly support this bipartisan reauthorization bill and urge its prompt approval by the House.

Mr. DINGELL. Mr. Speaker, I commend the chairman of the Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership regarding this legislation. I also want to thank the ranking Republican member, Mr. MOORHEAD, and the ranking Republican member of the subcommittee, Mr. OXLEY, for their help in this matter.

This legislation authorizes appropriations for the National Transportation Safety Board. The NTSB was created by the Department of Transportation Act of 1966 and was established as an independent Federal agency by the Independent Safety Board Act of 1974. The NTSB is a small but important agency. It is responsible for investigating and determining the probable cause of accidents in five transportation areas: rail, aviation, highways, pipeline, and marine. Following its investigations, the Board makes recommendations to Federal, State, and local agencies to prevent the recurrence of accidents. The Board also conducts special studies and investigations on transportation safety and reviews and evaluates the performance of other transportation agencies in achieving safety.

Our committee is well acquainted with the NTSB. Officials from the Board have testified on a variety of transportation legislation considered by our committee. For example, the NTSB recently testified on rail safety issues and specifically track safety. I believe that our committee, the Congress, and the American public benefit from the Board's technical expertise in addressing railroad transportation safety issues. However, there is one troubling issue which I would like to mention at this time. A recent General Accounting Office report which I requested has brought to light the possibility of some abusive training practices and contracting violations. On September 19, 1994, I wrote James Hall, the NTSB Acting Board Chairman, to investigate whether these charges are true and to respond within 45 days. I consider this a serious matter and I will include my letter for the RECORD.

By passing this legislation today, we can ensure that the Board has adequate funding and authority to continue its work. I urge my colleagues to support H.R. 2440.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, Sept. 19, 1994.

Hon. JAMES HALL,
Acting Chairman, National Transportation Safety Board, Washington, DC.

DEAR CHAIRMAN HALL: Enclosed is a July 26, 1994 General Accounting Office (GAO) letter provided to the Subcommittee on Oversight and Investigations pursuant to Rules X and XI of the Rules of the House of Representatives. The letter concerns a series of training courses provided to employees of the National Transportation Safety Board (NTSB) by a firm called "Miller and Friends" during fiscal years 1990 through 1993. The GAO found:

The Director of one of NTSB's major offices, Mr. Timothy Forte, decided in fiscal year 1990 to initiate a series of leadership and management courses using the services of Miller and Friends.

That firm was selected without competition on the suggestion of Mr. Forte because he "was personally familiar with Mr. Miller's abilities" and had attended other courses taught by Mr. Miller. The GAO states that Mr. Forte's prior experience with the firm did not constitute a valid basis for a sole source selection.

The cost of the courses always exceeded $2,500.

Federal procurement regulations require, in the case of procurements over $2,500, but less than $25,000, a reasonable number of bids or quotations from qualified vendors, unless there is appropriate, documented justification for a sole source selection. The GAO found none in this case.

With regard to a 3-day team building course conducted in February 1993, the NTSB issued an $8,000 purchase order to the firm for the course, a $3,000 order to Miller's wife, Ms. Athena Kaye for implementing a precourse self-assessment, and a $2,489 purchase order to Mr. Richard Brungraber who is a "management training associate" of the firm. The NTSB ultimately realized that such separate billing was not proper, but apparently has not done anything about recovering the improper payment.

In reviewing the qualifications for this firm. the GAO found that the experience and education referenced in the firm's brochure for Mr. Miller could not be verified and that the NTSB failed to pursue questions about the firm's qualifications. In fact, the University of California Medical Center at Davis had no record of Mr. Miller as a clinical instructor and the GAO never located the education facility where Mr. Miller allegedly was completing his doctorate.

In addition, the GAO report indicates that despite Mr. Forte's assertions to the contrary, the course appeared to be mandatory for employees of his office, and Mr. Forte told GAO that it was his "goal to have everyone at NTSB attend Miller's training classes" (emphasis added). The allegations of "abusive" tactics, says GAO, also appeared to be valid.

The Subcommittee is unclear as to the nature and purpose of expensive training courses of this kind. Please provide a detailed description of each course, including a copy of all questionnaires, syllabi, training materials, and other documents used in each course, and their cost. Why were the courses established? What need were they intended to serve?

I am concerned about allegations of abusive tactics. I consider them serious and request that the Board determine if they are true, in light of the GAO comments, and provide a report to the Subcommittee. If true, I request that you explain what actions the Board will take to apologize to the offended employees or take other appropriate action.

The GAO report states that the NTSB had a $760,000 training budget for fiscal year 1993. What is that budget for fiscal years 1994, 1995, and 1996? What training is provided annually? To what extent is the training mandatory as opposed to voluntary? Why were Miller and Friends' courses mandatory or made to seem to employees to be mandatory? Is all such training provided by contractual arrangements? Are all contracts subject to federal procurement regulations? What was the role of the contracting officer in the Miller and Friends contract? Did that person approve a sole source award? If not, who did? What was the justification for such award, taking into account the GAO's findings? Did the person approving the award have the authority to make the award? Finally, what actions has the Board taken to investigate whether Mr. Forte has or had any business, professional, or personal association with Mr. Miller or Ms. Kaye that would account for his efforts to have NTSB pay for their services?

Please review the information provided to the NTSB by Miller and Friends about the firm's qualifications. Was that information accurate and truthful? If not, did the firm violate 18 U.S.C. 1001 or any other applicable provision of law?

Also enclosed is a questionnaire which is entitled "Men's Awareness Workshop Questionnaire" by Arola Enterprises, as well as related correspondence which also refers to Mr. Richard Brungraber. The questionnaire provided to us by the GAO is obviously also used for women. One document calls the course an "education seminar." Please provide the details of this course. What is the role of Arola Enterprises in the training for NTSB employees? What is the NTSB's need for such a questionnaire, which appears to ask rather personal information of federal

employees? Is it a violation of the Privacy Act? Who has the responses to these questionnaires?

I request your response to the above matters within 45 days after receipt of this letter.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Chairman.

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

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

The SPEAKER pro tempore (Mr. MILLER of California). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and agree to the resolution, House Resolution 558.

The question was taken.

Mr. CLINGER. 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 pro tempore. Pursuant to the provisions of clause 5, rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed.

The point of no quorum is considered withdrawn.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4394) 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, as amended.

The Clerk read as follows:

H.R. 4394

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 "Comprehensive One-Call Notification Act of 1994".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) DAMAGE.—The term "damage" means any impact or contact with an underground facility, its appurtenances, or its protective coating, or weakening of the support for the facility or protective housing, which requires repair.

(2) EXCAVATION.—The term "excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any mechanized tools or equipment, or any explosive, but shall not include—

(A) any generally accepted normal agricultural practices and activities taken in support thereof, as determined by each State, including tilling of the soil for agricultural purposes to a depth of 18 inches or less;

(B) generally accepted normal lawn and garden activities, as determined by each State;

(C) the excavation of a gravesite in a cemetery; and

(D) routine railroad maintenance as long as such maintenance would disturb the ground to a depth of no more than 18 inches as measured from the surface of the ground and the railroad has rules requiring underground facilities other than its own to be buried 3 feet or lower on its property or along its right-of-way.

When a facility operator believes that its underground facility is not buried 3 feet or lower on railroad property or right-of-way, the facility operator may request permission to enter the railroad property or right-of-way for the purpose of assessing the depth of such underground facility and report its finding to the railroad.

(3) EXCAVATOR.—The term "excavator" means a person who conducts excavation.

(4) FACILITY OPERATOR.—The term "facility operator" means any person who operates an underground facility.

(5) HAZARDOUS LIQUID.—The term "hazardous liquid" has the meaning given such term in section 60101(a)(4) of title 49, United States Code.

(6) NATURAL GAS.—The term "natural gas" has the meaning given the term "gas" in section 60101(a)(2) of title 49, United States Code.

(7) PERSON.—The term "person" includes any agency of Federal, State, or local government.

(8) ROUTINE RAILROAD MAINTENANCE.—The term "routine railroad maintenance" includes such activities as ballast cleaning, general ballast work, track lining and surfacing, signal maintenance, and the replacement of crossties.

(9) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(10) STATE.—The term "State" has the meaning given such term in section 60101(a)(20) of title 49, United States Code.

(11) STATE PROGRAM.—The term "State program" means the program of a State to establish or maintain a one-call notification system.

(12) UNDERGROUND FACILITY.—The term "underground facility" means any underground line, system, or structure used for gathering, storing, transmitting, or distributing oil, petroleum products, other hazardous liquids, natural gas, communication, electricity, water, steam, sewerage, or any other commodities the Secretary determines should be included under the requirements of this Act, but such term does not include a portion of a line, system, or structure if the person who owns or leases, or holds an oil or gas mineral leasehold interest in, the real property in which such portion is located also operates, or has authorized the operation of, the line, system, or structure only for the purpose of furnishing services or materials to such person, except to the extent that such portion contains predominantly natural gas or hazardous liquids and—

(A) is located within an easement for a public road (as defined under section 101(a) of title 23, United States Code), or a toll highway, bridge, or tunnel (as described in section 129(a)(2) of such title); or

(B) is located on a mineral lease and is within the boundaries of a city, town, or village.

SEC. 3. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a nationwide toll-free telephone number system to be used by State one-call notification systems.

SEC. 4. STATE PROGRAMS.

(a) CONSIDERATION.—Each State shall consider whether to adopt a comprehensive statewide one-call notification program with each element described in section 5, to protect all underground facilities from damage due to any excavation. Such State program may be provided for through the establishment of a new program, or through modification or improvement of an existing program, and may be implemented by a nongovernmental organization.

(b) PROCEDURES.—State consideration under subsection (a) shall be undertaken after public notice and hearing, and shall be completed within 3 years after the date of enactment of this Act. Such consideration may be undertaken as part of any proceeding of a State with respect to the safety of pipelines or other underground facilities.

(c) COMPLIANCE.—If a State fails to comply with the requirements of subsection (a), the Secretary or any person aggrieved by such failure may in a civil action obtain appropriate relief against any appropriate officer or entity of the State, including the State itself, to compel such compliance.

(d) APPROPRIATENESS.—Nothing in this Act prohibits a State from making a determination that it is not appropriate to adopt a State program described in section 5, pursuant to its authority under otherwise applicable State law.

SEC. 5. ELEMENTS OF STATE PROGRAM.

(a) IN GENERAL.—Each State's consideration under section 4(a) shall include consideration of program elements that—

(1) provide for a one-call notification system or systems which shall—

(A) apply to all excavators and to all facility operators;

(B) operate in all areas of the State and not duplicate the geographical coverage of other one-call notification systems;

(C) receive and record appropriate information from excavators about intended excavations;

(D) inform facility operators of any intended excavations that may be in the vicinity of their underground facilities; and

(E) inform excavators of the identity of facility operators who will be notified of the intended excavation;

(2) provide for 24-hour coverage for emergency excavation, with the manner and scope of coverage determined by the State;

(3) employ mechanisms to ensure that the general public, and in particular all excavators, are aware of the one-call telephone number and the requirements, penalties, and benefits of the State program relating to excavations;

(4) inform excavators of any procedures that the State has determined must be followed when excavating;

(5) require that any excavator must contact the one-call notification system in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(6) require facility operators to provide for locating and marking or otherwise identifying their facilities at an excavation site, in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(7) provide effective mechanisms for penalties and enforcement as described in section 6;

(8) provide for a fair and appropriate schedule of fees to cover the costs of providing for, maintaining, and operating the State program;

(9) provide an opportunity for citizen suits to enforce the State program; and

(10) require railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials.

(b) EXCEPTION.—Where excavation is undertaken by or for a person, on real property owned or leased, or in which an oil or gas mineral leasehold interest is held, by that person, and the same person operates all underground facilities located at the site of the excavation, a State program may elect not to require that such person contact the one-call notification system before excavating.

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) GENERAL PENALTIES.—Each State's consideration under section 4(a) shall include consideration of a requirement that any excavator or facility operator who violates the requirements of the State program shall be liable for an appropriate administrative or civil penalty.

(b) INCREASED PENALTIES.—If a violation results in damage to an underground facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000, or damage to a hazardous liquid underground facility resulting in the release of more than 50 barrels of product, the penalties shall be increased, and an additional penalty of imprisonment may be assessed for a knowing and willful violation.

(c) DECREASED PENALTIES.—Each State's consideration under section 4(a) shall include consideration of reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(d) EQUITABLE RELIEF AND MANDAMUS ACTIONS.—Each State's consideration under section 4(a) shall include consideration of provisions for appropriate equitable relief and mandamus actions.

(e) IMMEDIATE CITATION OF VIOLATIONS.—Each State's consideration under section 4(a) shall include consideration of procedures for issuing a citation of violation at the site and time of the violation.

SEC. 7. GRANTS TO STATES.

(a) AUTHORITY.—Using $4,000,000 of the amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (previously codified as 49 U.S.C. App. 1682a) or section 60301 of title 49, United States Code, for each of the fiscal years 1996, 1997, and 1998, to the extent provided in advance in appropriations Acts, the Secretary shall make grants to States, or to operators of one-call notification systems in such States, which have elected to adopt a State program described in section 5, or to establish and maintain a State program pursuant to subsection (b) of this section. Such grants may be used in establishing one-call notification systems, modifying existing systems to conform to standards established under this Act, and improving systems to exceed such standards. Such grants may be used to—

(1) improve communications systems linking one-call notification systems;

(2) improve location capabilities, including training personnel and developing and using location technology;

(3) improve record retention and recording capabilities;

(4) enhance public information and education campaigns;

(5) increase and improve enforcement mechanisms, including administrative processing of violations; and

(6) otherwise further the purposes of this Act.

(b) ALTERNATE FORM OF STATE PROGRAM.—The Secretary may make a grant under subsection (a) to a State that establishes or maintains a State program that differs from a State program described in section 5 if such State program is at least as protective of the public health and safety and the environment as a State program described in section 5.

SEC. 8. DEPARTMENT OF TRANSPORTATION.

(a) COORDINATION WITH OTHER RESPONSIBILITIES.—

(1) COORDINATION.—The Secretary shall coordinate the implementation of this Act with the implementation of chapter 601 of title 49, United States Code.

(2) REVIEW OF PROGRAMS.—Within 18 months after the date of enactment of this Act, the Secretary shall review, and report to Congress on, the extent to which any policies, programs, and procedures of the Department of Transportation could be used to achieve the purposes of this Act.

(b) MODEL PROGRAM.—

(1) DEVELOPMENT.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with facility operators, excavators, one-call notification system operators, and State and local governments, shall develop and make available to States a model State program, including a model enforcement program. Such model program may be amended by the Secretary on the Secretary's initiative or in response to reports submitted by the States pursuant to section 9, or as a result of workshops conducted under paragraph (3) of this subsection.

(2) SUGGESTED ELEMENTS.—The model program developed under paragraph (1) shall include all elements of a State program described in section 5. The Secretary shall consider incorporating the following elements into the model program:

(A) The one-call notification system or systems shall—

(i) receive and record appropriate information from excavators about intended excavations, including—

(I) the name of the person contacting the one-call notification system;

(II) the name, address, and telephone number of the excavator;

(III) the specific location of the intended excavation, along with the starting date thereof and a description of the intended excavation activity; and

(IV) the name, address, and telephone number of the person for whom the work is being performed; and

(ii) maintain records on each notice of intent to excavate for the period of time necessary to ensure that such records remain available for use in the adjudication of any claims relating to the excavation.

(B) The provision of information on excavation requirements at the time of issuance of excavation or building permits, or other specific mechanisms for ensuring excavator awareness.

(C) A requirement that any excavator must contact the one-call notification system at least 2 business days, and not more than 10 business days, before excavation begins.

(D) Alternative notification procedures for excavation activities conducted as a normal part of ongoing operations within specific geographic locations over an extended period of time.

(E) A requirement that facility operators—

(i) provide for locating and marking, in accordance with the American Public Works Association Uniform Color Code for Utilities, or otherwise identifying, in accordance with standards established by the State or the American National Standards Institute, their underground facilities at the site of an intended excavation within no more than 2 business days after notification of such intended excavation; and

(ii) monitor such excavation as appropriate.

(F) Provision for notification of excavators if no underground facilities are located at the excavation site.

(G) Provision for the approval of a State program under this Act with time limitations longer than those required under subparagraphs (C) and (E) of this paragraph where special circumstances, such as severe weather conditions or remoteness of location, pertain.

(H) Procedures for excavators and facility operators to follow when the location of underground facilities is unknown.

(I) Procedures to improve underground facility location capabilities, including compiling and notifying excavators, facility operators, and one-call centers of any information about previously unknown underground facility locations when such information is discovered.

(J) Alternative rules for timely compliance with State program requirements in emergency circumstances.

(K) If a State has procedures for licensing or permitting entities to do business, procedures for the revocation of the license or permit to do business of any excavator determined to be a habitual violator of the requirements of the State program.

(3) WORKSHOPS.—Within 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall conduct workshops with facility operators, excavators, one-call notification system operators, and State and local governments in order to develop, amend, and promote the model program, and to provide an opportunity to share information among such parties and to recognize State programs that exemplify the goals of this Act.

(c) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with facility operators, excavators, one-call notification system operators, and State and local governments, public service announcements and other educational materials and programs to be broadcast or published to educate the public about one-call notification systems, including the national phone number.

SEC. 9. STATE REPORTS.

(a) REQUIREMENT.—

(1) INITIAL REPORT.—Within 3 years after the date of enactment of this Act, each State shall submit to the Secretary a report on progress made in implementing this Act.

(2) STATUS REPORTS.—Within 4½ years after the date of enactment of this Act, and annually thereafter, each State shall report to the Secretary on the status of its State program, if any, and its requirements, and any other information the Secretary requires.

(b) SIMPLIFIED REPORTING FORM.—Within 3 years after the date of enactment of this Act, the Secretary shall develop and distribute to the States a simplified form for complying with the reporting requirements of subsection (a)(2).

SEC. 10. FEDERAL REPORT.

The Secretary shall report annually to Congress on the number and circumstances surrounding accidents caused by routine railroad maintenance.

SEC. 11. MORE PROTECTIVE SYSTEMS.

Nothing in this Act prohibits a State from implementing a one-call notification system that provides greater protection for underground facilities from damage due to excavation than a system established pursuant to this Act.

SEC. 12. USE OF TECHNOLOGIES FOR REMOTE AND ABOVE-GROUND PIPELINE LOCATION.

The Secretary shall consult with other agencies as to the availability and affordability of technologies which will help relocate pipelines from above-ground and remote locations.

SEC. 13. VISION WAIVER STUDY PROGRAM.

Pursuant to section 31136(e) of title 49, United States Code, and in order to further substantiate research carried out by the Secretary in fiscal year 1992 under the vision waiver study program, the Secretary shall carry out a follow-up study to such program to include drivers who otherwise would have qualified to participate in the initial vision waiver study but for the time limits on applications and the failure to learn of the program in a timely manner.

SEC. 14. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator of the Research and Special Programs Administration of the Department of Transportation, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

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

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

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

Mr. Speaker, I rise in support of H.R. 4394, the Comprehensive One-Call Notification Act of 1994. This bill addresses the need for nationwide minimum standards for one-call notification systems. The purpose of these systems is to enable excavators to make one phone call to determine the location of any underground facilities. The one-call center then notifies any underground facility operators, who are responsible for locating and marking their facilities, thereby greatly reducing the risk of damaging an underground facility.

The natural gas pipeline explosion that occurred in Edison, NY, last March, was caused by excavation damage, often referred to as third-party damage, and it demonstrates the need for Federal attention to this matter.

Forty-nine States currently have some sort of one-call system in place although the scope of coverage and level of participation varies from State to State. It is the goal of H.R. 4394 to improve and enhance each State's program to provide the greatest amount of protection to underground facilities including natural gas and hazardous liquid pipelines, fiber optic cables, electric cables, etc. Digging near such underground facilities can result in injury or death to the excavator and destruction of property surrounding the excavation site. By reducing the risk of excavation damage that occurs as a result of not knowing where underground facilities are buried, this legislation will not only help protect those facilities, but will also help save the lives of excavators and those living in the vicinity of the excavation site.

H.R. 4394 takes as a step closer to ensuring the safety and reliability of underground facilities, excavators, and the public in general. All that is required of States is that they formally consider the Federal program that is outlined in the bill and make a determination as to whether or not it is an appropriate system for their State. This legislation does nothing to undermine the efforts of the 49 States with existing one-call programs. Instead, it encourages improvement and gives the States the needed flexibility to develop programs that are consistent with the individual needs of each State. The Secretary is authorized to award grants to States that either adopt the Federal program or certify that their program is at least as protective of public health and safety as the Federal program. The bill also directs the Secretary to develop a model program that will be used for education and promotion of the one-call system. This model will be developed and amended at yearly DOT workshops and will include participation by underground facility operators, excavators, Federal, State, and local governments, one-call system representatives, and industry.

Mr. Speaker, I would like to thank my colleagues Mr. PALLONE and Senator BRADLEY from New Jersey for leading on this legislation and working to make it a reality. This bill has enjoyed widespread support from its onset. We have worked closely over the past 6 months with representatives from industry, Federal, State, and local government, utilities, and one-call systems as well as the majority and minority members of the House Energy and Commerce Committee, the House Public Works Committee, and the Senate Commerce Committee to ensure the development of a consensus on this important piece of legislation. Consensus would not have been possible had it not been for the dedication and hard work of everyone involved.

In conclusion, Mr. Speaker, I just want to emphasize that this is a good piece of legislation that has been long awaited. I am happy to see that we have developed a consensus and can proceed forward on passage of H.R. 4394.

Mr. Speaker, I am very pleased to say that we have very broad based support for this legislation. It comes out of the Committee on Energy and Commerce and out of the Committee on Public Works and Transportation where the gentleman from California [Mr. MINETA], the gentleman from West Virginia [Mr. RAHALL] the gentleman from Pennsylvania [Mr. SHUSTER], and the gentleman from Wisconsin [Mr. PETRI], have worked very hard on this, and from our committee, the gentleman from Michigan [Mr. DINGELL], myself, the gentleman from California [Mr. MOORHEAD], and the gentleman from Florida [Mr. BILIRAKIS], have been engaged, and, in particular, one of our colleagues from New Jersey, whose district the accident occurred in [Mr. PALLONE], has been very effective in trying to move the House and Senate forward on this legislation.

We bring it to Members of the House after having worked out many of the details and many of the controversies, with essentially a broad-based consensus approach here and no real controversy at this point.

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

Mr. SHARP. I am happy to yield to the gentleman from West Virginia [Mr. RAHALL], the distinguished chairman of the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation, and a key member in bringing this legislation forward.

Mr. RAHALL. Mr. Speaker, I do express our deep appreciation to the gentleman from Indiana [Mr. SHARP], for his leadership on pipeline issues. It is leadership we will miss in the next session of Congress with the imminent retirement of Mr. SHARP, our friend and colleague, but we do appreciate his work on this and a number of other issues before the Congress.

The pending measure, as the gentleman adequately explained, is a product of both of our committee's deliberations. I would simply urge it be adopted.

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

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

Mr. Speaker, I rise in support of H.R. 4394, the Comprehensive One-Call Notification Act of 1994. The recent natural gas pipeline accidents have emphasized a need for the comprehensive approach his bill takes towards reducing the risk of third party damage to buried facilities.

Since most damage to pipelines and other types of underground facilities are caused by third-parties, this bill minimizes this risk by requiring States to consider creating one-call notification systems.

One-call notification systems are mechanisms by which excavators communicate with buried facility owners and operators. Establishing these systems makes good sense because they reduce the hazard posed by underground facilities to workers and the general public when excavation is done and because they save the cost of repairing underground facilities damaged by excavation.

The most important feature of this bill is the fact that it gives States the flexibility to tailor one-call systems to meet their own specific situations. Each State has different needs. By setting minimum standards, this bill does not take a one-size-fits-all approach, but preserves the ability of the States to design their own programs. In fact, it specifically allows a State to do more if a State believes it needs more protection.

When this bill was first introduced I had questions about some of its provisions. I was especially concerned about unnecessary Federal intervention in already existing State programs, the impact it would have on oil and gas producers who owned their own pipelines, and the harsh civil and criminal penalties for violations of the act. I appreciate the efforts of everyone involved, to work out these issues and reach the bipartisan bill which is before us today.

The one-call initiative contained in this bill will help reduce the risk to human health and the environment and will save all underground facility owners millions of dollars in costly repairs from third-party damage. Thus, I support this legislation and encourage my fellow Members to support it.

□ 1550

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation, who really worked at a critical stage in consideration to help us get this through despite an extremely heavy workload.

Mr. MINETA. Mr. Speaker, first of all, I want to thank both Congressman RAHALL and Congressman PETRI for the expeditious manner in which they have moved H.R. 4394. I also want to commend them for all their efforts this session on a wide range of surface transportation issues. In addition, I'd like to personally thank my colleagues from New Jersey, Congressmen PALLONE and FRANKS, for their support of this bill. H.R. 4394, as many of you know, was introduced by Congressman PALLONE in the wake of the devastating pipeline accident that occurred in his New Jersey district on March 24, 1994.

As I stated in a recent hearing held by our subcommittee on this issue, this committee has long supported the worthiness of the concept for one-call notification programs. In fact, we mandated in the 1988 Pipeline Safety Reauthorization Act that the Secretary establish minimum Federal requirements for State one-call programs. The requirements are applicable to excavations in the vicinity of pipelines. That legislation, however, was limited to pipelines only, and did not apply to other underground facilities.

It has long been known that third party damage is the primary cause of pipeline failures. The legislation before us today appears to make a significant inroad into rectifying this situation, which should certainly enhance the safety of all underground facilities and their operation.

I urge support for the bill and also want to recognize the efforts of the leadership of the Committee on Energy and Commerce who worked with us cooperatively to fashion a good bill. I thank them and the gentleman from Indiana for yielding. I also wish Chairman SHARP many happy days as a retiree.

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

Mr. PETRI. Mr. Speaker, third party damage is the leading cause of accidents to pipelines and underground facilities. This bill will encourage States to set up or improve one-call systems so that before any digging is begun, underground facilities can be located and marked and accidental hits prevented.

It is important to note that H.R. 4394 requires States only to consider whether to adopt a comprehensive one-call system containing certain elements outlined in the bill. There is no mandate that each State establish a specific program as prescribed by the Federal Government and there are no penalties if it determines not to do so.

In addition, exemptions are provided for certain agriculture, railroad maintenance and lawn and gardening activities which do not pose a serious risk.

Finally, H.R. 4394 also contains a provision to allow the Department of Transportation to conduct a follow-up study to the Vision Waiver Study under the Commercial Drivers License Program.

Mr. Speaker, most States already have some type of system in place and they have been proven to be effective in preventing costly accidents and saving lives and property. This relatively simple bill can accomplish a lot in encouraging States to adopt more comprehensive one-call systems.

In closing, I want to commend my colleagues on the Public Works and Transportation Committee and the Energy and Commerce Committee for working together in a cooperative spirit to move this bill forward.

I urge the House to pass H.R. 4394 today.

Mr. Speaker, I would like to particularly note the efforts of the gentleman from Indiana [Mr. SHARP] on this and numerous other legislation during his years in this Congress. He, as much as any, is the father of natural gas deregulation, which has been a tremendous success in our country and has paved the way for similar efforts in a number of other areas that have benefited our economy and the people of this country. We hear a lot about failures around here. I think sometimes we do not adequately recognize success. He can leave with his head high. He has done a tremendous job as a Member of this body.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in strong support of H.R. 4394, the Comprehensive One-Call Notification Act of 1994. As the lead Republican sponsor of this legislation, I commend my colleague from New Jersey, Mr. PALLONE, for his diligent efforts to bring this bill to the floor today.

As my colleagues are aware, on March 24, 1994, a 36–inch interstate natural gas transmission pipeline, operated by the Texas Eastern Gas Pipeline Co., exploded in Edison, NJ. Miraculously, only one person died, and 29 people were injured due to the explosion. One hundred twenty-eight units of the nearby Durham Woods condominium complex, eight apartment buildings, were destroyed. The residents of Durham Woods literally had to run for their lives in the middle of the night in order to escape the approaching inferno. When those who could return did so the next day, they found their possessions either charred or incinerated. The blast, whose flames reached heights above 500 feet, was so intense that many residents thought they were witnessing a nuclear explosion.

Clearly, the residents of Durham Woods were extremely fortunate to have escaped with their lives. However, the more than 500 people who have died due to natural gas pipeline accidents since 1970 have not been as lucky. I believe that greater precautions must be taken to prevent another Durham Woods-type disaster. One important step Congress can take right now is to pass this legislation. I believe that H.R. 4394, as amended by the House Public Works and Transportation Committee, presents a reasonable framework to ensure that before digging is commenced, the excavator knows what lies below the ground. Since half of all accidents are attributable to third-party damage, a national one-call law could avert many preventable disasters.

Mr. Speaker, it is clear that legislative changes must be made in order to better protect the millions of Americans who live and work near natural gas pipelines. In my home State, mandatory one-call legislation is expected to be signed into law by Governor Christine Todd Whitman sometime this week. One-call notification legislation, however, needs to be made national to ensure uniform protection for all Americans. Therefore, I urge all my colleagues to vote "yea" on H.R. 4394.

Mr. FIELDS of Texas. Mr. Speaker, during the course of consideration of this legislation, I believe that it is vitally important that you and your colleagues have a clear understanding of what "routine railroad maintenance" as defined in H.R. 4394, means.

According to the proposed language, "routine railroad maintenance" includes such activities as ballast cleaning, general ballast

work, track lining and surfacing, signal maintenance, and the replacement crossties.

This definition specifically excludes ditch cleaning. Evidence shows that a significant number of incidents have occurred where ditch cleaning by railroads have resulted in damage to underground telecommunications facilities. In particular, the major long-distance carriers alone report over 20 activities. There are another 20 or so incidents of near misses where the railroads came within inches of damaging the fiber optic networks.

Mr. Speaker, in light of our increasing reliance on the much-touted information superhighway, the railroad exemption must be narrowly construed in order to provide security to our buried telecommunications facilities. Thank you.

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

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

The SPEAKER (Mr. MILLER of California). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 4394, as amended.

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

The title of the bill was amended so as to read: "A bill to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 Indiana?

There was no objection.

EXTENDING STATUS QUO IN SOO LINE RAIL DISPUTE

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 417) providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Co. and certain of its employees.

The Clerk read as follows:

H.J. RES. 417

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

SECTION 1. EXTENSION OF TEMPORARY PROHIBITION.

The final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended through February 28, 1995, with respect to the dispute referred to in Executive Order No. 12925 of August 29, 1994. During this extension period no change, except by agreement, shall be made by the rail carrier, the Soo Line Railroad Company, or by the employees of such carrier represented by the United Transportation Union, in the conditions out of which the dispute arose as such conditions existed before July 14, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration.

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

There was no objection.

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

Mr. SWIFT. Mr. Speaker, I will be brief. This resolution simply extends the cooling off period required by the Railway Labor Act for labor/management disputes in the railroad industry until February 28, 1995, when the 104th Congress has been convened and organized.

On July 14 of this year the Soo Line Railroad—the ninth largest railroad in the country—imposed new labor contract conditions—as is its right. Consequently, the United Transportation Union commenced a strike—as is its right. On the recommendation of the National Mediation Board that the dispute "threatens substantially to interrupt interstate commerce to a degree that would deprive a section of the country of essential transportation service", the President created Presidential Emergency Board 225 on August 29. By agreement of the parties, the Board will submit its report and recommendations on October 14, that is, on Friday of next week. Under the Railway Labor Act, a final 30-day cooling off period follows the submission of the Board's report, and if no agreement is reached in that time, the strike is likely to resume.

It is certainly the strong desire of every Member that the parties reach a voluntary agreement. And this resolution encourages voluntary agreement by giving them sufficient additional time to consider the report of the Board to be released next week, and to negotiate a final resolution of all outstanding issues.

Due to the potential ramifications to interstate commerce and to the economy as a whole that could occur if an agreement is not reached, it is essential that this cooling off period be extended until the convening of the 104th Congress. Such action is consistent with prior actions, as in the case of the 1988 Chicago Northwestern strike, when Congress extended the cooling off period past the period of the August recess.

This resolution passed on voice vote last week in the Energy and Commerce Committee, and has the bipartisan support of the leadership of the committee on both sides of the aisle. I urge its adoption.

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

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

I rise in support of House Joint Resolution 417. I want to note, however, that only the high economic stakes of the potential transportation emergency involved here that persuade me that this is the proper way to proceed in the present circumstances.

Those high stakes include—if a strike spreads through secondary picketing across the national rail system—damage of up to $1 billion a day. What makes the potential risk this high is the legal ability of rail labor unions under current law to involve any and every rail carrier in a dispute between one union and one railroad.

This anomalous situation results from congressional failure to bring the Railway Labor Act into harmony with all other Federal labor laws. They forbid secondary picketing and provide injunctive and other legal remedies against those who illegally use secondary picketing.

But under the Railway Labor Act, anything goes. And that is how we get into situations like this one, where the strike was not even considered worthy of Presidential intervention until secondary picketing was threatened. To show you how far afield things can go, some Members may recall that there was even a threat at one time to picket Amtrak during the 1989 Eastern Air Lines strike.

Whatever the deficiencies of the Railway Labor Act, I am particularly conscious of the economic stakes here, because many of my constituents work at a Honda manufacturing facility. Like most modern factories, it operates on the just-in-time system of inventory, where deliveries are made as needed, and the transportation system in effect is a rolling warehouse. We saw the vulnerability of this system during the massive 1993 Midwest floods, which washed out many major rail lines. Only through almost superhuman efforts by the railroad carriers and their employees—particularly Southern Pacific—was our Honda plant able to avoid shutting down completely.

That Honda plant is only one small part of our national industrial structure that depends for its very existence on timely rail transportation. So a national—or even a large regional—strike represents a national economic emergency in the making.

We would not be facing an emergency of such dimensions except for the threatened use of secondary picketing in the current dispute. Since the Railway Labor Act allows such activity, we have to deal with the situation that actually confronts us, not as we would like to have it. Therefore, I support this resolution. I hope, however, that this is the last time Congress will have to intervene in a situation created solely by secondary picketing.

□ 1600

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

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], chairman of the full committee.

Mr. DINGELL. Mr. Speaker, first I would like to pay tribute to the distinguished gentleman from Washington [Mr. SWIFT]. This may be the last time he manages legislation on the floor of the House. He has served as subcommittee chairman on the Committee on Energy and Commerce for a number of years with great distinction and ability, has processed enormously difficult and complex legislation with remarkable goodwill and good humor, and has presented it to the House to be considered in an extraordinary spirit of bipartisanship. That distinguished record is continued today, and for that reason, we will miss the distinguished gentleman from Washington State to an even greater degree as he leaves us at the end of this term. Our remarks to him and about him are well done.

We will miss him and we wish him well. His departure leaves us with a great sense of loss and a great difficulty in replacing the quality of leadership that he has given both in the House and in the committee.

Mr. Speaker, this legislation is bipartisan. It came out of the committee unanimously, without any objection. It does not disrupt the normal process specified under the Railway Labor Act in any significant fashion. The legislation is designed to encourage the parties to reach a voluntary agreement during the extended cooling-off period. The legislation also prevents the possibility of a national rail strike occurring during the time that the House and Senate are not in session, which could have very significant economic, social, and other consequences to the United States and to industries all across the United States.

Mr. Speaker, the legislation assures that the parties will have ample time to review the recommendations of PEB 225. This would assist them in reaching a settlement. This legislation is consistent with prior precedent, most recently in 1988, when Congress enacted the same type of legislation to avoid a shutdown of the Chicago Northwestern Railroad during a congressional recess.

Mr. Speaker, we have been informed that all major railroads support the enactment of this legislation. Both parties, and I reiterate, both parties to the dispute support this action. The administration supports the action we are taking today. An identical resolution has been introduced in the other body. I urge my colleagues to support this legislation.

Mr. Speaker, I want to commend the distinguished gentleman from Washington [Mr. SWIFT], chairman of the subcommittee, the gentleman from California [Mr. MOORHEAD], the distinguished ranking minority member, our good friend and colleague, the gentleman from Ohio [Mr. OXLEY], the ranking minority member of the subcommittee, and all the members of the committee and the subcommittee for bringing this legislation to the floor in the fashion in which we see it. I hope the other body will adopt this legislation promptly.

Mr. Speaker, the Soo Line Railroad and the United Transportation Union have been in contract negotiations since 1988. All efforts to reach agreement have failed to date, including attempts to mediate the dispute by the National Mediation Board. In June, the NMB's proffer of arbitration was rejected by the parties, triggering a 30-day cooling off period. At the end of this period, on July 14, 1994, the parties engaged in so-called "self-help"— the railroad unilaterally imposed new contract terms and the union struck. This situation persisted for 47 days, until the NMB informed the President that the dispute threatened "to interrupt interstate commerce to a degree that would deprive a section of the country of essential transportation service." The President, by Executive Order 12925, established Presidential Emergency Board No. 225 on August 29, 1994.

The Railway Labor Act requires the PEB to report to the President "within thirty days from the date of its creation." After such time, the law requires a final "cooling off" period of 30 days. Upon expiration of the final cooling off period, the parties again may resort to self-help. As in numerous other cases, PEB 225, with the consent of both parties, informed the President on September 21 that it will issue its report no later than October 14, 1994—with the 30-day cooling off period to follow.

The problem is that this means that a very serious situation could arise during a time when Congress has adjourned. Because of the potential adverse ramifications of this situation, the Energy and Commerce Committee last week adopted a motion authorizing the introduction and prompt consideration of the resolution before us. This motion was the result of bipartisan discussions and was adopted by unanimous voice vote. H.J. Res. 417 is simple and straightforward—it merely extends the final cooling off period to February 28, 1995—after the 104th Congress has convened and has been organized.

This legislation does not disrupt the normal process specified under the Railroad Labor Act in any significant way. The legislation is designed to encourage the parties to reach a voluntary agreement during the extended cooling off period. The legislation ensures that the parties will have ample time to review the recommendations of PEB 225. This should assist them in reaching a settlement. This legislation is consistent with prior precedent, most recently in 1988 when Congress enacted the same type of legislation to avoid a shutdown of the Chicago Northwestern Railroad during a congressional recess. We have been informed that all major railroads support enactment of the resolution. Both parties to the dispute support this action. The administration supports the action we are taking today. The same resolution has been introduced in the other body.

I urge my colleagues to support this legislation. I appreciate the efforts of Chairman SWIFT, Representative MOORHEAD, Representative OXLEY, and all members of our committee for bring this legislation to the floor. I hope the other body will adopt this legislation promptly and yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MOORHEAD], ranking Republican on the full committee.

Mr. MOORHEAD. Mr. Speaker, I rise in support of House Joint Resolution 417. Given the circumstances in which we find ourselves, I believe that legislation of this type is in the best interests of the country, of our transportation system, and of the millions of Americans who depend upon it. Unfortunately, this whole exercise would be unnecessary if Congress had addressed a key anomaly in the Railway Labor Act—the legal authority to picket and thus involve in a labor dispute companies that are in no way involved in that dispute.

This secondary picketing weapon is one that is at odds with all of our other Federal labor laws. In the current dispute, the National Mediation Board did not even recommend any Federal intervention to President Clinton until the United Transportation Union threatened to picket other railroads. Thus we have a virtually unique situation where Congress has been dragged into this solely because of secondary picketing.

Although Congress should have fixed this problem with the Railway Labor Act long ago, the fact is, it has not. We, therefore, must deal with the situation as we find it. On balance, I believe that the best interests of the country are served by extending the Railway Labor Act cooling-off period until Congress has returned next year.

Under current law, the only alternative is to risk having the Soo dispute become a potential national strike after the next cooling-off period expires during the congressional recess. It is not worth the risk to the rest of the railroad industry and their many customers to allow the possibility of a national stoppage.

Mr. Speaker, I want to congratulate our chairman, the gentleman from Washington, Mr. AL SWIFT, for his work on this legislation, and for his entire career here in the Congress, where he has done an outstanding job. We have enjoyed working with you, AL.

Mr. Speaker, I also want to congratulate the gentleman from Ohio, MIKE OXLEY, our ranking Republican member of the subcommittee, for his great work on this piece of legislation.

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

Mr. Speaker, I would take this opportunity to congratulate and thank the gentleman from Washington [Mr. SWIFT], the chairman of the subcommittee. Hopefully this will not be the last bill that he will be marshaling on the floor, but in case it is, I want to express to him my gratitude for his leadership, his friendship, and his abilities. He has been an outstanding legislator for this Congress, and many Congresses before that. We will miss his good will, his good humor, and his legislative ability.

Mr. Speaker, with that praise and paean to the gentleman from Washington, I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, with thanks for the kind remarks of all three gentlemen, who I hold in an enormous amount of affection, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of California). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the joint resolution, House Joint Resolution 417.

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

A motion to reconsider was laid on the table.

PETROLEUM MARKETING PRACTICES ACT AMENDMENTS OF 1994

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1520), to amend the Petroleum Marketing Practices Act, as amended.

The Clerk read as follows:

H.R. 1520

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 "Petroleum Marketing Practices Act Amendments of 1994".

SEC. 2. CONVERSION TO COMPANY OPERATION.

Section 102(b)(3)(A)(ii) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(3)(A)(ii)) is amended by inserting after "purpose of" the following: "converting the leased marketing premises to operation by employees or agents of the franchisor for the benefit of the franchisor or otherwise".

SEC. 3. UNDERLYING LEASES.

Section 102(c)(4) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(c)(4)) is amended—

(1) by striking "lease, if" and all that follows through "(B) of" and inserting the following: "lease, if—

"(A) the franchisee was notified in writing, prior to the commencement of the term of the then existing franchise—

"(i) of the duration of the underlying lease; and

"(ii) of"; and

(2) by adding at the end the following new subparagraphs:

"(B) during the 90-day period after notification was given pursuant to section 104, the franchisor offers to assign to the franchisee any option to extend the underlying lease or option to purchase the marketing premises that is held by the franchisor, except that the franchisor may condition the assignment upon receipt by the franchisor of—

"(i) an unconditional release executed by both the landowner and the franchisee releasing the franchisor from any and all liability accruing after the date of the assignment for—

"(I) financial obligations under the option (or the resulting extend lease or purchase agreement);

"(II) environmental contamination to (or originating from) the marketing premises; or

"(III) the operation of condition of the marketing premises; and

"(ii) an instrument executed by both the landowner and the franchisee that ensures the franchisor and the contractors of the franchisor reasonable access to the marketing premises for the purpose of testing for and remediating any environmental contamination that may be present at the premises; and

"(C) in a situation in which the franchisee acquires possession of the leased marketing premises effective immediately after the loss of the right of the franchisor to grant possession (through an assignment pursuant to subparagraph (B) or by obtaining a new lease or purchasing the marketing premises from the landowner), the franchisor (if requested in writing by the franchisee not later than 30 days after notification was given pursuant to section 104), during the 90-day period after notification was given pursuant to section 104—

"(i) made a bona fide offer to sell, transfer, or assign to the franchisee the interest of the franchisor in any improvements or equipment located on the premises; or

"(ii) if applicable, offered the franchisee a right of first refusal (for at least 45 days) of an offer, made by another person, to purchase the interest of the franchisor in the improvements and equipment.".

SEC. 4. WAIVER OF RIGHTS.

Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by adding at the end the following new subsection:

"(f)(1) No franchisor shall require, as a condition of entering into or renewing the franchise relationship, a franchisee to release or waive—

"(A) any right that the franchisee has under this title or other Federal law; or

"(B) any right that the franchisee may have under any valid and applicable State law.

"(2) No provision of any franchise shall be valid or enforceable if the provision specifies that the interpretation or enforcement of the franchise shall be governed by the law of any State other than the State in which the franchisee has the principal place of business of the franchisee.".

SEC. 5. PREEMPTION.

Section 106 of the Petroleum Marketing Practices Act (15 U.S.C. 2806) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

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

"(2) No State or political subdivision of a State may adopt, enforce, or continue in effect any provision of law (including a regulation) that requires a payment for the goodwill of a franchisee on the termination of a franchise or nonrenewal of a franchise relationship authorized by this title."; and

(2) in subsection (b)—

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

"(2) Nothing in this title shall prohibit any State from specifying the terms and conditions under which any franchise or franchise relationship may be transferred to the designated successor of a franchisee upon the death of the franchisee.".

SEC. 6. DEFINITION OF FAILURE.

Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended—

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

(2) by striking the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

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

"(C) any failure based on a provision of the franchise which is illegal or unenforceable under the law of any State (or subdivision thereof).".

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

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

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

Mr. Speaker, H.R. 1520 makes several clarifying changes to the gasoline franchising provisions of title I of the Petroleum Marketing Practices Act of 1978, known as the PMPA.

These changes have all been negotiated and agreed to by the major segments of the gasoline and diesel fuel industries, including the refiners, the marketers and jobbers, and the retail service station dealers.

It has taken them over 5 years to reach this agreement, and I strongly urge my colleagues to support it now.

Mr. Speaker, the amendment proposed to the bill passed by the committee deletes the committee's amendment to section 106 of the Petroleum Marketing Practices Act. That change to section 106 would have made clear the ability of a State to regulate any specific provision of a franchise agreement. Instead, the bill passed by the committee would be amended by changing the failure definition in section 101(13) by stating that "failure" does not include any failure based on a provision of the franchise which is illegal and unenforceable under the law of the relevant State.

Some had expressed a concern, not shared by the sponsor of the bill, that amending section 106 would significantly weaken or even eliminate PMPA preemption. Amending the "failure" definition is an alternative way of addressing the same concerns about the interplay of State law and the PMPA. Despite differences of interpretation among us, I am pleased that

we all agree on the plain language of the bill as amended.

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

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

Mr. Speaker, I rise in support of H.R. 1520, the Petroleum Marketing Practices Act Amendments of 1994. H.R. 1520 is a balanced bill which I believe will be good for the entire motor fuel industry.

Nearly 4 years ago, 25 members of the Energy and Commerce Committee sent a letter to the parties in the petroleum marketing industry urging them to reach a compromise on title 1 PMPA issues. As of May of last year, when the Energy and Commerce Committee marked up this bill, not all affected parties were on board with the compromise language. Since then, these parties have worked hard to reach a compromise to which everyone can agree.

The amended version of H.R. 1520 which is before us today, is the result of years of negotiations and it is now supported by nearly everyone in the motor fuel industry including: The American Petroleum Institute, Service Station Dealers of America, Petroleum Marketers Association of America and the Society of Independent Gasoline Marketers of America.

H.R. 1520 amends the Petroleum Marketing Practices Act to clarify the relationships between motor fuel franchisors and franchisees. It prohibits a refiner from terminating a dealer in order to turn a location into a company-operated station; defines dealer and supplier rights and obligations in third party situations: prohibits dealers from being forced to waive their rights under Federal Law in order to obtain or renew a lease; and with the new language clarifies that States may legislate regarding some aspects of the franchise agreement.

I believe that H.R. 1520 represents a fair compromise and I want to commend everyone who worked so hard in reaching this agreement. I would also like to thank Chairman DINGELL for all his hard work on this bill. I believe everyone who is involved in the motor fuel industry will benefit from these amendments.

Mr. Speaker, I would also like to thank the gentleman from Michigan [Mr. DINGELL], the committee chairman, for his hard work on this bill. I believe everyone involved in the motor fuel industry will benefit from these amendments.

Mr. Speaker, I want to say that we will certainly miss our friend, the gentleman from Indiana [Mr. SHARP] when he leaves to go back to Indiana. He has done an outstanding job as he has worked in the committee and in their particular field for many years, so we will miss him.

Mr. SHARP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon [Mr. WYDEN], who has been a key participant in these negotiations for many years.

Mr. WYDEN. Mr. Speaker, I, too, want to thank the gentleman from Indiana [Mr. SHARP] for all his years of hard work. The gentleman is right, we have been at this I guess almost 5 years. I want to thank him for all his patience, and also thank our friend, the gentleman from California [Mr. MOORHEAD], who has also worked with me and others in terms of trying to fashion this legislation.

Mr. Speaker, the reason this legislation is so important is that our small gas stations in our country are literally an endangered species. All over our country we are seeing rural communities in particular lose these small gas stations. What we have seen is that very often this is due to the fact that some oil companies, not all of them but some of them, have set in place crippling conditions on these small service stations, who simply want to renew their franchises.

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As the gentleman from California [Mr. MOORHEAD] has stated, this legislation outlines a number of provisions to strike a balance that is fair to both sides, the small service stations and the oil companies. I think it is critical that we pass this bill.

Mr. Chairman, today, the House takes up H.R. 1520, legislation I sponsored which makes a number of important changes to the Petroleum Marketing Practices Act [PMPA]. The PMPA was enacted in 1978 in order to preserve competition in the petroleum marketing industry by regulating the circumstances surrounding the termination or nonrenewal of service station franchises.

The PMPA was passed in recognition that there may often be unequal bargaining power between major oil companies and service station dealers who operate stations under franchises from the oil companies. Because of their unequal power, franchise agreements between dealers and oil companies contained clauses which would not have been agreed to by the dealers if the parties had equal power. Specifically, Congress adopted a set of procedural protections so that a dealer could have his day in court if the dealer were to be terminated by a major oil company. Congress restricted the scope of the PMPA to procedures and grounds for termination and nonrenewal. It did not address other issues in franchise relationships or disclosures to be made to a prospective dealer.

Since the PMPA was enacted, some courts have limited the law's protections for dealers and expanded the scope of the PMPA beyond what Congress intended. H.R. 1520 clarifies the intent of Congress in enacting the PMPA and corrects the problems that have arisen from judicial interpretations of the law.

This legislation is the result of extensive discussions between the service station dealers, jobbers, and major oil companies, discussions held under the auspices of Chairman DINGELL and his staff. It is a true compromise bill. H.R. 1520 has been endorsed by all major petroleum marketing groups, the Service Station Dealers of America, the American Petroleum Institute, the Petroleum Marketers Association of America, and the Society of Independent Gasoline Marketers of America. It has also been endorsed by the administration.

H.R. 1520 addresses several serious problems which exist in the current version of the PMPA. As the PMPA is written today, oil companies can enforce financially crippling conditions on service station dealers in a franchise agreement, such as 24-hour operating requirements and minimum staffing requirements, when business demand does not justify such expenses. As a result, dealers are left with the Hobson's choice of operating their businesses in an unprofitable manner or risk being terminated for failure to comply with the onerous franchise requirement. Another problem arises in situations where the service station operators are not parties to the lease agreements for the properties where their stations are located. Some oil companies are taking advantage of this, and, by refusing to renew the lease for the property, are forcing dealers to be evicted. Finally, under the current PMPA, oil companies are able to circumvent State laws which protect service station dealers. These are just a few examples of why the current PMPA must be amended.

Hearings before the Small Business Committee in the last Congress revealed that thousands of hard-working service station dealers have lost their businesses because of deficiencies in the current law. Further evidence of the need to strengthen and clarify the PMPA was also provided during a series of hearings held by the Energy and Power Subcommittee over the past three Congresses.

H.R. 1520 remedies the problems which exist under the current PMPA. Specifically, this legislation does five things.

First, it prevents a franchisor from insisting upon changes or additions to a franchise agreement for the purpose of converting a franchise-operated station to one operated by the employees or agents of the franchisor. This will reduce the number of independent service station dealers and jobbers who are unjustly forced out of business.

Second, H.R. 1520 addresses situations where the franchisor leases the service station property from a third party and the station operator is not a party to the lease. In these circumstances, the station operator typically has no right to extend the lease or to purchase the property from the landlord; the franchisor has the sole right to exercise any options to renew the lease or buy the service station. As a result, franchisors can in effect terminate their franchisees and put the station operators out of business simply by failing to exercise these options.

To protect dealers against terminations in these situations, franchisors will now be required to give their franchisees the opportunity to assume the underlying leases for the station properties when those leases expire. Oil companies, which are typically the parties to the lease agreements, will now be required to offer to assign to the service station operators any options they hold either to purchase the

property or to extend the lease. The oil companies would be able to condition assignment of their options upon receiving unconditional releases from liability executed by the landlord and the service station operator.

In addition, if a dealer acquires property rights to the service station by purchase or lease, the franchisor would have to make a bona fide offer to sell to the dealer the buildings and other improvements made at the site.

Third, the legislation provides that the rights of station operators under the law may not be waived as a condition of entering into or renewing a franchise agreement. Oil companies would also be prohibited from insisting upon so-called choice of law provisions which provide that the law of a State other than the dealer's home State will govern the franchise agreement. By including these choice of law provisions in the franchise agreement, service station dealers from States like Oregon that are protective of the rights of dealers can lose their rights because the franchise agreement says the law of another State that is less protective should govern the franchise.

Fourth, H.R. 1520 also makes clear that the State laws which allow a dealer or jobber to pass on his or her business to a surviving family member upon death were never intended to be preempted by Federal law.

Finally, this legislation prohibits terminations or nonrenewals in situations where the franchise provision upon which termination or nonrenewal is based are illegal or unenforceable under the governing State law. Oregon and a number of other States have adopted statutes to safeguard the rights of service station dealers, such as prohibiting forced 24-hour operation where such operation is unprofitable or unsafe. Because a franchise provision requiring 24-hour operation in a State that has a law prohibiting such a requirement would be illegal or unenforceable under that State's law, a dealer in that State could not be terminated for noncompliance with a 24-hour operation requirement in the dealer's franchise agreement. The legislation makes clear that noncompliance with illegal or unenforceable franchise requirements does not constitute a failure justifying termination or nonrenewal of the franchise.

This legislation makes clear that the PMPA applies only to the issues of termination and nonrenewal. Historically, the regulation of franchises has addressed three aspects of the franchise relationship: First, disclosure prior to the establishment of the franchise; second, standards during the operation of the franchise; and third, procedures and grounds for termination. The PMPA does not preempt the States' rights to regulate the ongoing relationship of the parties. Also, to the extent that States regulate matters such as hours or closing times, then an oil company may not use dealer conduct in following State law as a reason to terminate or nonrenew.

These changes to H.R. 1520 clarify the original congressional intent of the PMPA and in effect level the playing field between oil companies and dealers. I urge my colleagues to support this important, procompetition and prosmall business legislation.

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

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

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 1520, as amended.

The question was taken.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

EXPORT ADMINISTRATION ACT EXTENSION

Mr. MENENDEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5108) to extend the Export Administration Act of 1979.

The Clerk read as follows:

EXPORT ADMINISTRATION ACT EXTENSION

Mr. MENENDEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5108) to extend the Export Administration Act of 1979.

The Clerk read as follows:

H.R. 5108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 1994" and inserting "September 30, 1995".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. MENENDEZ] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SMITH] will be recognized for 20 minutes.

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

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

Mr. Speaker, as Members are aware, the Export Administration Act of 1979 is the statutory basis for the U.S. dual-use export control system.

The Committee on Foreign Affairs had been working this session to enact a comprehensive reform of the Export Administration Act, but we were unable to resolve several differences.

The last Export Administration Act extension expired August 20.

Since that time, the executive branch has maintained export controls under an Executive order issued pursuant to the authority of the International Emergency Economic Powers Act.

The policy and legal problems associated with the use of IEEPA make it prudent for us to extend the Export Administration Act authority until the end of the next fiscal year. This extension will provide Congress sufficient time to pass the reform legislation.

I urge my colleagues to support H.R. 5108.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this simple and straightforward bill, H.R. 5108, which extends the Export Administration Act through September 30 of 1995.

Enactment of this measure ensures that the administration no longer has to rely on the authorities of the International Emergency Economic Powers Act to administer our export control system.

I join with Chairman HAMILTON, Mr. GILMAN, and the chairman of the International Economic Policy Subcommittee, Mr. GEJDENSON, and the ranking member, Mr. ROTH, in supporting this measure that should provide sufficient time for the completion of a bill streamlining and updating our export control system.

Several challenges and questions as to the extent of the Department of Commerce's authority under IEEPA have been raised, including a possible challenge to its use to continue the anti-boycott regulations.

So far, the Department of Commerce has successfully defended its authority, but there have been no definitive rulings on these issues. A continuing lapse of EAA is likely to promote a renewal of these challenges and a diversion of governmental resources to counter them.

I ask my colleagues to join with me in supporting this bill.

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

Mr. SMITH of New Jersey. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think that it is a mark of achievement by this House that we have not passed the package that was initially put together and offered by the Committee on Foreign Affairs. I say this as a member of the House Committee on Armed Services which unanimously endorsed a number of changes that we thought were important to protect American security.

Let me just say that the lesson of the gulf war was that it does not make a lot of sense to sell Winchesters to the hostiles, to engage in the sale of technology that ultimately may come back against you on the battlefield and result in death of Americans.

Rather than tightening up technology flow, especially militarily critical technology, in my estimation, the way the House started to move early in this session was to liberalize that flow and make it easier for some of the rogue nations in the Middle East to gain high technology that ultimately could damage Americans in the battlefield.

I am glad we have not passed the package that was initially put together. I think this Congress should go back and make some real evaluations with such smart people as Dick Cheney, Colin Powell, and others who understand the effect that high technology play in wars and on the battlefield and come back with a much more conservative bill than we initially offered this year.

I thank the gentlemen on both sides of the aisle for basically extending what we have not passing the package that the House initially was putting together. I think it is important that we have a vote on this bill incidentally on the extension because I think the extension is far better than the substitute that we would otherwise have.

Mr. SMITH of New Jersey. Mr. Speaker, reclaiming my time, I do thank the gentleman from California [Mr. HUNTER] for that very important statement. I think especially in this increasingly volatile world, we need to be very careful about dual-use technology and the fact that again what we might sell with one intent ends up being used against us in a military capacity or capability. I think the time between now and next year gives us that opportunity to revisit this issue in a way that more eyes will look at it and hopefully come up with a better bill.

Mr. BEREUTER. Mr. Speaker, this Member reluctantly supports this legislation which extends the Export Administration Act of 1979 to September 30, 1995.

Mr. Speaker, this Member would like to express his sincere disappointment and deep regret that this body is again considering legislation which merely puts a band aid on an outdated set of export control laws badly in need of reform. Unfortunately, with the fast approaching adjournment of Congress, this Member believes a 1-year extension is necessary.

Mr. Speaker, this legislation does not in any way amend the Export Administration Act of 1979 except to extend its authority for 1 year. Nevertheless, in passing this simple extension, Mr. Speaker, we will maintain our authority to administer the export control laws of the United States.

Currently and in the past, Mr. Speaker, Congress has failed to extend the Export Administration Act and our Presidents have been forced to administer our export control system by executive order and under the authority of the International Emergency Economic Powers Act [IEEPA].

Unfortunately, however, this residual authority has proven woefully inadequate and legal challenges to the use of emergency authority have seriously jeopardized the President's ability to effectively administer these export control laws.

Mr. Speaker, the seriousness of this potential problem cannot be overstated. If the legal challenges to the President's emergency authority are upheld, the U.S. Government would not be able to enforce its export control laws and proliferators could violate them without penalty. Most importantly, Mr. Speaker, countries like North Korea, Iran, and Libya could obtain extremely sensitive technology from U.S. exporters and the Federal Government would be without recourse.

Additionally, Mr. Speaker even if the President's emergency authority were upheld, significant differences exist between the preferred Export Administration Act and the President's emergency authority under IEEPA. For example, emergency authority severely limits civil and criminal penalties for those found in violation of U.S. export control laws, and the investigative powers of the Department of Commerce's special agents are eroded. Finally, and most importantly, the confidentiality of information received from U.S. businesses who are cooperating with the U.S. Government on export control laws is endangered by the lapsing of section 12(c) of the Export Administration Act.

Mr. Speaker, in March of this year, COCOM, the international agency which coordinates national export control laws, disintegrated and its member countries resorted to policies of "national discretion" for approving export licenses for sensitive technologies. Meanwhile, the United States, outdated export control laws cost U.S. businesses $20 billion annually while disproportionately penalizing our Nation's most promising high-technology goods and service exports.

Clearly, Mr. Speaker, with the demise of COCOM and the United States' woefully outdated export control system, we must reach the fundamental conclusion that the United States cannot afford to attempt to unilaterally restrict exports that it cannot control.

Mr. Speaker, this Member consequently supports passage of H.R. 5180 to extend the Export Administration Act of 1979 for another year. Nevertheless, this Member would like to express his severe disappointment with the failure to pass significant export control reform legislation during the 103d Congress. Clearly, U.S. high-technology industries and high paying jobs for American citizens are the casualties of our inability to arrive at a compromise on this important issue.

Mr. MANZULLO. Mr. Speaker, I regret that we are at this point today. I strongly supported the export control reform bill that passed the Foreign Affairs Committee earlier this year. I wish we were at a signing ceremony today instead of passing a simple extension of the old, cold war-based Export Administration Act.

But we need this extension today so that legal threats to our export control system do not emerge. I certainly do not want those who export sensitive technology to banned countries to escape scott-free because of our inaction in Congress.

Plus, in some respects, the current export control system is better than some of the changes proposed by the House Armed Services Committee [HASC]. For example, the current Export Administration Act [EAA] allows for free export and reexport privileges among our most trusted trading partners—for example, Canada, Europe, Japan. You don't need specific approval from the U.S. Government for every time a company may wish to export a high technology good to our allies.

However, the HASC amendments to the EAA rewrite would remove provisions for license-free zones and recontrols any item presently controlled to a rough regime across the board to every country. In other words, the HASC amendment would place the same restrictions that now apply only to terrorist countries such as Libya, Iran, Iraq, and Syria unilaterally even on our most trusted trading partners such as Great Britain and Japan.

I urge my colleagues to support this simple extension of the EAA so that we can work on this issue next year.

Mr. COPPERSMITH. Mr. Speaker, I rise in reluctant support of extending the Export Administration Act temporarily. This year, Congress had a chance to rewrite our out-of-date and arcane trade laws and remove a burden faced by American businesses. Unfortunately, Congress dropped the ball.

This year, the House Foreign Affairs Committee rewrote the Export Administration Act. That bill, H.R. 3937, removed many obstacles to trade and lightened the heavy burden many outdated regulations and procedures place on America's high-technology industries. Unfortunately, opposition more concerned with preserving turf than creating jobs killed action on these vitally needed reforms.

This stalemate resulted from a disagreement over proposed amendments to H.R. 3937 from the House Armed Services Committee. These amendments would have made the reforms in H.R. 3937 essentially worthless, retaining ridiculous roadblocks to exports of routine commercial technology.

Our export control laws must reflect recent dramatic changes in technology, in the world, and in the global economy. Our laws also must recognize the importance of international trade in domestic job creation. Equipment that American consumers, or foreign tourists for that matter, can purchase at a department or specialty store should not be subject to outdated bureaucratic export control regulations. Under the proposed Armed Services Committee amendment, the Department of Defense could hold up sales of the Macintosh portable computer I use in my office to France, the United Kingdom, or Germany.

Making the current export control regime more restrictive, more bureaucratic, and more time-consuming would hurt our businesses and workers. Make no mistake about it, the Armed Services Committee amendment would have cost Arizona jobs.

In light of the legislative stalemate, I urge my colleagues to support this temporary extension at this time, but not to forget the pressing need to reach a compromise that liberalizes the current restrictive control regime. To do otherwise handicaps American industry, hurts American exports, and does a grave disservice to American workers.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ] that the House suspend the rules and pass the bill, H.R. 5108.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONDEMNING SINKING OF TUGBOAT "13TH OF MARCH" BY CUBA

Mr. MENENDEZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 279) condemning the July 13, 1994, sinking of the *13th of March*, a tugboat carrying 72 unarmed Cuban citizens, by vessels of the Cuban Government, as amended.

The clerk read as follows:

H. CON. RES. 279

Whereas there are credible reports that on July 13, 1994, vessels of the Cuban Government fired high-pressure water hoses, repeatedly rammed, and deliberately sank the "13th of March", a tugboat carrying 72 unarmed Cuban citizens;

Whereas approximately 40 of the men, women, and children passengers on the "13th of March" drowned as a result of the actions of the Cuban Government, including over 20 children aboard;

Whereas President Clinton deplored the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime";

Whereas on August 20, 1994, the President pledged that "The United States will continue to bring before the United Nations and other international organizations evidence of human rights abuses, such as the sinking of the tugboat '13th of March.' Meanwhile, we will pursue this matter with vigor and determination.";

Whereas all of the male survivors of the "13th of March" have been imprisoned by the Cuban Government;

Whereas the freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort; and

Whereas the Cuban Government, by prohibiting the existence of a free press and by jamming TV and Radio Marti, denies the Cuban people for the right of free access to information, including information about this tragedy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the Cuban Government for deliberately sinking on July 13, 1994, the "13th of March", a tugboat carrying 72 unarmed Cuban citizens, causing the death of approximately 40 Cuban citizens, including over 20 children;

(2) urges the President to direct the United States Representative to the United Nations to urge the United Nations Security Council to adopt a resolution that—

(A) condemns the sinking of the "13th of March"; and

(B) provides for a full internationally supervised investigation of the incident;

(3) urges the President to direct the United States Representative to the United Nations to urge the United Nations High Commissioner for Human Rights to investigate the sinking of the "13th of March"; and

(4) urges the Cuban Government—

(A) to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March";

(B) to identify all individuals missing from such sinking;

(C) to recover the bodies of the dead from such sinking; and

(D) to return such bodies to their families so that these men, women, and children may have appropriate burial services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. MENENDEZ] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SMITH] will be recognized for 20 minutes.

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

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

Mr. Speaker, today all people of conscience, join in condemning the outrageous act of brutality committed on July 13 off the coast of Havana, Cuba by the Government of Cuban dictator Fidel Castro.

My colleagues, this vote is about Fidel Castro's Tiananmen Square. In the early morning hours of July 13, Cuban Government boats chased and deliberately killed up to 40 Cuban citizens, on a tugboat named the *13th of March*, fleeing the horror of Castro's Cuba.

A group of 72 unarmed and innocent civilians were fired upon by Castro's thugs with water cannons. They were hosed down so hard that many flew off the boat and drowned! Women and children were among those killed. Desperate mothers held up children in plain view of the authorities. They believed that the savagery would stop, if only their pursuers saw that there were children on board. But they were wrong. The fierce thrust of pressure hoses continued unabated. Children ages 10 and under slipped from their mothers' arms and into the sea to die! Even a 4 month-old baby was among them! A 4 month-old baby.

Eventually, after being rammed by Cuban Government tugboats, the *13th of March* capsized amidst a whirlpool, throwing the rest of those aboard off. I denounced this act on the House floor as soon as it became clear that it was an act of cold-blooded murder perpetrated by Fidel Castro's henchman.

In acts of officially sanctioned terror, there are often courageous survivors. One woman, Ms. Maria Victoria Garcia Suarez, survived to tell about the horror that took place that morning on the high seas. In an incredible display of courage, she defied the regime and told foreign reporters in detail—including a reporter from Radio Marti from whom the world received other vital information—how she lost her husband, her 10 year-old son, three uncles, and two brothers. She and her son used the floating cadaver of a woman to remain afloat. But her son could not hold on; he lost his grip, and he drowned.

The cynicism and utter cruelty of this act is highlighted by the method that the Cuban Government chose for this death chase. Rather than stopping those who fled at the coast, Castro's thugs allowed them to go 7 miles offshore—45 minutes from the coast. Then they went for the kill. In the words of Janet Hernandez Gutierrez, 19, another survivor, quote:

"They simply let us exit the bay and they attack us at 7 miles, where there would be no witnesses. You know that in the open sea there are no witnesses."

But, much to Castro's dismay, there were survivors on the open seas that morning. They have told the world about this act of murder. President Clinton and Secretary Christopher have called it an "example of the brutal nature of Castro's regime." The House Foreign Affairs Committee last week voted unanimously to condemn the Cuban Government for this massacre. And the resolution now comes before the full House. It puts Congress on record as a voice of conscience on this matter:

First, it condemns the Cuban Government for its deliberate sinking of the *13th of March* tugboat.

Second, it urges the President to direct the U.S. Representative to the United Nations to urge the U.N. Security Council to adopt a resolution that condemns the sinking of the tugboat; and that provides for an internationally-supervised investigation of the incident. It also urges the Cuban Government to do the following: release from prison, and cease to intimidate, all survivors of the sinking; identify all individuals from the sinking; and, recover and return the bodies of the dead to their families so that these men, women, and children may have appropriate burial services.

Finally, the resolution urges the President to direct the U.S. Representative to the United Nations to urge the U.N. High Commissioner for Human Rights to investigate the sinking of the *13th of March*.

It is very distressing that any government, including Fidel Castro's, can get away with such cold-blooded murder. That is why I introduced this resolution.

So far, the Cuban dictatorship has responded in several ways to the incident:

First, it stated the day after the incident—only after the brave survivors had spoken up—that the massacre was the fault of a group of "anti-social individuals." And incredibly, the Castro regime declared the massacre an accident, and even congratulated itself for not killing the 31 survivors! To this day, they have expressed no regret for the loss of life.

Fortunately, the conscience of the Archbishop of Havana, Jaime Ortega, compelled him to state that the sinking of the tugboat was "in no way accidental." The Archbishop also stated that, quote:

"The violent and tragic events that produced the sinking of a boat where so

many of our brothers and sisters lost their lives are, according to accounts given by survivors, of a roughness that can scarcely be imagined."

As some of us know, nothing ever goes wrong in Cuba without Castro and his puppets blaming the United States. Predictably, Castro blamed the United States for the massacre.

Raul Castro called this an American "anti-Cuba campaign," and "interference by the United States in Cuba's internal affairs." Yes, you heard correctly: it is America's fault that Castro and his henchmen committed a massacre of 40 innocent men, women, and children on the high seas.

The Castro dictatorship claims that it, quote: "thoroughly investigated the event and exhaustively informed its public of how the tragic events occurred." If this were not the tragedy that it was, that claim would be laughable. The fact of the matter is that no one outside of the Castro regime has seen any report. The human rights group Human Rights Watch/Americas states that, quote:

"Cuba continues to deny Human Rights Watch/Americas' request to see the official results of the government's official investigation."

Finally, the Castro dictatorship has also clearly demonstrated that it fears the wrath of its own people by refusing to list who was killed in the massacre or to recover the bodies of those who died on the ocean floor. No one outside the dictatorship knows exactly who was on the boat. That it is why in the resolution we ask that the government release a list of the victims and recover and return to the families the bodies of the dead.

My colleagues, the cold war has indeed ended. But it is still winter in Havana. The miserable and oppressive climate in tropical Cuba will persist as long as we are silent on atrocities such as this. Let us stop turning a blind eye to that fact. I ask you to join with the Archbishop of Havana and freedom-loving people throughout the world in taking the Castro government to task for this act of murder.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DIAZ-BALART] who has been an outspoken advocate for human rights worldwide, but has been effective and particularly tenacious when it comes to the abuses being committed by the Castro regime.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

Mr. Speaker, I rise in support of the resolution submitted to the Congress by the distinguished gentleman from New Jersey [Mr. MENENDEZ] and join, in addition to the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from New Jersey [Mr. SMITH] the gentlewoman from Florida [Ms. ROS-LEHTINEN] the gentleman from Florida, Mr. PORTER GOSS, the gentleman from New Jersey [Mr. TORRICELLI] and so many others who have spoken out with so much vigor and decency and compassion on this tragic incident which I think illustrates perhaps more than any other incident can the nature of the brutal regime that is in power in that island only 90 miles from our coast.

This incident that this resolution condemns and the Congress will condemn today was one of the truly brutal massacres in this century. Certainly I recall very few more extraordinarily brutal massacres in the history of this hemisphere and, of course, it was accomplished, it was committed by a regime that is characterized by many crimes, a regime that is characterized by drug trafficking, a regime, many high officials of which have been indicted by U.S. attorneys. There is a draft indictment of the brother of the dictator, of Raul Castro, a draft indictment by the U.S. attorney for the southern district of Florida. There are indictments of other high officials of that dictatorship, a dictatorship what has been renowned and continues to train terrorists for evil acts throughout the world, a dictatorship that just weeks ago engaged in overt and obvious emigration blackmail to force our Government to sit at the table with it and to enter into a negotiated settlement by which we asked the dictator to do what we go to condemn it years after year in Geneva for, and that is violating article 13 of the charter of the universal declaration of human rights that does not permit nations to prohbit citizens for leaving their own countries.

It is a regime that harbors fugitives from U.S. law and justice, beginning with the de facto minister of crime of the Castro dictatorship, fugitive from U.S. law, a renowned criminal named Robert Vesco, a regime that engages in environmental recklessness, that is drilling like madmen, they are drilling like madmen 90 miles from our shores for oil to desperately keep alive an economy that has been utterly destroyed by the dictatorship.

It is a regime that threatens us with Chernobyl-style nuclear powerplants that it continues to build despite the urging, repeated urging of members of the international community, and more than anything else, it is a regime characterized by murder, and this murder is perhaps the murder that has shocked the conscience most not only of the people of Cuba but of those who are allies of freedom and democracy for the people of Cuba, the murder of over 40 innocent men, women, and children.

□ 1630

This weekend when I was at home, I was reading a series of articles by a Pulitzer Prize winner, in Miami, and she just visited the base, the naval base in Guantanamo, and there she talked; you know, there are 30,000 refugees there, Mr. Speaker, that were caught up and had become pawns in this tragedy between the Castro government and our Government as a consequence of the immigration crisis of this last summer, and they are there, and they wait and wait and wait. They are told they have to wait indefinitely there, and they are not even given the right to seek political asylum as is required by the convention on refugees for every human being. Every human being has the right to seek political asylum.

The 30,000 Cuban refugees languishing in the base in Guantanamo are not even being given the right to seek political asylum.

This Pulitzer Prize winner, Liz Balmaseda, interviewed a 7-year-old boy named Sergio Perodin, Jr. This 7-year-old boy is a survivor of the massacre of July 13. His mother, Pilar Alamanza Romero, and his 11-year-old brother, Yasser Perodin, they went down. They sunk with the *13th of March* on July 13. They drowned. And so Sergio today is at Camp Mike in Guantanamo after his mother and his brother drowned with the 40 others who were massacred by the Castro regime.

Liz Balmaseda writes the boy speaks little; he keeps the tragic sequences of July 13 inside, letting them loose only in fitful sleep. Like everybody else, he waits.

Well, the Congress cannot wait any longer to condemn the massacre of July 13. As the gentleman from New Jersey [Mr. MENENDEZ] stated, the Catholic Church, in a courageous manner within Cuba, stated and described the nature of the brutality, and it has been condemned, but it has not been condemned enough by the international community.

Hopefully today a positive and very important step, a just and proper and important step will be taken by this Congress in condemning the massacre, the brutality committed by the Castro regime on July 13 when it sank the tugboat named the *13th of March* with 40 innocent men, women, and children.

Mr. MENENDEZ. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. ENGEL] who has often and strongly been a voice in behalf of human rights and democracy in Cuba.

Mr. ENGEL. Mr. Speaker, I thank the gentleman who has really led the fight against dictatorship and repression on the island of Cuba.

Mr. Speaker, once again Castro has shown his stripes in one of the most brutal assaults on innocent civilians in this hemisphere; a boatload of 72 Cuban refugees was sunk on July 13 when

Cuban Government ships rammed their vessel and fired high-pressure water cannons at them.

Shortly after it happened, I remember discussing this with the gentleman from New Jersey [Mr. MENENDEZ], the gentleman from Florida [Mr. DIAZ-BALART], and the gentlewoman from Florida [Ms. ROS-LEHTINEN], who could not believe there was such lack of reporting of this horrific incident in the American press and, indeed, the world press. One would really wonder as to why there would be an attempt to try to hush this up.

There was a report in the Miami Herald which said 7 miles from shore the boat was met by Cuban firefighting vessels, and reports indicated that people were sent flying overboard and slamming against walls and railings as powerful hoses shot their water against the tugboat.

In the end, more than 30 people died before the survivors were rescued.

Mr. Speaker, 1 month Mr. Castro kills dozens of refugees escaping his authoritarian government, and the next month he sends thousands of boat people on a dangerous voyage to the shores of the United States. These incidents should dispel any notion that Castro has any sense of decency or any ounce of compassion for his people.

To those who would say that we ought to normalize relations with this brutal, Stalinist regime, I would say that not until the political pluralism comes to Cuba should we even think about it.

It is really amazing to me that the governments of Eastern Europe, the Communist governments of Eastern Europe, have long ago fallen by the wayside. There are very, very few Stalinist repressionist regimes in the world, but Castro is still there; the aging dictator is still there in Havana. It seems to me he has to go and get out of the way and let democracy return to Cuba.

I am, therefore, proud to add my voice in support of House Concurrent Resolution 279, which condemns Cuba for the killings of July 13, and I would like to once again thank my friend and colleague, the gentleman from New Jersey [Mr. MENENDEZ], for offering this resolution and for his leadership on this issue.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in support of House Concurrent Resolution 279, and I thank the distinguished gentleman from New Jersey for yielding me this time.

I also want to commend the Committee on Foreign Affairs for this resolution. It condemns the brutal and deadly incident in Castro's Cuba this summer we have been hearing about. It also remembers those who were deliberately murdered. Those are strong words, but that is what happened on the tugboat the 13th of March by Fidel Castro's goons.

While many individual Americans, I know, have mourned this particular tragic incident and the deaths involved, and some are in my communities in south Florida, some of the kinfolk, the July incident involving the shooting of the Cuban tugboat carrying refugees was actually pretty much unnoticed. It was largely unremarked by the national press and by the Clinton administration.

It has been puzzling to understand why that went on for so long. It was not actually until we had to go to the bargaining tables with Fidel Castro to seek an end to what we euphemistically called irregular departures of Cuban citizens that we started to hear more about this, regrettably, under that agreement we came away with after the Clinton administration bargained with Castro in New York. I am afraid the administration has come up one more time with a short-term quick fix rather than the long-term policy for the genuine change we all know we need.

The agreement actually took the immigration pressure off the State of Florida for a minute, and we in Florida are thankful for that in terms of the disorder that was going on. But it does not get to the root of the problem, and the root of the problem is Castro himself, and everybody knows it.

With each day that passes, Cuba's economy is closer to tumbling down around Fidel. We all know that, too.

I think at this time a stepped-up embargo and a commitment from our allies to cut off Castro's economic lifeblood would solve the refugee problem for good. I do not think Castro has ever hesitated to exploit American weakness. On the other hand, I think we have hesitated far too long to snap the weak link of Castro's regime, and that is his faltering economy, as any observer knows today.

We here are urging that we condemn an act of repression and remember those Cubans who died seeking a better life in America, and as has been so poignantly pointed out by the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Florida [Mr. DIAZ-BALART] and all others who are involved, we are talking about women, children, and innocent victims just trying to get away from the problems of a gone-wrong experiment in Marxist Fidel-land.

I think we have got to start thinking about how we are going to avoid these in the future. These are going to happen again sadly enough, and the bottom line I think for anybody who has looked at this program is that it is time for Castro to go.

We can pass this resolution here in the United States Congress, but it is not going to mean very much unless the President of the United States follows through with some get-tough action, and I hope this will be the trigger that causes that to happen.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

I want to thank my good friend, the gentleman from New Jersey [Mr. MENENDEZ], for offering this. I am very proud to be a cosponsor.

It is a very important resolution. I hope it will have the full support of the House of Representatives.

Mr. Speaker, this summer the waters around the island of Cuba, which have often been the setting of tragedy, but a March day was the setting for an unspeakable crime; the July 13 massacre and premeditated drowning of approximately 40 Cubans was yet another example of the brutality of the Cuban thugs.

For over 30 years the lives of freedom-loving Cubans have been snuffed out by Fidel Castro and the people who work for him in every sort of manner. This time the water cannon was the weapon of choice.

Castro's abominable human rights record is replete with massacres, torture, imprisonment, and terror. Tens of thousands risk their lives to escape with unseaworthy vessels. They often commandeer airplanes to the Florida Keys. They often defy authorities with the power to imprison them when they come forward to tell the truth about Castro.

□ 1640

I remember reading and being moved to tears by the book "Against all Hope," by Armando Valladarres, who served as our ambassador to the United Nations Human Rights Commission which met in Switzerland.

That book clearly demonstrated and showed the kind of repression that is commonplace in Cuba.

Mr. Speaker, in the early hours of July 13, about 70 men, women, and children aboard the wooden vessel which became known as the *13th of March* tug boat steamed out of Havana harbor into international waters. This departure had been detected by Cuban port authorities.

Mr. Speaker, the pursuing tugs knocked the passengers overboard with high-pressure water cannons and then rammed the wooden vessel until it broke apart and sank. Many passengers went down with the tug boat. The death toll, as we all know now, was about 40, including about 20 children.

Today we pay honor and respect to those lives which were lost and extend condolences to the surviving family members. The House of Representatives is poised today to go down on record against this terrible and heinous

act committed by the Cuban government.

We also seek action by our President to pursue a United Nations-supervised investigation into this terrible incident.

Mr. Speaker, this is a very important resolution, and again I hope it has the full support of the U.S. House of Representatives.

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

Mr. MENENDEZ. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, one would think that people of conscience everywhere would respond with outrage to this heinous act.

One would think that the editorial boards of our national media would have immediately responded with horror and put it in print with the same conviction that they ask for a lifting of the unilateral U.S. trade embargo on Castro, as if removing that measure would transform this brutal dictator.

One would think that the international community would uniformly respond with indignation.

One would think that those countries such as Mexico, Spain, and Canada, who are so eager to make a quick, cheap buck in Castro's Cuba would express their indignation by withdrawing their bloodied investment money from Castro's coffers.

One would think so. But sadly, tragically, their response has been silence. Deafening Silence.

I ask: What will it take?

What will it take for the United States Government to act as forcefully with the Castro dictatorship as it has with the regimes of Haiti or racist South Africa?

What will it take for the international community to remove the rose-colored glasses through which it incredibly still views Castro's dictatorship?

What will it take for the world to acknowledge that in Cuba the fundamental problem at hand is not U.S. policy, but the simple fact that there remains in power the Stalin, the Kim Il-Song, the Ceaucescu of the Caribbean?

What will it take to get the lives of 40 men, women, and children remembered? How much more cruelty will have to come out of Fidel Castro before the world responds with outrage? How much? I sincerely hope that it does not take another brutal act such as this.

Let me take just a moment to talk about America's perspective toward the Castro dictatorship. Mr. Speaker, no country on this planet has been so supportive of democracy and human rights throughout the world than has the United States of America. No country on this planet has been a stronger opponent of tyranny and oppression worldwide than has the United States of America. No people have embraced the cause of those who have been victimized by Communist dictatorships than have the American people. No people have been as supportive of the oppressed people of Cuba than have the American people. The American people should be proud of that. As an American of Cuban descent, I certainly am.

But it is a shame, a terrible shame and disgrace, that some of our own allies throughout the world have not stood in solidarity with the people of Cuba at the time of their most critical need and terrible suffering. History will record this.

There are over one million Cuban-Americans in this country. Each and every one of them will never forget that in their time of desperation, the American people were there. Each and every one of them will never forget that when it came time to denounce the brutal Castro dictatorship, when it came time to say no to Fidel Castro, America was there—and always has been.

Mr. Speaker, today, once again, the American people, through their elected representatives are there: they are there to speak out loudly in behalf of freedom and boldly against the continuing brutality of the dictatorship of Fidel Castro. Fidel Castro may not like it; Fidel Castro's allies may not like it; and Fidel Castro's friends may not like it: but that has never stopped the American people from standing up for what is right, and it won't stop them now.

One of the survivors of the tugboat sinking, Janet Hernandez Gutierrez, asked the following of Castro's thugs at Villa Marista, state security headquarters, when she was taken in for questioning, quote.

I asked them in Villa Marista that what will become of those responsible for sinking us, the murderers of our children and relatives. Because there are children who lost their mothers. My nephew, for example. He knows he lost her, because that is the saddest part, that he knows he lost her. And he asks me in a childlike manner—I wish he were here because he is a much better witness than I because a child is worth so much—he asks why the frogmen who dive to put fish in the aquarium—why can't they recover his mother and his little brother.

Sadly, we cannot tell Ms. Hernandez what will become of the murderers. We cannot return her nephews' mother and sister to him. But we can condemn this massacre and let the world know about it. That is the purpose of this resolution. Let us all, as citizens of the greatest nation in the world, denounce the brutal massacre of 40 men, women, and children by the dictatorship of Fidel Castro. Let us never cease to condemn human rights violations whenever and wherever they occur.

Mr. Speaker, I submit the following documents for the RECORD:

STATEMENT BY CHRISTINE SHELLY, ACTING SPOKESMAN, DEPARTMENT OF STATE

CUBA: SINKING OF TUGBOAT

Cuban government vessels fired high-pressure water hoses at the tugboat "13th of March" in an attempt to stop those aboard the vessel from fleeing Cuba on July 13. These vessels are also reported to have rammed the "13th of March" in an attempt to stop it. An official Cuban government statement admitted that there was a collision as these pursuing vessels maneuvered to intercept the "13th of March," causing it to sink. Thirty-one people were reported rescued, [with perhaps forty others—including many children—having drowned in the incident.] There have now been reports that mourners are being harassed or detained by authorities.

We continue to receive information from survivors and next of kin that this was not an accident. We support the plea of the Archbishop of Havana for a full investigation of the tragedy, and call on the Cuban government to cease such violent acts against its own citizens.

DEPARTMENT OF STATE,
Washington, DC, September 20, 1994.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This letter is to express our support for H. Con. Res. 279, which condemns the July 13, 1994, sinking of the "13th of March", a tugboat carrying Cuban citizens.

We fully share the sense of outrage expressed in that resolution over the incident, the loss of life and the conditions within Cuba that provoked the refugees to flee their homeland. In addition to President Clinton's condemnation referred to in the document, the State Department issued a strong statement on July 22. At Secretary Christopher's request, our Permanent Representative to the United Nations wrote to Secretary General Boutros-Ghali to advise him of the tragedy and to ask him to join in the call for an investigation. We also informed the United Nations High Commissioner for Human Rights, Jose Ayala Lasso, of the incident and suggested that he give it his attention. We shall continue to work closely with the Secretary General and High Commissioner in this matter.

Subsequent to the drafting of H. Con. Res. 279, Fidel Castro relaxed restrictions on the departure of Cubans with the implicit threat of launching another Mariel exodus, and the number of Cubans leaving on rafts and other unseaworthy vessels with a U.S. destination climbed markedly. In the course of responding to this challenge, the President stressed on August 20 that we would continue to bring before the United Nations and other international organizations evidence of Cuban human rights abuses, such as the sinking of the tugboat "13th of March."

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

DEPARTMENT OF STATE,
Washington, DC, September, 26, 1994.
Hon. ROBERT MENENDEZ,
House of Representatives.

DEAR MR. MENENDEZ: Secretary Christopher has asked me to respond to the letter that Rep. Ros-Lehtinen, Rep. Diaz Balart and you sent him on July 28, 1994, regarding the "13th of March" tragedy. We regret the delay in responding to your letter, which arrived just as the recent Cuban migration crisis began.

We fully share your sense of outrage over the incident, the loss of life and the conditions within Cuba that provoked the refugees to flee their homeland. In addition to President Clinton's condemnation on July 18, the State Department issued a strong statement on July 22. Ours has not been the only voice of international outrage. The Archbishop of Havana called upon the Cuban government to investigate the tragedy; the governments of Spain and the Czech Republic have made similar demands.

At Secretary Christopher's request, our Permanent Representative to the United Nations wrote to Secretary General Boutros-Ghali to advise him of the tragedy and to ask him to join in the call for an investigation. We also informed the United Nations High Commissioner for Human Rights, Jose Ayala Lasso, of the incident and suggested that he give it his attention. We shall continue to work closely with the Secretary General and the High Commissioner in this matter.

Furthermore, in the course of responding to Castro's migration challenge, the President stressed on August 20 that we would continue to bring before the United Nations and other international organizations evidence of Cuban human rights abuses, such as the sinking of the tugboat "13th of March."

We hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

STATEMENT BY THE PRESIDENT

Over the past two weeks, the government of Cuba has taken actions to provoke a mass exodus to the United States. These actions have placed thousands of Cuban citizens at risk in small boats and rafts, and have had a direct impact on our national interest.

I want to thank the Cuban American community for their courageous restraint in not taking their own boats to Cuba to fuel the exodus, and thank the officials of Florida—Governor Chiles, the congressional delegation, the people from Dade County and others—who have worked so closely with us.

Yesterday, I announced steps to counter Castro's efforts to export his problems by provoking an exodus. Today, I'm announcing additional actions consistent with the Cuban Democracy Act to limit the ability of the Cuban government to accumulate foreign exchange and to enable us to expand the flow of information to the Cuban people.

Specifically, cash remittances to Cuba will no longer be permitted. Family gift packages will be limited to medicine, food and strictly humanitarian items; and transfer of funds for humanitarian purposes will require specific authorization of the Treasury Department. Second, the only charter flights permitted between Miami and Havana will be those clearly designed to accommodate legal immigrants and travel consistent with the purposes of the Cuban Democracy Act. Third, the United States will use all appropriate means to increase and amplify its international broadcasts to Cuba.

The solution to Cuba's many problems is not an uncontrolled exodus, it is freedom and democracy for Cuba.

The United States will continue to bring before the United Nations and other international organizations evidence of human rights abuses, such as the sinking of the tugboat "13th of March." Meanwhile we will pursue this course with vigor and determination.

STATEMENT OF CONGRESSMAN ROBERT MENENDEZ

I join my colleagues from Florida and New Jersey in calling upon the Cuban-American community to continue showing restraint in the fact of taunts by Fidel Castro to create another exodus like we had in 1980. Castro continues to inflict pain upon the Cuban community both in Cuba and in exile, by seeking to exploit the strong yearning for family reunification.

However, we all know that the only reason that Castro seeks to create another Mariel-type exodus is to release the pressure valve building within Cuba. Castro cannot sustain the public demonstrations that have taken place in unprecedented numbers, and the constant civil disobedience that human rights activists, and average Cubans exhibit by taking to the seas in search of freedom. He seeks to divert attention from his own abuse of human rights and acts of murder, such as the deliberate killing by the Cuban Government of 40 innocent men, women, and children on the high seas.

I believe that at long last we are witnessing the beginning of the end for the Castro dictatorship. Last Friday's demonstrations represent a watershed event in totalitarian Cuba, as similar demonstrations did throughout Eastern Europe. The Cuban people are saying loud and clear that they no longer fear Fidel. Ladies and gentlemen, the Castro regime has begun to unravel.

In my view the disturbances will continue. Castro's headaches will not go away. His grip on power will continue to loosen as Cuba's failed economy continues to go down the drain; and, as the Cuban people make clear to Castro: "Mr. Dictator, we have absolutely no fear of you."

However, I call upon the Clinton administration not to play into Castro's hand by treating this latest threat as simply an immigration problem. If we do so, we will once again have let him set the agenda and divert the attention from the real problem; namely, the lack of economic and political reform.

The real solution to the problem is not the exodus of 100,000 or 200,000 people, but the departure of one tyrant.

The present situation is not only a challenge but an opportunity. Now is the time to use our technology to make sure that both radio and television Marti fully penetrates Cuba so that we can communicate with the Cuban people. We have the ability to make sure T.V. Marti's signal reaches a greater part of the population by transmissions from ship to shore, air to shore, satellite transmissions, or by raising the level of T.V. Marti's present signal technology. The powerful images that the average Cuban would see, the risks of dying at sea, the funerals that have taken place, how we debate these issues in Congress, as well as the images of fellow Cubans demonstrating against the dictatorship would stem the tide of immigration, show how democracy works, and foster hope for democratic change in Cuba.

The administration must have the will that others have lacked to give the people of Cuba, who live in a closed society, an open window on the world. Fidel Castro has challenged our national security at a time that we find ourselves busy in both humanitarian missions in Rwanda and the restoration of democracy in Haiti. It is in the national interests to respond by providing free and unfettered information to the Cuban people.

This is also the time to respond to my singular call to prepare for a post-Castro Cuba. Immediate support for my Free and Independent Cuba Assistance Act would send a message to the Cuban people and the international community that we are in solidarity with the Cuban people, that we want to assist them, but that we oppose the dictator that enslaves them and keeps them hungry. Finally, we must break Castro's stranglehold in making this a problem between Castro and Washington, or Castro and the exile community in Miami. Since there are no Democratic elections in Cuba, the Cuban people are voting with their feet, by risking their lives and fleeing Cuba. They have also voiced their discontent by massive demonstrations, funeral observances in defiance of government admonitions, and other acts of civil disobedience.

It is time for the Clinton administration to seek a resolution in the United Nations condemning the Castro Government for the murder of the 40 innocent men, women, and children aboard the vessel, *13 De Marzo*.

It is time for the administration to get other member countries, especially within the Western Hemisphere, to call for U.N. human rights observers to be sent to Cuba. They could observe the admitted actions of the rapid response brigades' brutality of average Cubans, whom Fidel Castro calls private citizens not government thugs. Civil society in Cuba is disintegrating and human rights abuses are at an all time high.

It is time to internationalize the concern for the rights of Cuban citizens and break the myth that this is strictly a Castro versus Washington problem. This is a problem of hemispheric proportions which those countries who call themselves democracies cannot ignore as they seek greater hemispheric integration.

It is time to be proactive, not reactive. It is time to stop dancing to Castro's tune, and time to change the music. History will do justice to the Castro dictatorship. Once Castro wrote, "History will absolve me." Instead, history will condemn him. Let us not absolve Castro by blaming the U.S.: The blame rests squarely with Fidel Castro.

TRANSCRIPT OF PHONE INTERVIEW WITH SURVIVORS—RADIO MARTI

Last Wednesday, July 13, 1994, a group of approximately 72 people tried to escape from Cuba on the tugboat "13 de Marzo" (Thirteenth of March). Just after sailing from dock 06 at the Port of Havana, they were discovered and chased by the Castro regime's coast guard. About seven miles from the port, they were sunk by the regime's forces. What follows are details concerning this event in which over 20 children died, among others.

From Havana, translation of testimony of Maritza Exposito Torres, Vice-President of the Pro Human Rights Party of Cuba:

"We have obtained the direct testimonies of some of the survivors of the catastrophe perpetrated by the Cuban government on over 70 Cubans that were escaping on board a tugboat from the Port of Havana.

"At dawn on July 13, a tugboat with 72 people on board left Havana Bay with the intent of clandestinely leaving the country.

This group was comprised of about 30 women, 20 children, ranging in age from four months old to 3, 8 and 10 years of age, and several young people nearing their teen-age years. The remainder were men.

"The boat left at 3:00 a.m. About 45 minutes later, having advanced nearly seven miles out to sea, they were intercepted by another tugboat, this one Japanese-built, which tried to overturn those aboard in order to throw them into the sea. Another tugboat soon joined the first one with the same objective. The refugees were trapped between these two boats, which then began to spray them with high-pressure water hoses. These tore the clothes off the women, knocked them down, and shot the children out of their arms.

"The mothers screamed and implored the attackers to stop shooting the high-pressure water because they could drown the young ones and damage the eyes of those on board. The Castro officials continued using the hoses, trying to asphyxiate the refugees, including the children. Many of the men, women and children on board were injured by the water pressure and thrown violently against the bulwarks of the boat. Seconds later, a third tugboat appeared and attacked from behind, splitting in two the refugee's boat, which was an older model from the World War II era.

"The attackers, upon seeing that the refugees were struggling to save their lives, continued to try to sink them by striking their boat and using the water pressure. After nearly an hour of battling in the open sea, they circled their ships round the survivors, creating a whirlpool so that they would drown. Many disappeared into the sea and lost their lives.

"A 'Griffin' then arrived at the scene, picked up the survivors and took them to Jaimanitas, where they were detained until 4:00 p.m. that day and later taken to secret police headquarters at Villa Marista. There, they brought in personnel to pick up those children that were left without parents, mothers without their children, wives without their husbands and so on. The men were all detained, among them the owner of the boat, Raul by name, who is in Villa Marista.

"As of this moment, the exact number of victims is unknown, but according to the testimonies of the survivors Mayda Tacoronte Vega and Maria Garcia Suares, half of the 72 people on board died.

"Among the survivors are: Mayda Tacoronte Vega, 28-years-old; Milena Labrada Tacoronte, 3-years-old; Ramon Lugo Martinez, 29-years-old; Daisy, 27-years-old; Darney, 3-years-old; Susana, 8-years-old; Raul Muniz, 22-years-old; and Janetta, 18-years-old.

"Among those missing are: Leonardo Notario Gongora, 27-years-old; Marta Caridad Tacoronte Vega, 36-years-old; Caridad Leyva Tacoronte, 4-years-old; Yousel Eugenio Perez Tacoronte, 10-years-old; Magalys Mendez Tacoronte, 16-years-old; Odalys Muniz Garcia. All are residents of the municipality of El Cotorro.

"The survivor from the municipality of Guanabacca is named Maria Luisa Garcia Suarez. Those who have disappeared from Guanabacoa are: Joel Garcia Suarez, 24-years-old; Mario Gutierrez, 35-years-old; and the younger son of Maria Luisa Garcia, 9-years-old.

"The homes of the survivors as well as those of the dead in this tragedy caused by the government are under the strict vigilance of the regime's repressive machinery.

"The facts narrated here were verified by Nelson Torres Pulido, Secretary General of the Pro Human Rights Party of Cuba (PPDH), Ramon Ferreiro, Municipal Delegate of the PPDH in El Cotorro, and Leonardo Lauret, activist from the Municipality of Guanabacoa."

TESTIMONY OF JANET HERNANDEZ GUTIERREZ, 19 YEARS OF AGE, SURVIVOR OF THE INTENTIONAL SINKING OF THE TUGBOAT "13 DE MARZO"

The massacre took place before dawn on July 13, 1994.

When we set sail everything was going very well. There was no one, nothing in our way, no obstacle. When we were coming out of the bay we saw two tugboats at the mouth of the bay, where we were exiting. They let us through. But when we were outside the bay they started throwing cannons of water at us. Constantly. They did not take them off of us, knowing there were children * * *

When we reached the seven miles the cannons of water were high pressure, a terrible force. We were holding the children, fearful that they would fall. The men were with us, fearful that we would fall. But so that they would see what there were women and children aboard, we had to come out on deck, so that they would be certain of that and would not commit murder.

When we were at 7 miles, we see that they speed up and they pull up alongside of us. And then we could not see the Cuban coast, because we could see nothing; not the lights of the Malecon [Havana seawall] or of the lighthouse, nothing. They start hitting our boat, the tugboat "13 de Marzo". We were afraid, not for ourselves, but for the children, Because if it were just ourselves it would not matter, but there were children. Children from 5 months of age and up.

When we lifted the children, they saw them—because they did see them—we started to scream, "please, please don't do this", but they did not listen. Even a young man who was with us, Roman, who is currently in prison, yelled at one of the ones in the other tugboat, "Chino, don't do that. Look, we have children", and he showed his three-year-old step-daughter. If he does not lower the child at that moment the little girl would have been killed with the cannon of water. They did not fire weapons at us but they never said "stop" with their loudspeaker or nothing. They simply let us exit the bay and they attacked us at seven miles where there would be no witnesses. You know that in the open sea there are no witnesses.

When they continue to hit our boat, a second tugboat comes up from behind. The biggest one of the tugboats. It was green with a red stripe, a red line. He hits us and breaks half of our boat from behind. Then, at the moment, two of the men almost fall overboard, among them my husband and Roman, the young man who had yelled that there were children onboard.

When this happens, the boat is unmanned because the captain, Fidelsio Ramel, is thrown overboard with the cannons of water. They throw him to the water. He disappeared. He disappeared just like that. And when Raul, the one who is now being blamed, realizes that the boat is unmanned, he takes charge. He had an idea as to how to sail the tugboat because he had been first-mate of another vessel, not really related to a tugboat, they were different craft. Then, with his general idea of sailing, he tries to help, to save us, because already the boat had taken so much water from the cannons, because they aimed right to the hold of the boat, straight for it, in the faces of the children. The children even had to lower their faces because they were breathing in the water, swallowing it.

By then we knew we were going to sink, because it was something I just knew, I had a feeling they were going to kill us. Because otherwise, they would have stopped. Rual stopped the tugboat. And when they see that Rual stops it, they did not forgive that nor respect that Rual did that. They just sank us * * * in the following manner.

The tugboat that breaks our stern comes around the front. In other words, there was no way that boat was going to stay afloat. It was sinking, with all of its weight in the middle from all those people who were in the hold. There were around 72 people, most of them women and children. Men made up the least fatalities. But those men [survivors] did what they could to save us. When we sink, many people float. But the tugboats reversed and moved back some meters. But they did not throw us lifesavers not did they offer any type of assistance. One of the tugboats threw a lifesaver far from us, so that we would not be able to reach it

When the tugboat broke our stern, a wooden box from our boat falls to the water, several meters away. When you are in the water, those meters are far. We could see the box far away from us and many people were unable to reach it. Then the whirlpool created by the tugboats swallowed them up. My sister-in-law, Pilar Almanza Romero and her son Yasel Perodin Almanza were there. Uncle Gayol, Manuel Gayol, was in the hold of the boat. Those are three of my family that I lost.

When my husband saw this, you can imagine, he went mad. My brother-in-law to, but he was trying to save the other boy. Then we both tried to reach the other boy. But when I tried to move I feel that my nephew, the one who drowned, is holding me by the foot. When I reach for him, he was clinging to my tennis shoe and he was swept away. I could not reach him. It was terrible.

Then when I see that my brother-in-law emerged with Sergito, the youngest of my nephews, I felt tremendous relief because at least I still had one of them, do you understand? Then I took him, we kept him.

Then a "grifin" arrived [coastguard vessel]. Later a small speedboat arrived and picked up six or seven people, including a little girl who looked like a toad, swollen with all the water. But her mother had managed to save her. The little girl of three years of age survived. When we saw this * * *

We stayed until dawn in the "grifin". When I boarded the "grifin" I insulted them. I told them they were murderers. I told them everything I could think of. I told them they have no mercy with children, because here in Cuba they say that there are many privileges for children and the old. But they even let old people drown there. And many children. Nearly 23 children dead there.

The town is in an uproar. People are desperate for a bit of information, anything that is known about the corpses that remain captive in the hold of that boat. Roberto Robaina [Cuba's Minister of Foreign Relations who lied to the world press about this tragedy], he says that we knew the boat had a malfunction when we left port. Do you really think that we would have risked the lives of children and women knowing there was a malfunction? Knowing that there is so much sea to cross? Because when you look in a map there does not seem to be much distance but in real life there are 90 miles, do you understand? Then they say that that tugboat was a relic of World War II. That is true. It was very old. Made of wood. But it

had just been repaired. (Some of the victims/survivors had access to information and to the port itself. They had knowledge that the boat was in working order.)

When I went to Villa Marista [national headquarters of State Security or political police] to take my husband and brother-in-law some personal toiletries, I asked them [Villa Marista] why did the newspaper report that the boat capsized, that it sank because of our negligence? I told them that was not so, asked why they lied. They became extremely agitated. They asked me what I was inferring. They called me every kind of name * * * "worm, counterrevolutionary". And I accepted that because I am against this government. And I will say that anywhere. I know that I will be persecuted, because all of the survivors are under intense surveillance * * *

But I asked them in Villa Marista that what will become of those responsible for sinking us, the murderers of our children and relatives. Because there are children who lost their mothers. My nephew, for example. He knows he lost her, because that is the saddest part, that he knows he lost her. And he asks me in his childlike manner—I wish he were here because he would be a better witness than I because a child is worth so much—he asks why the frogmen who dive to put fish in the aquariums, why can't they recover his mother and his little brother. (The Cuban government claims they do not have frogmen available to recover the bodies. Yet they have an ongoing underwater program to, among other activities, stock aquariums which are used for the entertainment of tourists.)

This section mentions events after the massacre took place:

The "Polargo 5": "The captain of this tugboat is Jesusito (Jesus Martinez). He was the one who rammed into us from behind and cracked the boat, then came to the front and sank us. This man, coming with this horror, this cynicism, with that murder he committed, that he provoked, they call him the hero now at this time, in his company, they are calling him the hero at his company, the "Navegación Caribe". Then this "Polargo 5", they want to take it to Nuevitas, to wait for everything to calm down, but what they don't know is that this isn't going to calm down.

FUNERAL RALLY AT FIDEL CASTRO'S MISSION TOMORROW

Today, on the anniversary of the beginning of the Cuban revolution, the Cuban American community will hold a funeral rally at Fidel Castro's mission in Washington. The event will take place in memory of 43 Cuban men, women and children who were massacred by the Cuban regime last July 13, when their attempt to escape the island was thwarted by government forces. The Cuban Catholic bishops in a message to "all Catholics and all Cubans" have called for an investigation, and his Holiness Pope John Paul II sent a message to the families of the victims expressing his "condolences."

In the early hours of July 13, 1994, an old tugboat sailed from Havana harbor with 74 persons aboard. Seven miles off the Cuban coast four government fireboats intercepted them, opening their power hoses on them. The water barrage knocked some of the would-be refugees into the ocean. The fireboats then rammed the tugboat and split it in two, sinking it. 31 people (6 children, 5 women, and 20 men) were rescued by Cuba's Frontier Guards; 41 people including 14 children drowned.

According to survivors, those aboard the tugboat had offered no resistance. The Miami Herald in an editorial also reprinted in the editorial page of The Washington Post reported that "the escapees even held up some of the small children for the attackers to see, screaming that more than 20 children were on board." One of the survivors, Mrs. María Victoria García Suárez, whose ten-year-old son slipped from her hands while in the water, was interviewed by Miami's TV Channel 51. She also lost seven other members of her family.

The bishops' statement and the foreign media coverage forced the Castro government to change its initial explanation that the tugboat sank due to a leak caused by an accidental collision. Mrs. Garcia Suarez, who was detained by State Security police after her TV interview, was released after her neighbors protested. Others remain in custody. The Cuban government has tried to prevent memorial services for the victims, fearing a public demonstration in Havana. The regime also has refused to recover the bodies of those who remain inside the sunken tugboat. The Cuban government's response to the bishops' statement and to international outrage over the incident has been to increase repression against the dissidents who protested this massacre, and the friends and relatives of the victims.

Havana has stepped up its interference with Radio Martí. We call on the Organization of American States, the United Nations, and the press, to call Castro to account for this crime.

Of Human Rights and Casa Cuba urge all people of good will to join the Cuban American community in a funeral procession in front of the Cuban Interests Section on 16th St., NW at noon on July 26, 1994.

We will pay our respects to the memory of these most recent victims of Fidel Castro on this July 26. The Cuban Revolution which started on July 26, 1953 is over. While the eyes of the world focus elsewhere in the Caribbean, Castro's regime now in its 35th year remains in power through the use of terror.

Cuba Sí, Castro No!

[From the Miami Herald, July 19, 1994]

SINKING OF TUGBOAT OFF CUBA "BRUTAL," CLINTON SAYS—SYMBOLIC WAKES STAGED IN HAVANA, SOURCES REPORT

(By Cynthia Corzo)

The sinking of a refugee-laden tugboat by four Cuban fireboats Wednesday—an incident in which about 40 people were reported missing or dead—has aroused the anger of Cubans on the island and a strong condemnation from President Clinton.

"It's a human tragedy," said Clinton, who was in Miami on Monday to attend the opening of the National Council of LaRaza's annual convention. "I deplore it as . . . another example of the brutal nature of the Cuban regime."

According to sources in Cuba, symbolic wakes to honor the dead have been staged in the Havana suburbs of El Cotorro and Guanabacoa.

"They're sowing the seeds of the people's wrath," David Buzzi, a human rights activist, said in a phone call from Havana. "It's a criminal act and the people cry for justice."

A Mass for the dead will be said today at 2 p.m. at the Havana Cathedral, according to information received Monday by the Cuban American National Foundation.

Traditionally, public demonstrations in Cuba have been quashed by the authorities, and demonstrators are often imprisoned.

"The people have taken to the streets," said Mercedes Marrero, 46, a Miami resident with relatives in Cuatro Caminos, a Havana neighborhood. Six of those relatives were in the tugboat; three are missing and presumed dead; three survived. The tugboat reportedly carried 72 people when it was rammed and sunk by fireboats. The crews of the fireboats "committed murder," Marrero said. "Those poor innocent people [on the tugboat] were seeking freedom."

A nephew in Cuba told Marrero in a phone call that, after knocking refugees overboard using high-pressure hoses, the fireboats made eddies to drag the people underwater.

Most of the people died inside the tugboat, Marrero said, when the fireboat crews aimed their hoses at the hole and filled it with water.

Cuban officials in Washington rejected the accounts of the survivors and their relatives, calling them "lies."

"This is all part of the campaign against the Cuban revolution," said Rafael Dausa, a special envoy at the Cuban Interests Section.

Dausa said the Cuban government "is doing everything possible to bring this unpleasant incident to an end."

MURDER AT SEA

Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their watery deaths by Fidel Castro's government? The "prudent" silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification.

Would this complicitous silence greet the murder of innocent men, women, and children fleeing other places? The murdered refugees' only crime was to make a desperate attempt to flee Cuba. Soon after the group of 72 began their escape aboard a decrepit tug, Cuban fire fighting boats attacked them. According to eyewitnesses, the refugees signaled their readiness to surrender and to return to port. The escapees even held up some of the small children for the attackers to see, screaming that more than 20 children were on board.

Such pleas did not deter Castro's men, who turned potent fire hoses on the refugee vessel, sweeping passengers overboard. The pursuit craft then rammed the tugboat repeatedly, capsizing it. Tragically, all of the children hiding in the tug's hold apparently died. The adult survivors are in jail. Where on earth is a mute world's conscience?

Countries with substantial investments in Cuba—Spain, Mexico, and a few others—have a special obligation to denounce this crime perpetrated by Cuba's government against the unarmed refugees. Like investors in the South Africa of apartheid. Cuba's foreign business partners ought to feel particularly ashamed of the actions of the regime that their capital is helping to sustain.

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CHURCH ASSAILS TUGBOAT TRAGEDY

HAVANA.—Cuba's Roman Catholic Church Tuesday condemned the sinking of a tugboat stolen by a group of Cubans trying to leave the island, calling it "in no way accidental," and demanded that those responsible be held accountable.

Archbishop Jaime Ortega, the head of the church in Cuba, condemned the tragedy in a forceful statement on the sinking, allegedly after the tugboat was rammed by a government vessel trying to intercept it, and delays in rescue efforts.

Some 40 refuge seekers, including women and children, are reported to have drowned in the sinking.

"This adds to the pain, a sense of astonishment and a demand for the facts to be cleared up and for responsibilities to be cleansed," Ortega said in his statement.

"The violent and tragic events that produced the sinking of a boat where so many of our brothers lost their lives are, according to the accounts given by survivors, of a roughness that can scarcely be imagined."

Cuban authorities have said that 31 people were rescued and an unstated number of people were missing after the tug sank before dawn last Wednesday, north of Havana.

One survivor, however, told foreign reporters last Friday that the stolen tugboat was sprayed for some time with pressure hoses by pursuing vessels. She said it sank after being hit on one side.

Ortega's statement said it was known that the church did not condone people trying to leave the island in fragile vessels, sometimes with small children on board. "But the magnitude and the causes of this tragedy give it different characteristics," he said.

An Interior Ministry statement, over the weekend, said that the tugboat used by the group, a Transport Ministry Maritime Services vessel, was leaking before it was stolen.

CUBA BLAMES U.S. POLICY IN TUGBOAT DEATHS

(By Mimi Whitefield)

Cuban Armed Forces Minister Raul Castro chastised the United States for whipping up "anti-Cuba hysteria" Tuesday and blamed U.S. policy toward Cuba for the recent deaths at sea of more than 30 Cubans fleeing their homeland.

In a rare turn of events, President Fidel Castro ceded delivery of the traditional July 26 speech that commemorates the beginning of the Cuban revolution to his brother, the second secretary of Cuba's Communist Party.

However, the Cuban leader was seated in the first row during the 45-minute speech delivered on the Isle of Youth off Cuba's southwestern coast.

"For the lives lost in the depths of the ocean, the U.S. administration must stand in first place among the accused for its permanent aggressive attitude against our country, including the immigration policy toward Cuban citizens," Raul Castro said.

U.S. policy, he said, encourages Cubans to leave the island in flimsy rafts and hijacked boats and planes because they are treated as heroes when they arrive by such means, while at the same time they are blocked from migrating legally because the United States issues so few visas.

"The gates of our country are open to those who want to emigrate legally," said Castro. Despite his claims, Havana has held up exit visas for years in some politically sensitive cases.

Castro criticized the organizers of all ill-fated July 13 expedition to the United States that ended when a Cuban government vessel rammed a hijacked tugboat, causing it to sink. Havana says it was an accident; some survivors say otherwise.

Thirty-one people were rescued, but 32 others apparently drowned when the tug went down seven miles out to sea after being pursued by government vessels.

Castro said the wooden tugboat was 115 years old, seaworthy only inside the port of Havana and was meant to carry only four people.

The pursuing Cuban boats, he said, tried to prevent the tugboat from making a "death trip" because it was "destined to sink well before it would reach port." He did not acknowledge any role the pursuing Cuban boats may have played in causing the tragedy.

And Castro said that neither the U.S. State Department nor the Senate nor President Clinton "had any right to meddle in an event that is under the exclusive jurisdiction" of Cuba. The United States has been highly critical of Cuba's role in the tragedy.

"We reject with all our energy the anti-Cuba campaign and the interference in our affairs by the United States," he said.

The fact that the armed forces minister devoted so much of his speech to the tugboat incident is an indication of the consternation that incident has provoked inside Cuba. This week the two main topics of conversation in Havana were the sinking of the tugboat and the food shortage.

Still, the fact that Raul Castro gave the July 26 speech nearly overshadowed what he had to say.

Cuba officials said Fidel Castro didn't give the speech as he traditionally does because it followed so closely on the heels of his two-day visit to Colombia for the signing of the document creating the Association of Caribbean states.

"There's nothing mysterious about this. He [Raul] has given the speech a few times in the past. It's because Fidel was out of the country," said Rafael Dausa, a spokesman at the Cuban Interests Section in Washington.

But the Cuban head of state was back on the island Monday evening—in plenty of time to make the ceremony marking the 41st anniversary of the assault on Moncada Barracks, the failed attack that is regarded as the first battle in the Cuban revolution.

Among diplomats there were two other schools of thought on why Raul gave this year's speech. One was that with the Cuban economy in such dismal shape, there would be little good news to report and Fidel Castro preferred to keep his distance.

Another was that by allowing Raul to give the speech it would strengthen his image and showcase him as a potential Cuban leader. Raul, 63, is the heir apparent to his older brother, who will be 68 in August.

"This may be an attempt to bring Raul out of the shadows as well as to try to give the impression that Fidel is taking something of a back seat, that he's not the only one running the show," said Wayne Smith, who headed the U.S. Interests Section in Havana from 1979 to 1982.

Party leaders say the Isle of Youth was chosen as the center of this year's national holiday in homage to Cuba's youth—a numerically important group that has become increasingly disenchanted with the revolution.

Some 45 percent of the Cuban population is 30 years or younger, and thousands of Cuban and foreign students attend boarding schools on the Isle of Youth and help cultivate its citrus crop.

Since the Communist Party Congress in 1991, a process has been under way to bring a younger generation of Cubans into leadership positions.

"There have always been people for whom the concepts of homeland and independence don't signify anything . . . but the immense majority of our people profoundly love their homeland and its history," Raul Castro said.

DEMONSTRATORS AT CUBAN MISSION IN WASHINGTON PROTEST TUGBOAT SINKING

WASHINGTON.—More than 100 people rallied outside Cuba's diplomatic mission Tuesday to protest an incident in which about 40 Cubans reportedly drowned after their tugboat was rammed by government fireboats during an escape attempt.

According to reports, this tugboat was intercepted seven miles at sea on July 13 by four fireboats, which sprayed the vessel with power hoses before ramming it.

Thirty-one of those aboard were rescued.

A call by the archbishop of Havana for a full investigation has received support from the State Department.

Several of the demonstrators involved in the Tuesday protest were detained after chaining themselves to a fence at the Cuban mission. Among them was Armando Valladares, former U.S. ambassador to the U.N. Commission on Human Rights.

The protest occurred on the 1st anniversary of President Fidel Castro's debut as a guerrilla fighter.

CALLING CUBA TO ACCOUNT

Did we need yet another example of how brutally inhumane the Castro government is? Should further proof be needed, none could be more graphic than the deliberate sinking by Cuban government vessels of a boatload of refugees July 13. Bad as they are, not even the generals in Haiti have resorted to such means.

More than 70 people were packed on an ancient tugboat from Havana when the ship was intercepted at sea, seven miles from Cuba's shores en route to Florida. Despite the fact that the refugees immediately surrendered, they were sprayed with waterguns from one ship, which knocked them over and knocked children out of their mother's arms. Many were swept off the deck and into the sea. Two other government ships rammed the hull of the tugboat, which split in two and sank.

Some 40 people perished in the tumultuous waters, as well as an uncertain number of children seeking protection from the waterguns in the hull of the ship. One survivor, interviewed on video by a group of foreign journalists in Havana, told of finding herself in the water trying to save her young son, holding on even after the child had drowned, but finally having to let go from

sheer exhaustion. Eventually, a Cuban coast guard vessel appeared and picked up survivors, about 31 people. The men were sent to prison. The women and children were released, but continue to be under surveillance.

President Clinton, during his trip to Miami July 18, denounced the act as an "example of Cuban brutality," and so it certainly is. Many others have protested as well. On Friday, the Senate passed an amendment to the State, Commerce, Justice Appropriations Bill condemning the action and requesting U.N. Ambassador Madeleine Albright to urge an investigation of the incident as well as to demand the release of the survivors. That would seem the least we can do. And most visibly, of course, a group of Cuban-American protesters on Tuesday blocked the entrance to the Cuban Interests Section on 16th Street NW in protest. They asked that the Cuban government hand over the bodies of the dead retrieved from the hull of the ship, which Havana has refused to do, as it has refused to open an investigation.

As might be expected, the Cuban government has rather a different story. It goes something like this: The ship was old and unseaworthy; it sank by an accidental collision with one of the other ships; the survivors were only rescued by the unselfish efforts of Cuban sailors. Furthermore, it's all the fault of the nasty American government. The refugees wouldn't have been at sea at all, were it not for the dastardly U.S. policy of enticing them to Florida with promises of asylum—so Cuba's first deputy president, Raul Castro, brother of Fidel, ranted in a speech on Tuesday.

Perhaps you could turn Mr. Castro's argument around. These people wouldn't have been at sea in the first place had they not lived in a country governed by a regime so awful that the use of terror is the only way to make its people stay.

STORY OF TUG'S SINKING INCITED CUBANS—DROWNINGS THAT LAUNCHED EXODUS OF RAFTERS MAY BE PORTENT

(By Tod Robberson)

GUANABACOA, CUBA, Sept. 10—An aging tugboat crumbled beneath its terrorized passengers on the high seas. By the survivors' account, water pounded against them as weary men, women and children gasped for air and tried to keep afloat. Mothers desperately tried to tread water with one hand while clutching infants, then finally lost their grips and condemned their babies to death by drowning. Help was at hand on other boats, but they turned away.

The story is not among those of the 20,000 Cuban raft people who set out to sea over the last month after President Fidel Castro opened the doors to emigration. Rather, it is the survivors' version of what happened earlier, when Castro's Communist government attempted to crack down on those attempting to flee.

After Friday's accord with the United States calling on Cuba to halt the exodus of raft people, the story of 68 passengers aboard the tugboat 13th of March looms as a precedent for what might happen now that Castro has pledged to close the door once again.

During the predawn hours of July 13, three tugboats were dispatched from the port authority of Havana to follow the commandeered 13th of March out to sea. By the account of interviewed survivors—disputed by Castro and the official press—when the tug was seven miles offshore the authority's boats pummeled passengers on its deck with water cannon, then systematically sank the boat by ramming it in unison until it broke apart. Crew members refused to help survivors out of the water. Two Cuban military gunboats stood a few hundred yards away while the demolition was underway.

At least 37 passengers from the 13th of March drowned, while 31 survivors lived to retell a story that circulated throughout this island nation and prompted the Cuban migration crisis of 1994.

Over the succeeding three weeks, three other passenger boats, a military craft and an airplane were commandeered. Street demonstration erupted, culminating Aug. 5 in a Havana riot in which civilians killed two policemen and gravely injured a third. On Aug. 6, Castro announced a new policy lifting all restrictions on emigration by sea. Many here are calling the tugboat saga "Cuba's version of Tiananmen Square."

Six survivors from the 13th of March recounted their ordeal during interviews this week here and in the neighboring town of La Magdalena, near Havana.

"It all started with us," said Maria Victoria Garcia, 28, who until 4 a.m. on July 13 was the mother of a 10-year-old boy, Juan Mario. "What happened that morning was premeditated murder. It was a massacre."

The 13th of March was a wooden 115-year-old tug that was docked in Havana. Two tugboat captains from Guanabocoa who worked at the port, Fidencio Ramel Prieto, 51, and Raul Munoz Garcia, 22, met secretly in early July and agreed to organize a small group of family members, sneak them aboard the recently renovated boat and, under cover of darkness, set out for Florida. By the time the group entered Havana port at 3 a.m., it had swollen to an unwieldy 68 people, varying in age from less than 12 months to 60 years.

Ramel was deputy director of the port as well as secretary in the labor division of Cuba's Communist Party, and among the nation's most experienced mariners. He had been chosen to fly to the Netherlands in 1987 to take possession of five new tugboats purchased by Cuba to replace its aging fleet. Three of the tugs he guided across the Atlantic in 1987 were used to hunt him down on July 13, and crush his 51-foot craft into splinters.

Ramel and Garcia both knew that security at the port was minimal from midnight to dawn and they would have few problems sneaking onto the 13th of March.

"Nobody tried to stop us," said Jorge Cuba Suarez, 24, a neighbor of Ramel's family here. "After we got out of the port, another tugboat started following us. They could have turned us back at any time but they didn't." He said Ramel ordered everyone to remain in the hold until they had reached international waters.

"We spent about an hour down below and then Raul yelled for all women and children to come to the deck," said Matia Tacornte Vega, 36, of La Magdalena. "I went up and could see that two tugboats were right next to us. Ramel wanted us on deck to show them we were just a bunch of women and children."

Tacoronte said the tugboats began "shooting water at us" from water cannon mounted atop their helms, and Ramel shut down his boat's engine.

Then, without warning, one tugboat rammed the 13th of March from behind. "I was standing right there when it happened," recalled Maria Victoria, who is Ramel's daughter. "The force knocked everybody down. We had to grab anything we could just to keep from falling into the water.

Another tug punched a hole in the hull of the 13th of March, the survivors said, and a third joined in the ramming.

"The entire deck buckled. It separated completely from the hull. I started sliding into the water and I remember thinking, "We're all going to die,'" Maria Victoria said.

"Most of the men were still down below," said Daysi Martinez Fundora, 26, "we all started screaming, 'Please, mother of God! We're all Cubans. At least save our children!' But the crew members on the other boats just stared at us."

In less than five minutes the 13th of March had sunk, with more than two dozen people still hiding in its hold. Tacoronte said she and other mothers clutched their children while grabbing anything afloat to keep their heads above water.

"I don't know why, but they kept shooting water at us. I couldn't open my mouth to breathe." Tacoronte said she refused to let go of her 3-year-old.

Interviews have been difficult because many of the male survivors were kept in jail after their rescue. Raul Munoz remains in prison. Garcia said he was jailed for 12 days. Maria Victoria's brother, Ivan Suarez, said he was held for 22 days. Women and children were allowed to go home after a few hours of questioning.

Official accounts of the incident printed in the government newspaper Granma said the 13th of March sank after an "accident" in which one of the government tugboats collided with it while attempting to rescue the passengers.

"If they had tried to rescue us my boy would be alive today," Maria Victoria said.

Granma confirmed the water cannons were used but said they were directed at the boat's smokestack and helm in an attempt to shut down its engine. Granma blamed the accident on Ramel and Munoz while quoting Munoz from prison as saying that Ramel "knew the boat was unseaworthy" but had deliberately risked setting out to sea.

Granma also said the rescue attempts were made difficult by rough seas that morning. All survivors interviewed said the sea was calm. Maria Victoria's parents compiled a scrapbook to chronicle the deaths of more than a dozen family members who were passengers. Pasted onto one page are the official weather reports from July 13 as well as the day before and day after. All described clear weather and calm seas.

In an Aug. 24 speech, Castro called the disaster the first incident in the current migration crisis but said "it remains proven that the authorities had absolutely nothing to do with this accident."

Ester Suarez, Ramel's wife, disputed government assertions that her husband was a "counterrevolutionary" and a traitor. "He was a senior member of the Communist Party. He was devoted," she said, pulling out Ramel's party membership booklet. "Look, Fidel signed his booklet personally."

"I think Fidel really believes this was an accident. They have lied to him," Maria Victoria said. "He needs to know the truth, that this was murder." She said Communist Party officials had offered to give her a new house, fully furnished, if she would agree to keep quiet about the incident, but she refused.

On Aug. 3, two days after Ivan Suarez was released from jail, he and his mother were returning to Guanabacoa from a shopping trip to Havana. They boarded a 194-passenger ferry, La Coubre, that would carry them past the dock where the 13th of March had been moored.

Suddenly the ferry's engines surged and the boat lurched toward the sea. La Coubre had been hijacked. Two hours later, Ivan and Ester Suarez were in international waters. A U.S. Coast Guard ship pulled alongside and an announcement was made that anyone aboard who wanted to seek asylum would be allowed to travel to a detention center near Miami.

"Ivan looked at me and I told him I could not go. My family needed me at home," Ester Suarez said. "He decided to come back with me."

Seventy-six passengers chose to return to Cuba, where they received a hero's welcome and personal expressions of gratitude from Castro. "In two days, Ivan went from being a prisoner and an example of national disgrace to being a national hero," Ester Suarez said. "This is Cuba."

Maria Victoria said she kept one arm wrapped around 10-year-old Juan Mario for about 30 minutes, while holding onto a large wooden box floating in the water and while 10 other people flailed about trying to maintain their grip on it.

Someone's foot hit Maria Victoria's arm, causing her to lose her grip on Juan Mario. "He disappeared. Someone screamed. 'Grab Juan Mario. He's going down!' But he was gone. I never saw my little boy again," Maria Victoria said, adding that she now is taking prescription tranquilizers and receiving psychiatric treatment.

Jorge Luis Garcia said the survivors pleaded with crew members on the three tugboats to rescue them, "but they just stared at us. One man stood on the deck with his arms crossed. I couldn't believe it. They were trying to make us drown."

At about 5 a.m., two Cuban navy gunboats moved in and fished 31 people from the waters. They circled for six hours without finding any other survivors, then headed back to Havana. Capt. Ramel and at least 15 other men perished, along with four boys, three girls and 13 women.

Cuban human rights workers say they are still trying to interview survivors to compile a full list of everyone on the boat. "There might be more dead but we won't know until we've visited every survivor's home," said Elizardo Sanchez Santa Cruz, president of the Cuban Commission of Human Rights and National Reconciliation.

[From the Miami Herald, July 7, 1993]

U.S. RIPS CUBA'S "EXTREME CRUELTY"—PROTESTS THREE KILLINGS NEAR BASE

(By Christopher Marquis and David Hancock)

WASHINGTON.—Cuban marine patrols, determined to stop refugees from reaching the U.S. Naval Base at Guantanamo Bay, have repeatedly tossed grenades and shot at fleeing swimmers and recovered some bodies with gaff hooks, U.S. officials charged Tuesday.

At least three Cubans have been killed in the past month as Cuban patrol boats attacked swimmers within sight of U.S. Navy personnel at Guantanamo.

The killings are the latest sign that Cuba is resorting to violent means to stop a torrent of desperate people from fleeing the impoverished island.

"This is the most savage kind of behavior I've ever heard of," said Robert Gelbard, deputy assistant secretary of state for Latin America. The United States has no previous record of such activity in Cuba, he added, calling the practice "even worse than what happened at the Berlin Wall."

The Clinton administration filed a formal protest Monday with the government of President Fidel Castro, calling on Havana to "immediately cease these barbaric practices," said a State Department aide.

News of the attacks at Guantanamo comes amid a fierce crackdown by Cuban authorities on residents who try to leave the country.

On Thursday, Cuban patrols killed three people who tried to swim to a U.S.-registered speedboat near the town of Cojimar. The captain, a U.S. citizen and Florida Keys resident, was injured in a hail of bullets. A fifth man, also from South Florida, escaped.

In separate incidents Friday and Monday, authorities seized boats near Havana and Santa Cruz del Norte, arresting seven U.S. residents as they sought to help scores of relatives flee the island.

The men captured Monday were Cuban rafters who had spent only two months in this country.

"My brother did not want to live without his wife and two children," said Camilo Bourzac, 28, whose brother Ernesto, 31, is now in jail on the island.

U.S. CHARGES "EXTREME CRUELTY"

The attacks on swimmers in Guantanamo Bay drew especially sharp criticism because the refugees might easily have been detained without violence, U.S. officials said. "The idea of blowing people up when they are vulnerable underwater is appalling," Gelbard said.

A State Department aide called the use of gaffs, usually used to pull gamefish into boats, to pull bodies from the water "an act of extreme cruelty."

According to the U.S. protest, U.S. military guards surveying the bay have witnessed five separate incidents:

On June 19 at 2 p.m., U.S. guards, startled by the sounds of detonations, saw Cuban troops aboard patrol boats dropping grenades in the paths of several swimmers headed for the U.S. base.

On June 20 at 1:30 p.m., Cuban troops repeated the action, then strafed the water with machine-gun fire.

On June 26 at 11 a.m., three patrol boats surrounded a group of swimmers, lobbing grenades and spraying them with automatic weapons fire. At least three corpses were lifted out of the water with gaffs.

On June 27 at 11:30 a.m., guards aboard patrol boats lobbed two grenades into the water.

On the same day, just before 3 p.m., a patrol boat opened automatic fire on a group of swimmers, who were later seen being pulled from the water. The swimmers' status was unknown.

U.S. officials said they did not know how many people had been killed in the recent Guantanamo incidents, but said at least three could not have survived the attacks.

The number of Cubans seeking to reach Guantanamo, where they can apply for political asylum, has surged this year.

The base, which remains the last Western outpost in a Communist nation, reports that 195 Cubans have reached the facility this year, more than the total of 152 for all of 1992.

The statistic stands in even greater contrast to the years prior to the end of the Cold War: in 1988, 21 Cubans reached the Guantanamo base; in 1989, there were only 12.

About 90 percent of the refugees come by sea, crossing the bay waters in small craft or by swimming. Fences, guard posts and several strips of minefields deter those attempting to enter the base by land.

U.S. diplomats who presented the protest note to the Foreign Ministry in Havana warned that the use of explosives so close to the U.S. base could be considered a "provocative act."

BOAT INCIDENT ALSO PROTESTED

The diplomats also lodged a separate protest Monday of last Thursday's shooting against the Key West-registered speedboat, the Midnight Express.

A Washington source said Tuesday that the boat's pilot, Ricky Hoddinott, who suffered gunshot wounds to the legs, told a U.S. diplomat that he and Hugo Portilla, a Cuban exile living in Miami, had traveled to Cuba to pick up five or six people.

However, when the Midnight Express approached Cojimar, between 50 and 100 people were waiting on the beach. About 30 jumped aboard and the boat began pulling away. At that point, Cuban Frontier Guards opened fire.

Hoddinott told the official that he raised his hands in surrender but the guards continued firing. Cuban officials said the troops were firing at the engines to disable the boat.

The State Department has not determined whether any of the others jailed in Cuba over the weekend are U.S. citizens.

Cuban officials in Washington defended the crackdown on illegal entries into Cuban territory.

"We are going to continue picking up all boats that keep arriving in Cuban waters with the goal of smuggling people," said Jose Luis Ponce, spokesman for the Cuban Interests Section in Washington. "We are not going to allow them to continue violating our sovereignty."

ARREST MAY SIGNAL NEW CUBAN PUSH AGAINST DISSIDENTS

(By Mimi Whitefield)

Human rights monitors say they fear the detention of Francisco Chaviano, a leading advocate for rafters who was compiling a list of Cubans who have disappeared at sea, could mark an escalation of repression against leaders of Cuban dissident groups.

Chaviano is being held at Villa Marista state security headquarters and apparently will be charged with revealing state secrets. He was arrested May 7, shortly after a man he didn't know visited his home and left documents that allegedly detailed human rights problems.

Family members said Chaviano hadn't even had time to read the papers when state security agents arrived and took him to Villa Marista.

"He has never worked with state secrets" and has been very public about his work in defense of human rights. Chaviano's wife, Ana Aguililla, told the Spanish news agency EFE.

Aguililla also told diplomats in Havana that at first the government was considering charging Chaviano with illicit enrichment, but now he is being accused of the more serious charge, which carries a penalty of four to 10 years, or eight to 15 years if the accused learned of the secrets through illegal means.

"It looks like a provocation," said Ricardo Bofill, president of the Cuban Committee for Human Rights.

Moises Rodriguez Quesada, spokesman for the Coordinating Council of Human Rights Organizations in Cuba, issued a statement, denouncing the government's action. Chaviano is co-president of the umbrella group and also is president of the National Council of Civil Rights in Cuba.

ESCALATION OF REPRESSION

"In my opinion the detention of Professor Chaviano, an honest and peaceful defender of

human rights, could mark the beginning of a true escalation of repression, intolerance and covert actions of the repressive apparatus to break up the small militant opposition and try to discredit its leaders," the statement said.

Bofill said there is a developing trend in Cuba of charging leading dissidents—especially those involved in collecting denunciations of human rights abuses—with more serious crimes and sentencing them to longer prison terms.

"One hypothesis is that the government is trying to diminish the flow of denunciations abroad," he said.

For the past three years Chaviano's group has been investigating Cubans who have lost their lives trying to make the treacherous ocean crossing to Florida.

State security agents seized all the documents related to rafters' disappearances, as well as other papers, when they searched Chaviano's home in the seaside town of Jaimanitas. The homes of four other members of Chaviano's group were also searched.

DOCUMENTED RAFTER EPIDEMIC

Chaviano, a former mathematics teacher, was trying to document as precisely as possible the names, ages, addresses, dates of departure and circumstances under which rafters disappeared.

"It's like an epidemic—like alcoholism. It's claiming so many lives," said Chaviano in 1991 when he began making the list.

"Inside the island, Chaviano was really the key player in this investigation," Bofill said. "It's very difficult work."

Bofill said it was unclear whether any copies are available of Chaviano's work on rafters.

Chaviano, who spent a year in prison after he was caught trying to leave Cuba in a leaky boat in March, 1989, was one of the founders of the Cuban Rafters Council, a group that tried to defend the rights of Cubans imprisoned for "illegal flight."

His interests later evolved to include a more general defense of human rights, but he still took a special interest in the plight of rafters.

Chaviano's detention came shortly before a new report by the Organization of American States' Inter-American Human Rights Commission began circulating among OAS member nations. It contains a 20-page section on Cuba that expresses concern that respect for human rights in Cuba is on the verge of a further decline.

"The accentuated repression of independent organizations by the Cuban government, and the very grave economic difficulties that the Cuban people face, have provoked situations whose evolution foresees a marked deterioration of Cuban society in general and the human rights situation in particular," noted the report, which will be formally released in June.

CUBA CITED FOR OTHER ABUSES

The OAS report also faults Cuba for the high number of Cubans imprisoned for long periods before trial, the use of psychiatry as a form of intimidation against those disaffected with the regime, and stiff sentences meted out to Cubans accused of trying to destroy the political system and those convicted under the catch-all crime of dangerousness.

Bofill said a growing number of dissidents have been arrested in recent years after being approached by people who said they had inside knowledge of human rights abuses.

Among them are Yndamiro Restano and his assistant Maria Elena Aparicio, who were sentenced to 10 years and seven years, respectively, in 1992. Their arrests came a short time after Restano was approached by military men who said they wanted to talk about human rights abuses within the armed forces, Bofill said.

Also in 1992, Omar del Pozo was accused for revealing state secrets. He is now serving a 15-year sentence. The chief witness against him was a police agent who had infiltrated del Pozo's human rights group.

Despite the tendency toward longer prison terms, Bofill said Havana's strategy has only been partially successful.

"There is more repression; there are more people in prison now, but the number of denunciations [of abuses presented by human rights activists] hasn't decreased at all." Bofill said.

Mr. GILMAN. Mr. Speaker, I would like to commend the sponsor of this resolution, the gentleman from New Jersey [Mr. MENENDEZ], and others joining in this debate today, for focusing our attention on this brutal and deliberate violation of human rights.

The 40 innocent people who lost their lives at sea on July 13, 1994, will not have died in vain if the world holds Fidel Castro and his repressive security apparatus accountable for this ruthless act.

Mr. Speaker, the United States is often accused of being obsessed with Cuba, particularly Castro's human rights record. I would submit that if ours were the last government on earth willing to press this issue, we should continue to do so.

Moreover, we should stand our ground with other countries and organizations that appear far too willing to react to the rhetoric about U.S. policy toward Cuba and then ignore the cold, hard facts about Castro's repression. Too often, these cases are met with silence.

For those who wonder what drives our tough Cuba policy, ask Maria Victoria Garcia, a survivor who lost her husband, her 10-year-old son, her brother, three uncles, and two cousins who died in this deliberate attack on a doomed Cuban tugboat.

I support the resolution and commend its sponsor, Mr. MENENDEZ. I understand that in the course of drafting this language some concrete assurances were made by the Administration and our representatives at the O.A.S. and U.N. that they will press the Cuba human rights issue with new vigor. We will monitor their efforts and hold them to that pledge.

Thank you, Mr. Speaker.

Mrs. MEEK of Florida. Mr. Speaker, it is my privilege in joining with Congressman ROBERT MENENDEZ and 13 of my colleagues as a sponsor of H. Con. Res. 279, which condemns the government of Cuba for the deliberate sinking of a tugboat called the "13th of March" and for the Cuban government's callous disregard for the lives of its 72 passengers. I strongly urge my colleagues to support passage of this resolution.

The sinking of the "13th of March" was completely avoidable. Still, 37 people, including women, infants and children, drowned as a result of this murderous act—yet another example of the Cuban government's officially-sanctioned policy of terror toward its own citizens.

According to survivors, the "13th of March" set sail from Havana but was soon followed by three tugboats from the port authority of Havana.

These government vessels could have stopped the "13th of March" at any time. Instead, in the pre-dawn hours of July 13, 1994, when the "13th of March" was 7 miles off the Cuban shore, the authority's tugs pounded the passengers with water cannon and then rammed the helpless tugboat until it sunk only 5 minutes later. Two Cuban military gunboats were positioned a few hundred yards away observing while the ramming was underway.

As the helpless victims struggled in the water to hold onto life, the crews of the authority's tugs stood by and watched dozens drown. Finally, the Cuban gunboats moved in to fish out of the water the remaining survivors—fewer than half of the passengers.

Mr. Speaker, with this resolution today we go on record condemning this criminal act, an act which horrifies all civilized people. The helpless victims of the "13th of March" will not be forgotten.

Let there be no mistake in anyone's mind of the true nature of Castro's own cruel brand of repression of the people of Cuba. And also let there be no doubt that, despite this completely avoidable tragedy, the valiant people of Cuba will never give up.

The days are numbered for Castro's brutal dictatorship. It will not prevail, and the people of Cuba will one day live in their proud land in peace and freedom.

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

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 279, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2060, SMALL BUSINESS ADMINISTRATION REAUTHORIZATION AND AMENDMENT ACT OF 1994

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on the bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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

There was no objection.

COMMENDING THE WORK OF THE UNITED STATES LABOR ATTACHÉ CORPS

Mr. MENENDEZ. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 257) commending the work of the United States Labor Attaché Corps, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 257

Whereas the integration of the global economy is accelerating;

Whereas capital and technology are now easily transferred across national borders and throughout the world, while labor policies remain comparatively bound by national policies and allegiances;

Whereas the importance of promoting international respect for fundamental worker rights and labor standards is crucial to building broader support for balanced, equitable, and sustainable growth in an expanding global economy;

Whereas there exists a growing body of international law and international trade agreements, some of which originated in the early 1900s, that firmly establish the free exercise of fundamental worker rights, improved working conditions, and rising living standards as essential requirements of fair competition in a healthy, open, growing global economy;

Whereas in 1941 President Franklin Roosevelt, as part of the Atlantic Charter, committed the United States to "the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement, and social security";

Whereas the United States Government during World War II recognized the crucial importance of the needs, interests, and aspirations of all working people in general and the role that trade unions in particular would play in the reconstruction of Europe and the future development of newly independent nations;

Whereas the United States Labor Attaché Corps was established within the United States Government in 1943 and individual labor attachés ever since have been posted to United States embassies in scores of foreign countries to study and encourage the concurrent development of professional labor ministries within foreign governments and strong, independent, indigenous trade unions among working people in foreign countries;

Whereas the United States Labor Attaché Corps throughout the cold war played a crucial role in the struggle against Communism and in building support for freedom and democratic values and institutions throughout the world;

Whereas there is an increasing need for the American people and their policymakers in the post-cold war era to better understand the needs, interests, and aspiration of working people abroad and the concerns that they share in common with working people in the United States;

Whereas the United States Labor Attaché Corps continues to reach beyond the traditional focus of the United States Foreign Service upon senior foreign government officials to attain a broader, in-depth understanding of grassroots concerns and developments among working people in foreign countries and the wider significance those concerns hold for political processes and socioeconomic developments within foreign countries;

Whereas the United States Labor Attaché Corps for 50 years has demonstrated repeatedly the crucial importance of free, independent, and democratic trade unions to the development of free, independent, and democratic societies, thus advancing the profound national interest of the United States in promoting the further development of democratic values, processes, and institutions throughout the world;

Whereas the United States Labor Attaché Corps facilitates many useful international exchanges between organized and unorganized United States and foreign workers and assists with a wide range of the international activities of several United States executive agencies, including the Department of State, the Department of Labor, and the Office of the United States Trade Representative;

Whereas the national labor policies and standards of foreign countries, and the extent to which the governments of foreign countries are meeting and enforcing their legal obligations in this regard, are increasingly important factors in fair trade, particularly in determining whether consumer markets with broad-based purchasing power will emerge in those countries and whether most foreign workers in those countries will ever be able to buy United States exports, thus making the monitoring and reporting functions of the United States Labor Attaché Corps of growing importance; and

Whereas President Clinton during his official visit to Europe in January 1994 reaffirmed the United States commitment to promoting respect for the fundamental rights of workers everywhere and to pursuing policies that will enable working people in the United States and abroad to share more fully in the benefits of expanding international trade and investment in the global economy: Now, therefore, be it

Resolved by House of Representatives (the Senate concurring), That—

(1) the Congress commends the United States Labor Attaché Corps for the historic role it has played throughout the past 50 years in nurturing freedom and assisting in the development of democratic values and processes throughout the world; and

(2) the Secretary of State and the Secretary of Labor should jointly—

(A) review the mission and organization of the United States Labor Attache Corps, and determine what reforms are necessary to redesign and assure continued relevance of the work of the Corps in the post-cold war era;

(B) implement such reforms to the extent possible under existing law, and consistent with existing resources;

(C) design and implement an interagency recruitment and training program to assure sufficient qualified personnel for the Corps, and to enhance the professional development of existing personnel, consistent with the continuing need for monitoring and reporting on the needs, interests and aspirations of working people in foreign countries;

(D) develop a plan to assure that a labor counselor, attache or reporting officer is assigned to every United States Embassy abroad by January 1, 1997, and determine what additional resources are necessary to achieve this goal; and

(E) not later than October 31, 1994 *January 1, 1995*, submit a report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations, detailing the outcome of the review conducted and the steps undertaken pursuant to this section, and recommending such changes in law and such additional resources as may be necessary to implement needed further reforms.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. MENENDEZ] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from new Jersey [Mr. MENENDEZ].

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

Mr. Speaker, this resolution recognizes the contributions made by the Labor Attache Corps over the past fifty years. Labor attaches have played an important role around the world in bringing attention to the need for international workers' rights. They have also played a role in helping to establish strong and independent labor unions around the world.

This resolution recognizes that the role of the Labor Attaché Corps is changing.

H. Con. Res. 257 notes that national labor policies and standards of foreign governments inevitably have an impact on fair trade and on decisions by the United States regarding trade issues. Monitoring and reporting on these issues, as well as the protection of workers rights around the world, has become an increasingly important part of the work of the Corps.

As a result, the resolution requests that the Secretary of State and the Secretary of Labor report to Congress on the future mission and organization of the corps and develop a plan to assure that a labor counselor, attache, or reporting officer is assigned to every U.S. embassy abroad by the year 1997. I want to commend the original sponsor of this resolution [Mr. BROWN of California] for bringing this to our attention. He has been a tireless champion of the rights of workers both in this country and abroad for many years and should be commended for his efforts. I also want to thank the chairman and ranking member of the Committee on Education and Labor for their cooperation with the committee on this resolution. I urge my colleagues to support this resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recommend the adoption of House Concurrent Resolution 257, a resolution commending the work of the Labor Attachés Corps. This resolution acknowledges the contribution the labor corps has and continues to make to the U.S. mission overseas.

The labor attaches, who are part of the U.S. diplomatic service, spearhead efforts abroad to promote respect for the rights of the worker and fair labor practices. They are the advocates for important democratic values that support political and economic stability abroad, and in so doing advance U.S. interests.

This measure endorses fundamental principles that I believe are, and should continue to be, an important part of our diplomatic mission. These include

understanding the needs of the working people and encouraging the development of public institutions or ministries of labor to facilitate consideration of labor issues.

The resolution also encourages the State and Labor Departments to try to enhance the labor corps program within the limitation of available resources. This is a timely recommendation as our foreign missions pursue both a greater emphasis on economic activities and the promotion of democratic ideals through the development of institutions and organizations around the world.

Mr. Speaker, I support the adoption of this resolution.

Mr. BROWN of California. Mr. Speaker, I rise to urge passage of this timely and important legislation which affirms strong congressional support for the retention and expansion of the U.S. Labor Attaché Corps.

The time has come to recognize and applaud the tremendous contributions that the U.S. Labor Attaché Corps has made since its establishment in 1943. Furthermore, I firmly believe that the corps is needed now more than ever given the accelerating integration of the global economy.

Why?

First, these dedicated Foreign Service officers will provide better understanding of the domestic political processes in their host foreign country.

Probably the most compelling justification for the Labor Attache Corps is that the labor attache can provide the U.S. Embassy with a broader, more in-depth understanding of the political processes of the house foreign country. Upon the founding of the Labor Attache Corps in 1943, President Roosevelt, the First Lady, and the U.S. State Department specifically recognized that in a complex, interdependent, and often dangerous world, U.S. diplomacy needed to go beyond the traditional focus of the U.S. Foreign Service on senior governmental and foreign ministry officials. It needed to factor in broader understanding of the political processes at work, especially in friendly democratic societies.

This logic remains persuasive today. The Labor Attache cannot replace U.S. Embassy contacts with senior government officials and traditional elites, but the labor attache can supplement those contacts in very unique and important ways and, in so doing, enhance the development of the U.S. Embassy's collective understanding and analysis of the host country. He or she can provide a crucial reality check or second opinion for those U.S. Embassy officials who are either unaware or would otherwise choose to ignore political currents at the grassroots.

Second, the U.S. Labor Attache corps is a vital instrument for democratic institution-building. The U.S. has a stated national interest in promoting democratic institutions around the world. We believe we are safer in a world which shares our democratic values regarding the rights of all people to physical security, a decent standard of living, and equal justice for all. Free, independent, and democratic trade unions are clearly an essential part of free, independent, and democratic societies.

The U.S. spent trillions of dollars on the cold war. In the post-cold war era we must continue to work to build a more democratic world. The U.S. Labor Attache Corps can play a critical role in supporting and complementing the efforts of the four AFL–CIO institutes, and others who are committed to building international respect for the fundamental rights of working people everywhere, but especially in developing countries and the successor countries of the former Soviet Union and Eastern Europe.

The stakes are high. The challenges are many. The costs of failure are unpredictable. The real question is: Do we have the vision and will to give it our best shot?

Third, the U.S. labor attache is invaluable in responding to the needs and interests of the U.S. community who are committed to promoting respect for internationally recognized worker rights at home and abroad. Just as commercial attaches support and promote the interests of the business community and agricultural attaches do the same for the farm community, so, too, labor attaches serve the equally important interests of all working people. This includes developing contacts and exchange activities with the host country's organized and unorganized workers, supporting the work of indigenous labor rights activists, and cross-checking the findings of non-governmental organizations such as the International Labor Rights Education and Research Fund, the National Labor Committee, the U.S.-Guatemala Labor Education Project, and Human Rights Watch. They can also provide critical input and assistance to the international activities of the U.S. Departments of State and Labor and to the enforcement activities of the Office of the U.S. Trade Representative.

This important work also includes economic analysis of the host foreign country's labor market and its potential impact on American workers and political analysis of the disparate elements of the indigenous labor movement in the host country and their roles in that country's political processes.

A revitalized U.S. Labor Attache Corps with a newly-revised mandate will provide great insights and practical guidance in the post-cold war era to government, business, and labor leaders everywhere on how to better manage global economic integration to the benefit of working people.

I hope this legislation can be enacted in the remaining days of the 103d Congress.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, as amended.

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

A motion to reconsider was laid on the table.

□ 1650

RECOGNIZING CONTRIBUTION OF PRESIDENT ALFREDO CRISTIANI TO ACHIEVE PEACE IN EL SALVADOR

Mr. MENENDEZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286) recognizing the contribution of President Alfredo Cristiani of El Salvador to achieve peace and national reconciliation in El Salvador.

The Clerk read as follows:

H. CON. RES. 286

Whereas President Alfredo Cristiani decisively led the Government of El Salvador in successful negotiations which ended that country's 12-year civil war;

Whereas President Cristiani initiated and oversaw the implementation of the important initial stages of the 1992 Peace Agreement, overcoming numerous obstacles in the process;

Whereas the people of the United States and El Salvador recognize President Cristiani's historic achievement and the central role he has played in promoting genuine national reconciliation in El Salvador;

Whereas President Cristiani ended his term of office on June 1, 1994, transferring the powers of the presidency to his democratically elected successor; and

Whereas this smooth and unprecedented democratic transition could not have taken place had it not been for the efforts of President Cristiani to achieve peace in El Salvador: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its admiration for President Cristiani for his unflagging service to the cause of peace and democracy in El Salvador;

(2) applauds the statesmanlike manner in which President Cristiani worked closely with the Friends of the Peace Process, the United States, the United Nations, and the rest of the international community to achieve peace in El Salvador;

(3) applauds the efforts of President Cristiani to lay a foundation of dignity and hope for the future of the Salvadoran people; and

(4) expresses its hope that President Cristiani will enjoy success in his future endeavors and remain engaged in public service on behalf of his country and on behalf of efforts to advance peace, justice, and democracy throughout the Western Hemisphere.

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to the rule, the gentleman from New Jersey [Mr. MENENDEZ] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SMITH] will be recognized for 20 minutes.

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

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

Mr. Speaker, I strongly support this resolution commending former president Cristiani for his leadership in bringing peace to El Salvador. The 1992 peace accords would not have been possible without the courage and commitment of this man.

I first met President Cristiani when I was the mayor of Union City, NJ. I was struck not only by his character as a statesman but by the respect he commanded among the Salvadorian community in my own city.

Today we are commemorating a man who graduated from the American School in El Salvador and went on to study business administration here in Washington, DC. He personifies the close relations between our two countries.

It is sometimes difficult for us to remember the bloodshed and turmoil that characterized El Salvador during its 12-year civil war. Killings, kidnappings, torture and arbitrary arrest were rampant. I personally heard of the atrocities from many Salvadorians who came to this country with tragic stories of families torn apart by war. Over 75,000 people died.

President Cristiani's inauguration on June 1, 1989, marked the first time in decades power passed peacefully from one elected president to another. President Cristiani used his political momentum to call for direct negotiations between the guerrillas and the government. This was the first step to real peace.

In July 1990, the Cristiani government and the FMLN agreed to respect human rights and to end kidnapping, wrongful detention and unlawful arrests. Both sides promised to honor free speech and to permit free association. They agreed to bring the United Nations in to monitor the implementation of the peace accords once a successful cease-fire was in place.

The United States was a partner in this process with technical assistance, moral support and funding. Our support for the process and commitment—together with the Salvadorian leadership—to peace, is bearing fruit.

There is still much to be done. President Cristiani's successor, Armando Calderon Sol, is faced with demands to live up to the peace agreements and to complete the reconstruction process. However, he can build on initiatives begun by the statesman we are commending today.

President Cristiani played an essential role in setting up important institutions such as the National Academy of Public Safety, the Civilian National Police Force, the Office of the Ombudsman for Human Rights, and the National Juridicial Council.

Through his actions, President Cristiani proved to the people of El Salvador, the United States and to the world that he is not only a peacemaker but a builder of democracy in his nation.

I encourage my colleagues to support this resolution and to welcome President Cristiani into the ranks of former presidents who did—and will continue—to fight for peace.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER], the prime sponsor of this resolution and a tremendous friend of Central America.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time. Mr. Speaker, I rise today to honor El Salvador's former president, Alfredo Cristiani and urge the passage of my bill, H. Con. Res. 286.

As a strong proponent of the democratic efforts of many Latin American nations, I had the unique opportunity to meet and forge a friendship with Mr. Alfredo Cristiani.

As witnessed, El Salvador's 12-year civil war left the country in shambles. However, it was the strong leadership and guidance coupled with the courage demonstrated by Mr. Cristiani that rescued the country. Breaking from the ARENA party's original inflexible right-wing philosophy, Cristiani created a direct dialogue with the FMLN during his campaign and presidency, bringing opposing military and political rivals to the negotiating table. It was here that Mr. Cristiani began to lay the first cornerstones for peace in a war torn country. He promised to end the civil war, improve the country's human rights record, and rejuvenate the economy. These promises are on their way to becoming realities.

One of Mr. Cristiani's first steps was the negotiation of electoral reforms and the successful implementation of voter registration efforts and a limit of campaign expenditures. However, further progress was reached with the signing of the Mexico Accords which created a cease-fire. It was under these Accords that the Salvadoran army was reduced by 50 percent, a National Civilian Police force organized from all the warring factions and all guerrilla forces were demobilized. Peace had been achieved.

After turning the military over to civilian control and reforming the judicial system, Mr. Cristiani turned his focus to the economy. With the country in shambles, Mr. Cristiani instituted policies for fostering free market enterprises and privatization of certain industries to improve the economic situation.

Mr. Cristiani ended his term of office on June 1, 1994, with a peaceful transition of power. Although he will be missed, he will not be forgotten. His achievements are a part of history. We can not let this man's endeavors to restore democracy to El Salvador go unnoticed. Please join me in commemorating the role of Alfredo Cristiani in rebuilding El Salvador.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this important resolution offered by my friend and colleague, a member of the Subcommittee on Western Hemisphere Affairs, the gentleman from North Carolina [Mr. BALLENGER]. This resolution recognizes the pivotal role of El Salvador's President Alfredo Cristiani who completed his 5-year term on June 1. Mr. Cristiani, a businessman turned president, served his country with honor and dignity.

It is clear to all, Mr. Speaker, that the tireless efforts of President Cristiani, often known as the peacemaker, helped to bring about the new era of hope and reconciliation that is now very much in evidence in El Salvador. As he had committed in his inaugural speech, Mr. Cristiani's preeminent goal was to end the bloody, 12-year-old civil war through negotiations and dialogue. He won the confidence of both sides of the conflict, and, having mediated a fragile peace accord, he was the first to extend a hand of reconciliation to his bitter enemies. Before the nation Mr. Cristiani acknowledged that the war was one rooted in repression and past injustice.

As part of the negotiated peace process, Mr. Speaker, President Cristiani accomplished the unthinkable. He committed the Salvadoran military to a United Nations civilian Truth Commission, and he set his country on a course of reform—reform of the judiciary, the electoral process, land ownership and the economy. The Salvadoran government's record on compliance with the Accords is remarkable, and the FMLN's participation in governance is undeniable.

Let this be clear, Mr. Speaker, that Mr. Cristiani set in motion a series of reforms which have allowed the Salvadoran economy to not only stabilize, but to boom. Significantly, Mr. Speaker, the political stability and the economic trends have encouraged foreign investments to put money into El Salvador, and the Salvadorans themselves have been very much a part of that renaissance. Mr. Cristiani handed over the reins of government with a multiyear growing economy whose GDP had grown about 5 percent for 2 years in a row, marked by an inflation which had plummeted.

Mr. Speaker, the course of history in El Salvador and Central America itself was very positively transformed by this great statesman. It is fitting that the House of Representatives will stand today in honor of this remarkable man whose legacy is enormous, and I urge strong support for this resolution.

Mr. GILMAN. Mr. Speaker, I commend our friend and colleague, the gentleman from North Carolina [Mr. BALLENGER], for his initiative in recognizing the historic contributions made by former President Alfredo Cristiani to the cause of peace in his native El Salvador.

President Cristiani did what every politician aims to do: confound the skeptics. But, President Cristiani is more than a politician: The diplomatic skills and courageous leadership he

displayed in bridging the chasm between extreme right and extreme left in El Salvador earns him great credit.

His friends in this Congress—including the one-time skeptics—are justified in acknowledging his singular contribution to peace and reconciliation.

Mr. Speaker, the greatest tribute we can pay to President Cristiani is to provide the maximum possible support for El Salvador. It is my hope that the Administration will continue to give special priority to private sector development and resettlement programs in El Salvador, which are critical to securing economic growth and a lasting peace.

The greatest tribute that President Cristiani's compatriots can pay is to redouble their efforts to complete the work for national reconciliation and recovery begun by him and other courageous democrats.

Again, I thank the gentleman from North Carolina [Mr. BALLENGER], for this initiative and for his tireless work in advancing U.S. interests by supporting the democratic aspirations of the people of Central America.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 286.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5108, House Concurrent Resolution 257, House Concurrent Resolution 286, and House Concurrent Resolution 279.

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

There was no objection.

OUTER CONTINENTAL SHELF SAND AND GRAVEL RESOURCES

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3678) to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources, as amended.

The Clerk read as follows:

H.R. 3678

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

SECTION 1. AMENDMENTS.

(a) SECTION 8 AMENDMENTS.—Section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) is amended—

(1) by inserting "(1)" after "(k)"; and

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

"(2)(A) Notwithstanding paragraph (1), the Secretary may negotiate with any person an agreement for the use of outer Continental Shelf sand, gravel and shell resources—

"(i) for use in a program of, or project for, shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency; or

"(ii) for use in a construction project, other than a project described in clause (i), that is funded in whole or in part by or authorized by the Federal Government.

"(B) In carrying out a negotiation under this paragraph, the Secretary may assess a fee based on an assessment of the value of the resources and the public interest served by promoting development of the resources. No fee shall be assessed directly or indirectly under this subparagraph against an agency of the Federal Government.

"(C) The Secretary may, through this paragraph and in consultation with the Secretary of Commerce, seek to facilitate projects in the coastal zone, as such term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), that promote the policy set forth in section 303 of that Act (16 U.S.C. 1452).

"(D) Any federal agency which proposes to make use of sand, gravel and shell resources subject to the provisions of this Act shall enter into a Memorandum of Agreement with the Secretary concerning the potential use of those resources. The Secretary shall notify the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on any proposed project for the use of those resources prior to the use of those resources.".

(b) SECTION 20 AMENDMENTS.—Section 20(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "or other lease" after "any oil and gas lease sale"; and

(B) by inserting "or other mineral" after "affected by oil and gas"; and

(2) in paragraph (2), by inserting "In the case of an agreement under section 8(k)(2), each study required by paragraph (1) of this subsection shall be commenced not later than 6 months prior to commencing negotiations for such agreement or the entering into the memorandum of agreement, as the case may be." after "scheduled before such date of enactment.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, H.R. 3678 authorizes the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources when those resources are to be used for coastal restoration, shore protection, and other authorized public projects.

The bill accomplishes two important things. First, it makes OCS hard minerals available for public projects without requiring that the State, local, or Federal agency seeking use of the resource participate in a competitive lease sale. Under current law, these resources could only be made available to State and local governments through such a lease sale, which is too costly and too cumbersome.

However, the minerals are not to be given away. The bill authorizes a fee to be charged based on the value of the resources and the public interest served in developing them. This allows a tradeoff between fair market value of the resources and the public benefit of the project for which they will be used.

Second, the bill clarifies the jurisdiction of the Department of the Interior over OCS hard minerals, as was contemplated by Congress in 1953. However, Federal agencies are not to be assessed a fee for the use of these resources.

Although the bill facilitates access to OCS sand and gravel, full compliance with the established process for environmental review, including the requirements of the National Environmental Policy Act, the OCS Lands Act, and the Coastal Zone Management Act is not, in any way, abrogated by this legislation.

H.R. 3678 is sound public policy. The administration supports the bill and I urge my colleagues to support its adoption.

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

□ 1700

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

Mr. Speaker, as the lead Republican cosponsor of this bill and ranking member of the Oceanography Subcommittee, I rise in strong support of H.R. 3678, a bill to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf [OCS] sand, gravel, and shell resources. I would like to congratulate the bill's author, Chairman ORTIZ of the Oceanography Subcommittee, and the chairman and ranking member of the Merchant Marine and Fisheries Committee, GERRY STUDDS and JACK FIELDS, and of the Natural Resources Committee, GEORGE MILLER and DON YOUNG, as well as Energy and Mineral Resources Subcommittee Chairman RICHARD LEHMAN and ranking member BARBARA VUCANOVICH, for their efforts to ensure the timely passage of this important measure.

Currently, procedural obstacles block the use of Federal OCS sand and gravel resources for beach restoration projects. As a result, coastal States and the Army Corps of Engineers have had to rely on supplies of sand and gravel from State waters.

As coastal populations grow, demand for sand and gravel for coastal construction projects has exploded. This explosion threatens to eliminate affordable sources of sand and gravel for important public works projects such as beach replenishment and coastal wetlands restoration H.R. 3678 remedies this situation by allowing the Secretary of the Interior to enter into agreements to provide OCS sand and gravel to Federal, State, or local government projects which protect the shoreline, restore beaches or coastal wetlands.

In cases where projects are funded by the Federal Government, H.R. 3678 waives all fees for the resource. This stipulation will prevent the Federal Government from being forced to pay itself for resources it controls.

Mr. Speaker, with beach erosion a major problem in most coastal states, H.R. 3678 will help facilitate the restoration of this important natural and economic resource. I encourage all my colleagues to support its passage.

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

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, as chairman of the Oceanography Subcommittee and sponsor of H.R. 3678, I rise in strong support of the bill before the House today.

H.R. 3678 authorizes the Secretary of the Interior to negotiate agreements for the use of Federal sand, gravel, and shell resources located on the Outer Continental Shelf.

As the annual national demand for these resources continues to rise, due to the repair and expansion of the Nation's transportation infrastructure, there is expected to be shortage of materials available from traditional sources, such as nearshore and onshore deposits, for coastal protection and restoration.

This bill will help to make federally controlled, commercial-grade quality sand and gravel on the Outer Continental Shelf [OCS] available to State and local governments in a cost-effective manner for beach restoration, beach protection, and wetlands restoration.

Under current law, the only way a State or local government can access suitable sand or gravel from Federal waters is to enter into a competitive leasing process and offer the highest bid. This process is costly and time consuming; it also puts local communities in the position of having to compete with private interests for these resources.

This process is not compatible with the needs and budgets of our coastal communities, which explains why a lease sale for OCS sand and gravel resources has never occurred. Under the expanded authority of this bill, the Secretary can negotiate an agreement for the provision of these resources and assess a fee based on the value of these resources and the public interest served by promoting their development.

The expanded authority for conveying resources, as proposed under this bill, is consistent with Government practice onshore where Federal resources can be conveyed under free use permits for public works projects.

Mr. Speaker, this bill will help to benefit our coastal environment. With new mining technology and effective controls, marine mining for sand and gravel should prove to be an environmentally preferable alternative to shallow-water dredging or further development of large quarries onshore.

Finally, Mr. Speaker, let me make it clear that this bill only amends the financial aspects of the process by which OCS sand and gravel mineral rights are conveyed. It does not amend the process with respect to all the environmental policies and regulations required by a host of Federal laws pertaining of the OCS.

This bill will simply help to ensure that coastal communities around the country will be able to continue to protect and restore their coastal environments in the future, which is crucial to maintaining our quality of life and protecting our shorelines and coastal wetlands.

I would like to take this opportunity to thank Chairman STUDDS and the ranking member, Mr. FIELDS, and the ranking member on the Oceanography Subcommittee, Mr. WELDON, for their efforts in bringing this bill to the House floor. I would also like to thank Chairman MILLER of the Natural Resources Committee and Chairman LEHMAN of the Energy and Mineral Resources Subcommittee for all their help and cooperation on this legislation.

Mr. WELDON. Mr. Speaker, I yield such time as he may consume to a good friend and colleague, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my congratulations to the appropriate chairmen and ranking members on this committee for a very fine piece of work. There is little doubt that there is a great need for this kind of resource where beaches are being deteriorated because of ocean action and other kinds of environmental problems. It is an important piece of legislation, and not automatically as easy as it might seem. I appreciate their work.

Mr. FIELDS of Texas. Mr. Speaker, I rise in strong support of H.R. 3678, a bill authorizing the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

Based on the testimony submitted on this legislation, it is clear that there is overwhelming support for H.R. 3678. The Minerals Management Service (MMS) and the Army Corps of Engineers were particularly enthusiastic in their endorsement of these changes to P.L. 95–372.

Under section 8(k) of the Outer Continental Shelf Lands Act (OCSLA), the MMS is authorized to grant leases for nonfuel minerals on the U.S. continental shelf beyond the seaward limit of State boundaries. This authority has not been used for sand and gravel, although eight other lease sales have been held since 1954. Sand and gravel is used for building and other construction activities, as well as coastal restoration and shoreline protection. The Army Corps of Engineers conducts all the Federally-funded navigation projects in U.S. navigable waters, including beach restoration and shoreline protection, and issues permits for private parties to conduct these activities. Existing law and policies discourage use of sand and gravel mined offshore for coastal restoration projects.

This bill would amend section 8(k) of the OCSLA to allow the Secretary of the Interior to enter into non-lease sales agreements for the use of OCS sand and gravel resources in connection with beach restoration and construction projects. Under normal conditions, the Secretary would assess fees for these resources, except if the project is primarily Federally funded.

Because the demand for clean sand and gravel for construction activities and coastal restoration projects is increasing, this measure would address some of the deficiencies under OCSLA by allowing the effective use of Federal offshore sand and gravel. Certainly, projects such as the proposed widening of the Houston Ship Channel would produce vast quantities of sand and gravel. I can think of no better public use of this material than to help restore eroding shorelines in places like the State of Texas.

Mr. Speaker, I urge adoption of this legislation. I compliment Chairman ORTIZ for his leadership in proposing H.R. 3678 and I hope the other body will act on it in the near future.

Thank you, Mr. Speaker.

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

Mr. STUDDS. Mr. Speaker, I want to echo the statement of the gentleman from California [Mr. LEWIS].

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3678, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 3678, as amended.

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

There was no objection.

INDOOR AIR ACT OF 1994

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2919) to amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, as amended.

The Clerk read as follows:

H.R. 2919

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 "Indoor Air Act of 1994".

SEC. 2. COORDINATION.

The Administrator shall consult and coordinate with the Secretary of Labor, the Secretary of Energy, the Director of the National Institute for Occupational Safety and Health, the Consumer Product Safety Commission, and other appropriate agencies in implementing this Act.

SEC. 3. GUIDELINES FOR IDENTIFYING, REDUCING, AND PREVENTING SIGNIFICANT INDOOR AIR HEALTH RISKS.

(a) LIST.—Not later than 4 years after the enactment of this Act, the Administrator shall, after notice and opportunity of at least 90 days for public comment, publish a list of common significant indoor air health risks. In identifying a common significant indoor air health risk, the Administrator shall use the best reasonably available scientific data.

(b) GUIDELINES.—Concurrently with the listing of each common significant indoor air health risk under subsection (a), the Administrator shall, after notice and opportunity of at least 90 days for public comment, publish voluntary guidelines for identifying, reducing, and preventing the common significant indoor air health risk. Such guidelines may include information and a range of recommendations for operation and maintenance of existing buildings, the design and construction of new buildings, building renovation, and such other activities as necessary to identify and reduce or prevent the common significant indoor air health risks listed under subsection (a). The guidelines shall achieve significant risk reduction, be technologically achievable and readily implementable, take into consideration safety, energy, and other relevant factors, include an assessment of their effectiveness and cost, and be based on available research and expertise and the study priorities established by the Administrator pursuant to subsection (e).

(c) REVIEW AND REVISION.—The Administrator shall periodically review and, as necessary, after notice and opportunity of at least 90 days for public comment, revise the list of common significant indoor air health risks and the guidelines published under this section. At a minimum, a review and revision shall be completed not later than 4 years after the initial publication of the list and guidelines.

(d) CONSISTENCY WITH INDOOR AIR REGULATIONS OF OTHER FEDERAL AGENCIES.—The Administrator shall, after consultation with the Secretary of Labor, insure that the guidelines under this section are fully consistent with any Federal workplace regulations addressing indoor air quality risks. The guidelines may recommend such additional voluntary actions as may be necessary to protect persons other than workers covered by such regulations from common significant indoor air health risks listed under subsection (a). The Administrator shall, after consultation with the Secretary of Energy, insure that the guidelines under this section are consistent with applicable energy conservation and efficiency laws and regulations administered by the Secretary.

(e) PRIORITY FOR INDOOR AIR HEALTH STUDIES.—The Administrator shall, subject to the availability of appropriations and using existing authorities, give priority to conducting and providing financial or other assistance to studies concerning indoor air quality, including the following:

(1) Human exposure to indoor air pollutants, including baseline levels of exposure in various types of buildings.

(2) The sources of indoor air pollutants.

(3) The effects on human health of indoor air pollutants, including additive, cumulative, and synergistic effects on the general population and subpopulations particularly at risk.

(4) Methods for identifying, reducing, and preventing common significant indoor air health risks.

Appropriate studies, such as those under paragraph (1) and (3), shall be subject to peer review.

SEC. 4. INDOOR AIR CONTRACTORS.

(a) REPORT.—Not later than 2 years after the commencement of fiscal year 1996, and after notice and opportunity of at least 90 days for public comment, the Administrator shall submit a report to Congress on persons operating contractor businesses engaged in the identification, reduction, and prevention of significant indoor air health risks. Such report shall identify the types or classes of contractors regularly engaged in identifying and reducing or preventing significant indoor air health risks and shall determine the need for a program to certify contractors engaged in 1 or more activities relating to the identification and reduction or prevention of significant indoor air health risks, taking into account costs, benefits, the availability of persons with adequate training, experience, and expertise, the funds needed for such a program, and other relevant factors. The report shall also consider whether such a program should be carried out by the Administrator directly or by contract, or by another Federal agency or by State or local government.

(b) CERTIFICATION.—(1) Based on the report under subsection (a), not later than 2 years after the report required by subsection (a) is submitted to Congress, and after notice and opportunity of at least 90 days for public comment, the Administrator shall establish a program to provide for the certification of contractors engaged on a regular basis in the identification of common significant indoor air health risks. Based on the report under subsection (a), and after notice and opportunity of at least 90 days for public comment, the Administrator may also establish a program to certify appropriate contractors engaged in the reduction or prevention of common significant indoor air health risks.

(2) No person may be certified under any program established under paragraph (1) unless, at a minimum—

(A) such person demonstrates an ability to comply with the guidelines established under section 3; and

(B) individuals engaged in the identification, reduction, or prevention of common significant indoor air health risks on behalf of such person complete an appropriate course of training, as defined by the Administrator.

Persons certified under this subsection shall comply with the guidelines under section 3 when engaged in the identification, reduction, or prevention of common significant indoor air health risks.

(c) FEES.—A reasonable nondiscriminatory annual fee for the certification of persons under this section shall be imposed by the Administrator or by such other agency or contractor that operates the program. The fee shall be periodically established at such level as is necessary to cover all costs of the certification program under this section. Such fees shall be structured such that a person's liability for such fees is reasonably based on the proportion of the program's operating costs that relate to such person, and such person's liability for such fees shall not be based on the income of such person. Such fees, if collected by the Administrator, shall be available, subject to appropriations, to the Administrator to pay for such costs or to reimburse another Federal agency or a State or local government. The collection and use of fees shall be audited by the Administrator.

(d) SUSPENSION OR REVOCATION.—The Administrator may suspend or revoke any certification issued under this section whenever the Administrator determines, after notice of at least 60 days to such person, that the holder of the certification has violated any requirement of this section or condition of such certification. Any person whose certification is proposed to be suspended or revoked, or whose certification is denied, by the Administrator shall be entitled to an administrative hearing.

(e) PARTICIPATION.—Participation in the certification program under this section shall be voluntary.

SEC. 5. PUBLIC AWARENESS.

(a) INFORMATION.—The Administrator shall publish and disseminate—

(1) the list of common significant indoor air health risks under section 3,

(2) the guidelines under section 3 for identifying, reducing, and preventing common significant indoor air health risks, and

(3) the indoor air health advisories under subsection (b).

(b) INDOOR AIR HEALTH ADVISORIES.—The Administrator shall, after notice and opportunity of at least 90 days for public comment, and after review and comment by the Science Advisory Board, publish health advisories addressing the health effects of common significant indoor air health risks. Each health advisory shall, at a minimum—

(1) describe the adverse human health effects of a common significant indoor air health risk, including the risk to vulnerable subpopulations;

(2) characterize the causes of the significant indoor air health risk; and

(3) summarize the guidelines under section 3 for identifying, reducing, and preventing the significant indoor air health risk.

The Administrator shall publish a health advisory for a common significant indoor air health risk at the same time that the Administrator publishes guidelines for such health risk under section 3.

SEC. 6. HEALTHY BUILDINGS PROGRAM.

The Administrator shall, after notice and opportunity of at least 90 days for public

comment, develop a voluntary program to provide Federal recognition to buildings that are operated and maintained, taking into consideration all uses of the building, to prevent or minimize common significant indoor air health risks in an exemplary manner while at the same time providing significant energy efficiency benefits and for which there are no outstanding indoor air quality citations by other agencies. Such recognition shall be based on objective, nondiscriminatory criteria.

SEC. 7. STATE AND LOCAL INDOOR AIR HEALTH GRANTS.

(a) IN GENERAL.—The Administrator may provide grants to States and to local governments to develop and implement programs proposed by any such State or local government to identify, reduce , and prevent common significant indoor air health risks.

(b) FEDERAL SHARE OF FUNDING.—The Federal share of grants under this section shall not exceed 75 percent of the costs incurred in developing and implementing such programs. Such share shall be based on the availability of funds appropriated annually and shall supplement State funds for this purpose. The Administrator, in making such grants, shall seek to treat all States equitably.

SEC. 8. BUILDING HEALTH ASSESSMENT PROGRAM.

(a) AUTHORITY.—The Director of the National Institute for Occupational Safety and Health shall implement a Building Assessment Program to provide assistance and guidance to employers and employees on measures to reduce significant indoor air health risks.

(b) SELECTION OF BUILDINGS FOR ASSESSMENT.—An assessment may be initiated in response to a request from any employer or employee (including an authorized representative of the employee) submitted to the Director for a building assessment. In making such voluntary assessment, the Director shall have the authority, pursuant to such request, to conduct on-site assessments of individual buildings, including Federal, State, and municipal buildings. In selecting a building for assessment pursuant to such request, the Director shall consider (1) the seriousness and extent of significant indoor air health risks, and (2) the potential for the building assessment to expand knowledge of building assessment methods and response measures.

(c) ASSESSMENT ELEMENTS.—Assessments shall include, at a minimum, identification of (1) probable significant indoor air health risks, (2) probable sources and health effects of identified significant indoor air health risks, and (3) in cases where a probable health risk has been identified, measures for eliminating, controlling, or reducing significant indoor air health risks. If there are applicable guidelines under section 3, the measures included in the assessment shall be consistent with the guidelines, unless the Director adequately explains otherwise.

(d) REPORTS.—The Director shall prepare and provide a report to the employer, employees (and the authorized representative of the employees), and the building owner or representative as promptly as possible.

SEC. 9. DISCLAIMER.

Nothing in this Act shall affect the Administrator's authority under other provisions of law to conduct research, development, or demonstration projects relating to indoor air quality or be construed as providing new authority to conduct research, development, or demonstrations. Nothing in this Act shall be construed as applying to motor vehicles of any kind.

SEC. 10. RELATION TO OTHER LAW.

(a) STATE AND LOCAL AUTHORITY.—Nothing in this Act shall preempt any Federal, State, or local law or rule of law which is more protective of human health than this Act.

(b) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970, be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(c) RELATIONSHIP TO OTHER EPA AUTHORITIES.—The Administrator shall insure that any action under this Act is consistent with, and does not duplicate, actions of the Administrator under other authority of law addressing indoor air quality. Except as provided in section 4, nothing in this Act shall be construed as authorizing the Administrator to exercise any authority to prescribe or enforce any standards or regulations regarding common significant indoor air health risks.

SEC. 11. REPORTS.

Not later than 2 years after the commencement of fiscal year 1996 and every 2 years thereafter, the Administrator shall submit to the Congress a report on the activities carried out by the Administrator pursuant to this Act.

SEC. 12. RISK ANALYSIS AND PRESENTATION.

(a) GOAL.—It is the intent of Congress that risk assessments conducted under this Act be conducted in accordance with sound, unbiased, and objective scientific practices.

(b) PUBLIC DOCUMENTS.—The Administrator, in carrying out the Administrator's responsibilities under this Act, shall ensure that the presentation of information on significant indoor air health risks is unbiased and informative. To the extent feasible, documents made available to the general public which describe the degree of risk from exposure shall, at a minimum, characterize the population or populations addressed by any risk estimates; state the expected risk for the specific population; and state the reasonable range of uncertainty.

SEC. 13. DEFINITIONS.

For the purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "significant indoor air health risk" means a level of indoor air pollutants, or a condition that may result in a level of indoor air pollutants, that, based on adequate scientific and technical evidence and measurement, is reasonably anticipated to adversely affect human health.

(3) The term "indoor air pollutant" means any substance or biological organism which is emitted into, or otherwise enters, air of any kind in a building, structure, or facility.

(4) The term "person" includes an individual, a corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the executive, legislative or judicial branch of the Government of the United States or of any State and any officer, agent or employee thereof.

(5) The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Maraiana Islands.

SEC. 14. AUTHORIZATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2919.

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

There was no objection.

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

Mr. Speaker, today, we are considering an important environmental issue—the quality of indoor air, the air people breathe 90 percent of the time.

Experts tell us that some of the greatest—and most neglected—environmental threats to health occur in the indoor environment. In recent years, Congress has tried hard to focus attention on these threats.

Indoor air quality is an important part of this agenda. Some experts say that there are hundreds of thousands of buildings with indoor air problems in the United States.

H.R. 2919 protects the public from significant indoor air health risks through a variety of measures designed to encourage the identification and mitigation of these risks. Important provisions in the legislation direct EPA, one, to issue guidelines for identifying and preventing indoor air problems; two, to establish a program to certify contractors regularly engaged in identifying indoor air problems; and three, to publish health advisories to warn the public about indoor air problems.

The legislation also provides statutory recognition to a number of valuable programs currently underway at EPA, including the healthy building baseline assessment and the building air quality alliance to promote good indoor air quality practices.

I am pleased to report that H.R. 2919 is endorsed by the Clinton administration and a broad coalition of industry, labor, health, and public interest organizations, including:

American Lung Association.

Building Owners and Managers Association [BOMA].

Carpet and Rug Institute.

Consumer Federation of America.

Council of American Building Officials [CABO].

Institute of Real Estate Management.

International Council of Shopping Centers.

NAIOP [the Association for Commercial Real Estate].

National Association of Home Builders.

National Association of Realtors.

National Multi Housing Council.

National Realty Committee.

Sheet Metal Workers International Association.

In closing, I especially want to commend the leaders of indoor air in the Congress—JOE KENNEDY and GEORGE MITCHELL. For years, Congressman KENNEDY and Senator MITCHELL have worked to raise public awareness about indoor air hazards and to achieve enactment of new indoor air legislation. It's time for their vision to become a reality.

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

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

Mr. Speaker, as the chairman of the subcommittee, Mr. WAXMAN, has already explained, this legislation has been substantially modified since it was first introduced. I opposed the bill in its original form because it gave EPA new and extensive authority to regulate indoor air quality. I was concerned that we do not have sufficient scientific information to justify such regulation. I was also concerned that the bill would interfere with OSHA's current efforts to develop comprehensive standards for indoor air quality in workplaces.

The bill before us today is substantially improved over the original version. The bill, as amended, does not give EPA new authority to regulate indoor air quality. Instead, the bill authorizes EPA to provide information to the public on "significant indoor air health risks," including "guidelines" for addressing such risks and "health advisories" for understanding the health effects of various contaminants.

The bill also ensures that EPA will not prevent OSHA from going forward with its rulemaking on indoor air quality in the workplace.

In addition, the legislation has been amended to include several provisions to ensure that EPA uses the best available scientific information when it develops information for the public on indoor air hazards. These provisions include specific language directing EPA to conduct risk assessments that are based on sound, unbiased, and objective scientific principles, and language requiring EPA to ensure that the presentation of risk information on indoor air contaminants is unbiased and informative.

In conclusion, I want to commend the work of Chairman WAXMAN and Chairman DINGELL, and their staffs, for improving this legislation, and I look forward to working with them to make further improvements in the bill.

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

□ 1710

Mr. WAXMAN. Mr. Speaker, I insert in the RECORD a letter that the gentleman from Michigan [Mr. DINGELL] the chairman of the Committee on Energy and Commerce, has received from the gentleman from California [Mr. GEORGE BROWN] the chairman of the Committee on Science, Space, and Technology. The gentleman from Michigan [Mr. DINGELL] has informed us that he concurs with the views expressed in the letter. The text of the letter is as follows:

COMMITTEE ON SCIENCE,
SPACE AND TECHNOLOGY
Washington, DC, October 2, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC. 20515

DEAR MR. CHAIRMAN: Recently, the Energy and Commerce Committee reported H.R. 2919, the Indoor Air Act of 1994, which is listed on the suspension calendar for consideration this week. I understand that it is your intention to link this bill up with the Senate companion bill, S. 656, which is being held at the desk. As you know, the virtually identical predecessor of S. 656 in the 102nd Congress, S. 455, was jointly referred to the Committees on Energy and Commerce, Education and Labor, and Science, Space, and Technology.

We understand that your Committee agrees that, should a conference occur, our Committee would be represented on the Conference concerning provisions within our Committee's jurisdiction. We would also request that a copy of this letter be included in the floor debate on the provision.

Sincerely,

GEORGE E. BROWN, Jr.
Chairman.

Mr. WAXMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. KENNEDY] the lead author of this legislation.

Mr. KENNEDY. Mr. Speaker, first and foremost, I want to thank my good friend, the gentleman from California [Mr. WAXMAN] for the hard and diligent work he has done on this bill over the period of the last several years. Without the continued efforts of the gentleman from California [Mr. WAXMAN] we would never have seen this legislation come to the floor.

I say with great sincerity, of all the hard work he does on behalf of keeping Americans healthy, this piece of legislation will help millions of Americans with the quality of the air they are breathing.

I want to thank the gentleman from Virginia [Mr. BLILEY] for his spirit of compromise and willingness to make this bill happen. I hope I have not lost him too many votes by telling him that he does a good job. I wanted to thank him for his efforts.

If we would all just take a deep breath, the air we just breathed in could contain a whole range of different air contaminants, from benzene to formaldehyde, from all sorts of molds to carcinogens. Yet, this country does not have one single health standard for the quality of the air we breathe indoors.

We spend as a nation hundreds of millions of dollars cleaning up outdoor air. We spend billions of dollars cleaning up hazardous waste. Yet, the EPA and its independent Science Advisory Board—under the Reagan, Bush, and Clinton Administrations—have consistently ranked indoor air pollution as one of the top five unaddressed environmental risks to health, ahead of hazardous waste and outdoor air pollution.

Indoor air pollution is a serious national problem. Poor indoor air quality silently robs our public health and economy. It endangers our citizens' health, worker productivity, and increases health care expenditures.

Traditionally, air pollution has been considered a problem limited to the outdoors. Indoor environments were considered the safe havens—seen as actual barriers protecting us from the contaminated world outside.

Today, we know the other half of the story. Americans spend 90 percent of their time indoors in some of our dirtiest air. The fact is that the air indoors can be up to 1000 times more polluted than outdoor air.

The right to breathe clean air should not end the moment we walk indoors.

Ignoring indoor air pollution has major costs to society. The human health toll is significant. Nine out of ten Americans are inhaling contaminants that have been identified by the EPA and the scientific community as serious health risks. Long-term health effects, including respiratory diseases and cancer, can be debilitating or even fatal.

These contaminants may cause as many as 30,000 radon-related deaths in addition to 6,000 deaths from cancer each year. The threat of spreading serious diseases, like Legionnaire's Disease and tuberculosis, is paramount. In addition, inhalation of contaminants accounts for hundreds of thousands, if not millions, of complaints of immediate sick building symptoms such as asthma, bronchitis, headaches, fatigue, and dizziness, and nausea.

The costs are also economic. In its 1989 Report to Congress, EPA estimated that indoor air pollution costs tens of billions of dollars a year in direct medical costs; lost worker productivity; decreased efficiency while on the job; and equipment damages due to indoor contaminant exposure. This translates into enormous costs to our businesses that cannot be tolerated.

The Indoor Air Act embodies a responsible, non-regulatory approach to help protect the public from indoor air health risks and equip building owners with information to do the right thing in order to prevent indoor air problems.

The EPA, in coordination with and consistent with other Federal agencies, will identify common and significant indoor health risks and issue voluntary guidelines to identify, reduce and prevent them. The EPA, after review and report to Congress, will also establish a

voluntary program to certify indoor air contractors to ensure that those in the field are appropriately trained.

The bill gets the information out to the community through a public awareness program that includes the publication of health advisories that describe adverse health effects, the causes of those health risks, and guidelines for addressing them.

The EPA will be given authority to conduct indoor air quality studies that focus on human exposure to indoor air pollutants, the source of those pollutants, the effects on human health, and technologies to deal with and prevent indoor health threats.

The bill authorizes a grant program to state and local governments to confront indoor air pollution at the local level. And it establishes a program to provide Federal recognition of healthy buildings that have effective indoor air programs in place.

Another important aspect of the bill is a building assessment program, whereby the National Institute of Occupational Safety and Health is authorized to inspect buildings and to make recommendations on indoor air health risks at the request of an employer or an employee.

I want to point out that this bill contains provisions at every juncture to ensure that indoor air information is based on sound science and subject to adequate public notice and comment.

This is consensus legislation. It has the broad support of a coalition of industry, health, labor and consumer organizations, including: AFL-CIO, American Lung Association, Building Owners and Managers Association, Carpet and Rug Institute, Consumer Federation of America, Council of American Building Officials, Institute of Real Estate Management, International Council of Shopping Centers, NAIOP, the Association of Commercial Real Estate, National Apartment Association, National Association of Home Builders, National Association of Realtors, National Multi Housing Council, National Realty Committee, and Sheet Metal Workers' International Association.

I would like to thank these organizations for the constructive role they played in crafting this legislation.

H.R. 2919 is endorsed by the Administration, with the support of both EPA Administrator Carol Browner and Secretary of Labor Robert Reich. And as I indicated earlier, previous Republican Administrations have underscored that indoor air pollution is a key unaddressed health risk.

I would like to take this opportunity to thank the gentleman from Michigan [Mr. DINGELL]. Most particularly, I would like to acknowledge the efforts of Senator MITCHELL, the author of the Senate bill, who has worked closely with me over the course of the last 8 years in trying to get this legislation passed.

Again, I want to thank the gentleman from California [Mr. WAXMAN] for all the hard work he has done.

Mr. Speaker, in conclusion, the Congress has a landmark opportunity to take decisive steps to confront this major public health threat. I look forward to working with the members of the other body to take swift action to enact indoor air legislation this year. Once again, I urge my colleagues to support this bill and better indoor air quality.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume, just merely to thank the gentleman from Massachusetts for his kind words.

I do not think they will be critical of this, but I do thank the gentleman and look forward to working with him in the future.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD] the ranking Republican on the full committee.

Mr. MOORHEAD. Mr. Speaker, as the previous speakers have indicated, this legislation has been substantially modified—and I would say substantially improved—since it was first introduced. The bill before us today requires EPA to identify certain indoor air hazards and develop guidelines for identifying and preventing those hazards. However, the bill does not give EPA any authority to regulate indoor air quality or interfere with the efforts of other Federal agencies to develop indoor air quality standards for workplaces.

While we all recognize that poor indoor air quality can be the source of serious health problems, there is much we still do not know about what contaminants are in the indoor air and how they affect our health. One of my concerns with this legislation as it was originally introduced was that it did not give enough emphasis to identifying problems using sound, scientific information.

I am pleased that the bill has been amended to include several provisions to ensure that the information that EPA uses to identify indoor air hazards is peer-reviewed and that it is objective and unbiased information. I am also pleased that this legislation now requires EPA to explain to the public the assumptions it makes concerning which populations are at risk and how significant those risks are. This is a provision from a bill that I introduced with Congressman GEORGE BROWN earlier this year, the Risk Communications Act, and I am confident that it will improve the quality and the reliability of the information EPA is required to develop on indoor air quality.

I appreciate the efforts of congressman JOE KENNEDY, ranking member of the subcommittee TOM BLILEY, Chairman DINGELL, and Chairman WAXMAN to improve this legislation, and I look forward to working with them as this bill moves forward.

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

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

Mr. KENNEDY. I want to just thank members of the staff that worked very hard on trying to get this legislation passed, most especially Phil Barnett, Greg Wetstone, Donna Fox from my staff and Charles Ingebretson from the minority staff who worked very hard on trying to work this compromise out.

Mr. ROGERS. Mr. Speaker, I rise today in opposition to the bill H.R. 2919 and urge my colleagues to vote no on final passage. The Indoor Air Act of 1994 is simply the wrong approach to a perceived problem. It is premature, duplicative, and confusing.

First, it is premature. Before considering solutions to this perceived problem, we should have comprehensive scientific data on indoor air and the alleged health effects associated with it. Passing laws without proper information on these questionable threats to human health is unwise. We need hard facts to see what the problem is, then assess possible fixes.

Second, if we think this is a real problem—which I would question—the solution in this bill is unacceptable. We have heard a lot of talk about streamlining government and making it more user friendly. This bill does just the opposite by adding another bureaucratic layer to the indoor air regulatory regime. As we all know, the Occupational Safety and Health Administration [OSHA] is already implementing regulations on indoor air—which I also oppose.

Finally, if the Environmental Protection Agency is added to the regulatory mix, the resulting chaos and confusion on who is doing what would be unthinkable. Even supporters of this bill should think twice before making two Federal agencies responsible for the same problem. History has taught us that this is not the best approach.

For all these reasons, I oppose H.R. 2919 and urge its defeat.

□ 1720

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

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

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2919, as amended.

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

The title of the bill was amended so as to read: "A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.".

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 656)

to provide for indoor air pollution abatement, including indoor radon abatement, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 656

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indoor Air Quality Act of 1993".

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Indoor air quality research.
Sec. 6. Management practices, voluntary partnership programs, and ventilation standards.
Sec. 7. Indoor air contaminant health advisories.
Sec. 8. National indoor air quality response plan.
Sec. 9. Federal building response plan and demonstration program.
Sec. 10. State and local indoor air quality programs.
Sec. 11. Office of Radiation and Indoor Air.
Sec. 12. Council on Indoor Air Quality.
Sec. 13. Indoor air quality information clearinghouse.
Sec. 14. Building assessment demonstration.
Sec. 15. State and Federal authority.
Sec. 16. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) Americans spend up to 90 percent of a day indoors and, as a result, have a significant potential for exposure to contaminants in the air indoors;

(2) exposure to indoor air contamination occurs in workplaces, schools, public buildings, residences, and transportation vehicles;

(3) recent scientific studies indicate that pollutants in the indoor air include radon, asbestos, volatile organic chemicals (including formaldehyde and benzene), combustion byproducts (including carbon monoxide and nitrogen oxides), metals and gases (including lead, chlorine, and ozone), respirable particles, biological contaminants, microorganisms, and other contaminants;

(4) a number of contaminants found in both ambient air and indoor air may occur at higher concentrations in indoor air than in outdoor air;

(5) indoor air pollutants pose serious threats to public health (including cancer, respiratory illness, multiple chemical sensitivities, skin and eye irritation, and related effects);

(6) up to 15 percent of the population of the United States may have heightened sensitivity to chemicals and related substances found in the air indoors;

(7) radon is among the most harmful indoor air pollutants and is estimated to cause between 5,000 and 20,000 lung cancer deaths each year;

(8) other selected indoor air pollutants are estimated to cause between 3,500 and 6,500 additional cancer cases per year;

(9) indoor air contamination is estimated to cause significant increases in medical costs and declines in work productivity;

(10) as many as 20 percent of office workers may be exposed to environmental conditions manifested as "sick building syndrome";

(11) sources of indoor air pollution include conventional ambient air pollution sources, building materials, consumer and commercial products, combustion appliances, indoor application of pesticides, and other sources;

(12) there is not an adequate effort by Federal agencies to conduct research on the seriousness and extent of indoor air contamination, to identify the health effects of indoor air contamination, and to develop control technologies, education programs, and other methods of reducing human exposure to the contamination;

(13) there is not an adequate effort by Federal agencies to develop response plans to reduce human exposure to indoor air contaminants and there is a need for improved coordination of the activities of these agencies;

(14) there is not an adequate effort by Federal agencies to develop methods, techniques, and protocols for assessment of indoor air contamination in non-residential, non-industrial buildings and to provide guidance on measures to respond to contamination; and

(15) State governments can make significant contributions to the effective reduction of human exposure to indoor air contaminants and the Federal Government should assist States in development of programs to reduce exposures to the contaminants.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) develop and coordinate through the Environmental Protection Agency and at other departments and agencies of the United States a comprehensive program of research and development that addresses the seriousness and extent of indoor air contamination, the human health effects of indoor air contaminants, and the technological and other methods of reducing human exposure to the contaminants;

(2) establish a process under which the existing authorities of Federal laws will be directed and focused to ensure the full and effective application of the authorities to reduce human exposure to indoor air contaminants where appropriate;

(3) provide support to State governments to demonstrate and develop indoor air quality management strategies, assessments, and response programs; and

(4) authorize activities to ensure the general coordination of indoor air quality-related activity, provide for reports on indoor air quality to Congress, provide for assessments of indoor air contamination in specific buildings by the National Institute for Occupational Safety and Health, ensure that data and information on indoor air quality issues is available to interested parties, provide training, education, information, and technical assistance to the public and private sector, and for other purposes.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADMINISTRATION.—The term "Administration" means the Occupational Safety and Health Administration.

(3) AGENCY.—The term "Agency" means the Environmental Protection Agency.

(4) DIRECTOR.—The term "Director" means the Director of the National Institute of Occupational Safety and Health.

(5) FEDERAL AGENCY.—The term "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government or government corporation.

(6) FEDERAL BUILDING.—The term "Federal building" means any building that is used primarily as an office building, school, hospital, or residence that is owned, leased, or operated by any Federal agency and is over 10,000 square feet in area, any building occupied by the Library of Congress, the White House, or the Vice Presidential residence, and any building that is included in the definition of Capitol Buildings under section 193m(1) of title 40, United States Code.

(7) INDOOR.—The term "indoor" means the enclosed portions of buildings, including nonindustrial workplaces, public buildings, Federal buildings, schools, commercial buildings, and residences, and the occupied portions of vehicles.

(8) INDOOR AIR CONTAMINANT.—The term "indoor air contaminant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol, or gaseous material, including combinations or mixtures of substances, known to occur in indoor air that may reasonably be anticipated to have an adverse effect on human health.

(9) LOCAL AIR POLLUTION CONTROL AGENCY.—The term "local air pollution control agency" means any city, county, or other local government authority charged with the responsibility for implementing programs or enforcing laws or ordinances relating to the prevention and control of air pollution, including indoor air pollution.

(10) LOCAL EDUCATION AGENCY.—The term "local education agency" means any educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381).

SEC. 5. INDOOR AIR QUALITY RESEARCH.

(a) AUTHORITY.—

(1) IN GENERAL.—The Administrator shall, in coordination with other appropriate Federal agencies, establish a national research, development, and demonstration program to ensure the quality of air indoors. As part of the program, the Administrator shall promote the coordination and acceleration of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of contamination of indoor air.

(2) DUTIES OF ADMINISTRATOR.—In carrying out this section, the Administrator is authorized, subject to the availability of appropriations, to—

(A) collect and make available to the public, through publications and other appropriate means, the results of research, development, and demonstration activities conducted pursuant to this section;

(B) conduct research, development, and demonstration activities and cooperate with other Federal agencies, State and local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations, and other persons in the preparation and conduct of the research, development, and demonstration activities;

(C) make grants to States or local government entities, other public agencies and authorities, nonprofit institutions and organizations, and other persons;

(D) enter into contracts or cooperative agreements with public agencies and authorities, nonprofit institutions and organizations, and other persons;

(E) conduct studies, including epidemiological studies, of the effects of indoor air contaminants or potential contaminants on mortality and morbidity and clinical and laboratory studies on the immunologic, biochemical, physiological, and toxicological effects (including the carcinogenic, teratogenic, mutagenic, cardiovascular, and neurotoxic effects) of indoor air contaminants or potential contaminants;

(F) develop and disseminate information documents on indoor air contaminants describing the nature and characteristics of the contaminants in various concentrations;

(G) develop effective and practical processes, protocols, methods, and techniques for the prevention, detection, and correction of indoor air contamination and work with the private sector, other governmental entities, and schools and universities to encourage the development of innovative techniques to improve indoor air quality;

(H) construct such facilities, employ such staff, and provide such equipment as are necessary to carry out this section;

(I) call conferences concerning the potential or actual contamination of indoor air giving opportunity for interested persons to be heard and present papers at the conferences;

(J) utilize, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers;

(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities, and other property rights, by purchase, license, lease, or donation, and if the Administrator expects or intends that research conducted pursuant to this subsection will primarily affect worker safety and health, the Administrator shall consult with the Assistant Secretary of Occupational Safety and Health and the Director; and

(L) conduct research, development, and demonstration activities through nonprofit institutions on the use of indoor foliage as a method to reduce indoor air pollution.

(b) PROGRAM REQUIREMENTS.—The Administrator, in coordination with other appropriate Federal agencies, shall conduct, assist, or facilitate research, investigations, studies, surveys, or demonstrations with respect to the following:

(1) The effects on human health of contaminants or combinations of contaminants (whether natural or anthropogenic) at various levels including additive, cumulative, and synergistic effects on populations both with and without heightened sensitivity that are found or are likely to be found in indoor air.

(2) The exposure of persons to contaminants that are found in indoor air (including exposure to the substances from sources other than indoor air contamination, including drinking water, diet, or other exposures).

(3) The identification of populations at increased risk of illness from exposure to indoor air contaminants and assessment of the extent and characteristics of the exposure.

(4) The exposure of persons to contaminants in buildings of different classes or types, and in vehicles, and assessment of the association of particular contaminants and particular building classes or types and vehicles.

(5) The identification of building classes or types and design features or characteristics that increase the likelihood of exposure to indoor air contaminants.

(6) The identification of the sources of indoor air contaminants, including association of contaminants with outdoor sources, building or vehicle design, classes or types of products, building management practices, equipment operation practices, building materials, and related factors.

(7) The assessment of relationships between contaminant concentration levels in ambient air and the contaminant concentration levels in the indoor air.

(8) The development of methods and techniques for characterizing and modeling indoor air movement and flow within buildings or vehicles, including the transport and dispersion of contaminants in the indoor air.

(9) The assessment of the fate, including degradation and transformation, of particular contaminants in indoor air.

(10) The development of methods and techniques to characterize the association of contaminants, the levels of contaminants, and the potential for contamination of new construction with climate, building location, seasonal change, soil and geologic formations, and related factors.

(11) The assessment of indoor air quality in facilities of local education agencies and buildings used as child care facilities and development of measures and techniques for control of indoor air contamination in the buildings.

(12) The development of protocols, methods, techniques, and instruments for sampling indoor air to determine the presence and level of contaminants, including sample collection and the storage of samples before analysis and development of methods to improve the efficiency and reduce the cost of analysis.

(13) The development of air quality sampling methods and instruments that are inexpensive and easy to use and may be used by the general public.

(14) The development of control technologies, building design criteria, and management practices to prevent the entrance of contaminants into buildings or vehicles (such as air intake protection, sealing, and related measures) and to reduce the concentrations of contaminants indoor (such as control of emissions from internal sources of contamination, improved air exchange and ventilation, filtration, and related measures).

(15) The development of materials and products that may be used as alternatives to materials or products that are now in use and that contribute to indoor air contamination.

(16) Research, to be carried out principally by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, for the purpose of assessing—

(A) the exposure of workers to indoor air contaminants, including an assessment of resulting health effects; and

(B) the costs of declines in productivity, sick time use, increased use of employer-paid health insurance, and worker compensation claims.

(17) Research, to be carried out in conjunction with the Secretary of Housing and Urban Development, and the Secretary of the Department of Energy for the purpose of developing methods for assessing the potential for indoor air contamination of new construction and design measures to avoid indoor air contamination.

(18) Research, to be carried out in conjunction with the Secretary of Transportation, for the purposes of—

(A) assessing the potential for indoor air contamination in public and private transportation; and

(B) designing measures to avoid the indoor air contamination.

(19) Research, to be carried out in consultation with the Administrator for the National Aeronautics and Space Administration, for the purpose of assessing the use of indoor foliage as a means to reduce indoor air contamination, including demonstration projects to determine the level of pollutants reduced by indoor plants in buildings.

(c) TECHNOLOGY DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator may enter into cooperative agreements or contracts with, or provide financial assistance in the form of grants to, public agencies and authorities, nonprofit institutions and organizations, employee advocate organizations, local educational institutions, or other appropriate entities or persons to demonstrate practices, methods, technologies, or processes that may be effective in controlling sources or potential sources of indoor air contamination, preventing the occurrence of indoor air contamination, and reducing exposures to indoor air contamination.

(2) REQUIREMENTS FOR ASSISTANCE.—The Administrator may assist a demonstration activity under paragraph (1) only if—

(A) the demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology, or process or the feasibility and cost effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local, or commercial efforts to demonstrate the practice, method, technology, or process;

(B) the demonstration activity meets the requirements of this section and serves the purposes of this Act;

(C) the demonstration of the practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

(D) in the case of a contract or cooperative agreement, the practice, method, technology, or process—

(i) would not be adequately demonstrated by State, local, or private persons, or in the case of an application for financial assistance, by a grant; and

(ii) is not likely to receive adequate financial assistance from other sources.

(3) SOLICITATIONS.—The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among the proposed demonstration projects, supervision of the demonstration projects, evaluation and publication of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies, and processes that are proven to be effective.

(4) PUBLISHED SOLICITATIONS.—Not later than 180 days after the date of enactment of this Act, and not less often than every 12 months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, prototype or at full-scale, practices, methods, technologies, and processes that are (or may be) effective in controlling sources or potential sources of indoor air contaminants. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the research and development efforts of the applicant, and

other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

(5) APPLICATIONS.—Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4). The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

(6) REVIEW.—In selecting practices, methods, technologies, or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria:

(A) The potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of contaminants that present risks to human health.

(B) The consistency of the proposal with the recommendations provided pursuant to section 8(d)(8).

(C) The capability of the person or persons proposing the project to successfully complete the demonstration as described in the application.

(D) The likelihood that the demonstrated practice, method, technique, or process could be applied in other locations and circumstances to control sources or potential sources of contaminants, including considerations of cost, effectiveness, and technological feasibility.

(E) The extent of financial support from other persons to accomplish the demonstration as described in the application.

(F) The capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

(7) SELECTION OF PROJECTS.—The Administrator shall select or refuse to select a project for demonstration under this subsection in an expeditious manner. In the case of a refusal to select a project, the Administrator shall notify the applicant of the reasons for the refusal.

(8) PERFORMANCE OF PROJECTS.—Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

(9) AGREEMENTS.—The Administrator shall enter into agreements, if practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements as are necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

(10) SCHEDULES.—Each demonstration project under this section shall be completed within such time as is established in the demonstration plan. The Administrator may extend any deadline established under this subsection by mutual agreement with the applicant concerned.

(11) FEDERAL FUNDS.—The total amount of Federal funds for any demonstration project under this section shall not exceed 75 percent of the total cost of the project. If the Administrator determines that research under this section is of a basic nature that would not otherwise be undertaken, or the applicant is a local educational agency, the Administrator may approve a grant under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(12) REPORTS.—The Administrator shall, from time to time, publish general reports describing the findings of demonstration projects conducted pursuant to this section. The reports shall be provided to the indoor air quality information clearinghouse provided for in section 13.

(d) STUDY OF SCHOOLS AND CHILD CARE FACILITIES.—

(1) IN GENERAL.—The Administrator shall conduct a national study of the seriousness and extent of indoor air contamination in buildings owned by local educational agencies and child care facilities.

(2) ADVISORY GROUP.—The Administrator shall establish an advisory group composed of representatives of school administrators, teachers, child care organizations, parents and service employees and other interested parties, including scientific and technical experts familiar with indoor air pollution exposures, effects, and controls, to provide guidance and direction in the development of the national study.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall provide a report to Congress of the results of the national study. The report required by this paragraph shall provide such recommendations for activities or programs to reduce and avoid indoor air contamination in buildings owned by local educational agencies and in child care facilities as the Administrator determines appropriate.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall prepare and submit to Congress a report reviewing and assessing issues related to chemical sensitivity disorders, including multiple chemical sensitivities. The Advisory Committee established pursuant to section 7(c) shall review and comment on the report prior to submittal to Congress.

(f) HEALTHY BUILDINGS BASELINE ASSESSMENT.—

(1) IN GENERAL.—The Administrator and the Director shall conduct research on indoor air quality in commercial buildings to develop baseline information on indoor air quality in the buildings.

(2) REQUIREMENTS OF RESEARCH.—Research carried out under this subsection shall comply with generally accepted principles of the proper design, maintenance, and operation of ventilation, filtration, and other building systems.

(3) PERSONS THAT MAY CONDUCT RESEARCH.—The Administrator and the Director may arrange to have all or a portion of the research to be carried out by appropriate private persons and academic institutions.

(4) CONTENTS OF STUDY.—The study shall include—

(A) monitoring of respirable particulate matter, volatile compounds, biological contaminants, and other contaminants of interest; and

(B) identification of the sources of indoor air contaminants.

(g) CLARIFICATION OF AUTHORITY.—Title IV of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is repealed.

SEC. 6. MANAGEMENT PRACTICES, VOLUNTARY PARTNERSHIP PROGRAMS, AND VENTILATION STANDARDS.

(a) TECHNOLOGY AND MANAGEMENT PRACTICE ASSESSMENT BULLETINS.—

(1) IN GENERAL.—The Administrator shall publish bulletins providing an assessment of technologies and management practices for the control and measurement of contaminants in the air indoors.

(2) BULLETINS.—The bulletins published pursuant to this subsection shall, at a minimum—

(A) describe the control or measurement technology or practice;

(B) describe the effectiveness of the technology or practice in control or measurement of indoor air contaminants and, to the extent feasible, the resulting reduction in risk to human health;

(C) assess the feasibility of the application of the technology or practice in buildings of different types, sizes, ages, and designs;

(D) assess the cost of the application of the technology or practice in buildings of different types, sizes, ages, and designs, including capital and operational costs; and

(E) assess any risks to human health that the technology or practice may create.

(3) FORMAT.—The Administrator shall establish and utilize a standard format for presentation of the technology and management practice assessment bulletins. The format shall be designed to facilitate assessment of technologies or practices by interested parties, including homeowners and building owners and managers.

(4) SCHEDULE OF PUBLICATION.—The Administrator shall provide that, to the extent practicable, bulletins published pursuant to this subsection shall be published on a schedule consistent with the publication of health advisories pursuant to section 7(b).

(5) PUBLIC REVIEW.—In developing bulletins pursuant to this subsection, the Administrator shall provide for public review and shall consider public comment prior to the publication of bulletins. If the technology or management practice is expected to have significant implications for worker safety or health, the Administrator shall consult with the Director prior to seeking review and comment.

(6) DISTRIBUTION.—The bulletins published pursuant to this subsection shall be provided to the indoor air quality information clearinghouse established under section 13 and, to the extent practicable, shall be made available to architecture, design, and engineering firms, building owners and managers, and organizations representing the parties.

(b) VOLUNTARY PARTNERSHIP PROGRAMS.—

(1) IN GENERAL.—The Administrator shall develop a voluntary partnership program in cooperation with corporations and other entities that own, operate, or occupy buildings.

(2) PARTNERSHIPS.—The Administrator shall enter into the voluntary partnerships as an incentive to promote the implementation of pollution prevention, problem mitigation, and energy-wise technology strategies in exchange for indoor air quality technical support and recognition of the Agency.

(3) RECOGNITION.—The Administrator may award recognition to corporations or other persons that comply with management practices that are necessary to improve air quality.

(c) MODEL BUILDING MANAGEMENT PRACTICES TRAINING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the National Institute of Occupational Safety and Health, in cooperation with the

Administrator of the General Services Administration and the Administrator, shall develop an indoor air training course providing training with respect to—

(A) principles, methods, and techniques related to ventilation system operation and maintenance, including applicable ventilation guidelines and standards;

(B) the maintenance of records concerning indoor air quality, including maintenance of ventilation systems, complaints of indoor air quality, and actions taken to address indoor air quality problems;

(C) health threats posed by indoor air contaminants, including a knowledge of health advisories published pursuant to this Act and other information concerning contaminant levels;

(D) identification of potential indoor air contaminant sources and options for reducing exposures to contaminants;

(E) special measures that may be necessary to reduce indoor air contaminant exposures in new buildings and in portions of buildings that have been renovated or substantially refurbished within the 6-month period preceding the measures; and

(F) special measures that may be necessary to reduce exposures to contaminants associated with pesticide applications, installation of products, furnishings, or equipment, and cleaning operations.

(2) TRAINING COURSES.—Not later than 2 years after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health shall provide, or contract for the provision of, training courses pursuant to paragraph (1) sufficient, at a minimum, to ensure training on a schedule consistent with the requirements of section 9(f)(2).

(3) FEES.—The Director of the National Institute of Occupational Safety and Health, or firms or organizations operating under contract with the Administrator of the General Services Administration, are authorized to establish a fee for training pursuant to this subsection. The fees shall be in an amount not to exceed the amount necessary to defray the costs of the training program.

(4) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration, and the Administrator, shall prepare a report to Congress assessing the training program under this subsection and making recommendations concerning the application of training requirements to classes and types of buildings not covered under this subsection.

(d) VENTILATION PROGRAM.—

(1) IN GENERAL.—The Administrator, in coordination with other Federal agencies, shall conduct a program to analyze the adequacy of ventilation standards and guidelines to protect the public and workers from indoor air contaminants.

(2) DUTIES OF ADMINISTRATOR.—The Administrator shall—

(A) identify and describe ventilation standards adopted by State and local governments and professional organizations, including the American Society of Heating, Refrigerating and Air Conditioning Engineers;

(B) determine the adequacy of the standards for protecting public health and promoting worker productivity;

(C) assess the costs of compliance with the standards;

(D) determine the degree to which the standards are being adopted and enforced;

(E) identify the extent to which buildings are being operated in a manner that achieves the standards; and

(F) assess the potential for the standards to complement controls over specific sources of contaminants in reducing indoor air contamination.

SEC. 7. INDOOR AIR CONTAMINANT HEALTH ADVISORIES.

(a) LIST OF CONTAMINANTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall prepare and publish in the Federal Register a list of indoor air contaminants (referred to in this section as "listed contaminants"). The list may include combinations or mixtures of contaminants and may refer to the combinations or mixtures by a common name.

(2) REVIEW OF LIST.—The Administrator shall from time to time and as necessary to carry out this Act, but not less often than biennially, review and revise the list by adding other contaminants pursuant to this Act.

(3) CONTENTS OF LIST.—The list provided for in paragraph (1) shall include, at a minimum, benzene, biological contaminants, carbon monoxide, formaldehyde, lead, methylene chloride, nitrogen oxide, particulate matter, asbestos, polycyclic aromatic hydrocarbons (PAHs), and radon.

(4) CONSULTATION AND PUBLIC REVIEW.—In developing the list provided for in paragraph (1) or in revising the list pursuant to paragraph (2), the Administrator shall consult with the advisory panel provided for in subsection (c), provide for public review, and consider public comment prior to the issuance of a final list.

(b) CONTAMINANT HEALTH ADVISORIES.—

(1) IN GENERAL.—The Administrator shall, in consultation with the advisory panel, provided for in subsection (c), and after providing for public review and comment pursuant to paragraph (6), publish advisory materials addressing the adverse human health effects of listed contaminants.

(2) CONTENTS OF MATERIALS.—The advisory materials shall, at a minimum, describe—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the adverse human health effects of the contaminant in various indoor environments and in various concentrations, including the health threat to subpopulations that may be especially sensitive to exposure to the contaminant;

(C) the extent to which the contaminant, or a mixture of contaminants, is associated with a particular substance of material and emissions rates that are expected to result in varying levels of contaminant concentration in indoor air;

(D) any Technology and Management Practice Assessment Bulletin that is applicable to the contaminant and any actions that are identified for the contaminant in the National Indoor Air Quality Response Plan prepared pursuant to this Act; and

(E) any indoor air contaminant standards or related action levels that are in effect under any authority of a Federal law or regulation, the authority of State laws or regulations, the authority of any local government, or the authority of another country, including standards or action levels suggested by appropriate international organizations.

(3) STATUTORY CONSTRUCTION.—Health advisories published pursuant to this section shall in no way limit or restrict the application of requirements or standards established under any other Federal law.

(4) FORMAT.—The Administrator shall establish and utilize a standard format of presentation of indoor air contaminant health advisories. The format shall be designed to facilitate public understanding of the range of risks of exposure to indoor air contaminants and shall include a summary of the research and information concerning the contaminant that is understandable to public health professionals and to individuals who lack training in toxicology.

(5) SCHEDULE OF PUBLICATION.—The Administrator shall publish health advisories for listed contaminants as expeditiously as practicable. At a minimum, the Administrator shall publish not less than 6 advisories not later than 24 months after the date of enactment of this Act and shall publish an additional 6 advisories not later than 36 months after the date of enactment of this Act.

(6) SCIENTIFIC INFORMATION.—Health advisories shall be based on sound scientific information that has undergone peer review.

(7) REVIEW AND REVISION.—Health advisories shall be reviewed, revised, and republished to reflect new scientific information on a periodic basis but not less frequently than every 5 years.

(8) REVIEW AND COMMENT.—In developing and revising health advisories pursuant to this subsection, the Administrator shall provide for public review and comment, including providing notice in the Federal Register of the intent to publish a health advisory not later than 90 days prior to publication, and shall consider public comment prior to issuance of an advisory.

(c) ADVISORY PANEL.—The Indoor Air Quality and Total Human Exposure Committee of the Environmental Protection Agency Science Advisory Board shall advise the Administrator with respect to the implementation of this section, including the listing of contaminants, the contaminants for which advisories should be published, the order in which advisories should be published, the content, quality, and format of advisory documents, and the revision of the documents. The Administrator shall provide that a representative of each of the Agency for Toxic Substances and Disease Registry, the Office of Health and Environmental Research of the Department of Energy, the National Institute for Occupational Safety and Health, and the National Institute for Environmental Health Sciences shall participate in the work of the Advisory Panel as ex officio members.

SEC. 8. NATIONAL INDOOR AIR QUALITY RESPONSE PLAN.

(a) AUTHORITY.—The Administrator shall, in coordination with other appropriate Federal agencies, develop and publish a national indoor air quality response plan. The response plan shall provide for the implementation of a range of response actions identified in subsections (b) and (c) that will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) and the attainment, to the fullest extent practicable, of indoor air contaminant levels that are protective of human health.

(b) EXISTING AUTHORITY.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) a description of specific response actions to be implemented based on existing authorities provided in—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Toxic Substances Control Act (15 U.S.C. 201 et seq.);

(3) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(4) title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.);

(5) the authorities of the Consumer Product Safety Commission;

(6) the authorities of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health; and

(7) other regulatory and related authorities provided under any other Federal law.

In implementing response actions pursuant to paragraph (6), the Assistant Secretary for Occupational Safety and Health shall consult with representatives and employees of State and local governments with respect to States over which the Occupational Safety and Health Administration lacks jurisdiction over State and local employees.

(c) SUPPORTING ACTIONS.—The Administrator, in coordination with the heads of other appropriate Federal agencies, shall include in the plans provided for in subsection (a) a description of specific supporting actions, including, but not limited to—

(1) programs to disseminate technical information to public health, design, and construction professionals concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposure to the contaminants;

(2) the development of guidance documents addressing individual contaminants, groups of contaminants, sources of contaminants, or types of buildings or structures and providing information on measures to reduce exposure to contaminants, including—

(A) the estimated cost of the measures;

(B) the technologic feasibility of the measures; and

(C) the effectiveness and efficiency of the measures;

(3) education programs for the general public concerning the health threats posed by indoor air contaminants and appropriate individual response actions;

(4) technical assistance, including the design and implementation of training seminars for State and local officials, private and professional firms, and labor organizations dealing with indoor air pollution and addressing topics such as monitoring, analysis, mitigation, building management practices, ventilation, health effects, public information, and program design;

(5) the development of model building codes, including ventilation rates, for various types of buildings designed to reduce levels of indoor air contaminants;

(6) the identification of contaminants, or circumstances of contamination for which immediate action to protect public and worker health is necessary and appropriate and a description of the actions needed;

(7) the identification of contaminants, or circumstances of contamination, in cases in which regulatory or statutory authority is not adequate to address an identified contaminant or circumstance of contamination and recommendation of legislation to provide needed authority;

(8) the identification of contaminants, or circumstances of contamination, in cases in which the continued reduction of contamination requires development of technology or technological mechanisms; and

(9) the identification of remedies to the "sick building syndrome", including proper design and maintenance of ventilation systems, building construction and remodeling practices, and safe practices for the application of pesticides, herbicides, and disinfectants, and a standardized protocol for investigating and solving indoor air quality problems in sick buildings.

(d) CONTENTS OF PLAN.—In describing specific actions to be taken under subsections (b) and (c), the Administrator, in coordination with the heads of other appropriate Federal agencies, shall—

(1) identify the health effects, and any contaminant or contaminants thought to cause health effects to be addressed by a particular action and to the fullest extent feasible, the relative contribution to indoor air contamination from all sources of contamination;

(2) identify the statutory basis for the action;

(3) identify the schedule and process for implementation of the action;

(4) identify the Federal agency with jurisdiction for the specific action that will implement the action; and

(5) identify the financial resources needed to implement the specific action and the source of the resources.

(e) SCHEDULE.—Response plans provided for in subsection (a) shall be submitted to Congress not later than 2 years after the date of enactment of this Act, and biennially thereafter.

(f) REVIEW.—

(1) IN GENERAL.—The Administrator shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register for public review and comment not later than 90 days prior to submission to Congress. The Administrator shall include in the response plan a summary of public comments.

(2) REVIEW BY COUNCIL.—The Administrator shall provide for the review and comment on the response plan by the Council on Indoor Air Quality provided for under section 12.

(g) REPORTS IN PLAN.—

(1) MONITORING AND MITIGATION SERVICES.—In the first plan published pursuant to this section shall include an assessment and report on indoor air monitoring and mitigation services provided by private firms and other organizations, including the range of the services, the reliability and accuracy of the services, and the relative costs of the services. The assessment shall include a review and analysis of options for oversight of indoor air monitoring and mitigation firms and organizations, including registration, licensing, and certification of the firms and organizations and options for imposing a user fee on the firms and organizations.

(2) VENTILATION PROGRAM.—The first plan published pursuant to this section shall include an assessment and report on the ventilation program carried out under this Act, including recommendations concerning—

(A) the establishment of ventilation standards that protect public health and worker health and take into account comfort and energy conservation goals; and

(B) ensuring that adequate ventilation standards are being adopted and that buildings are being operated in a manner that achieves standards.

(3) INDOOR PLANTS.—The first plan published pursuant to this section shall include an assessment and report on the research program authorized under section 5(b)(20). In preparing the report, the Administrator shall consult with the Administrator of the National Aeronautics and Space Administration.

SEC. 9. FEDERAL BUILDING RESPONSE PLAN AND DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The Administrator and the Administrator of the General Services Administration shall develop and implement a program to respond to and reduce indoor air contamination in Federal buildings and to demonstrate methods of reducing indoor air contamination in new Federal buildings.

(b) FEDERAL BUILDING RESPONSE PLAN.—

(1) IN GENERAL.—The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, the Director, and the heads of affected Federal departments or agencies shall prepare response plans addressing indoor air quality in Federal buildings. The plans shall, to the fullest extent practicable, be developed in conjunction with response plans developed pursuant to section 8.

(2) CONTENTS OF RESPONSE PLAN.—The response plan shall provide for the implementation of a range of response actions that will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a), and the attainment, to the fullest extent practicable, of indoor air contaminant concentration levels that are protective of public and worker health.

(3) REQUIREMENTS FOR RESPONSE PLAN.—Each Federal building response plan provided for in paragraph (1) shall include—

(A) a list of all Federal buildings;

(B) a description and schedule of general response actions, including general building management practices, product purchase guidelines, air quality problem identification practices and methods, personnel training programs, and other actions to be implemented to reduce exposures to indoor air contaminants in the buildings listed pursuant to subparagraph (A);

(C) a list of individual Federal buildings listed pursuant to subparagraph (A) for which there is sufficient evidence of indoor air contamination or related employee health effects to warrant assessment of the building pursuant to section 14 and a schedule for the development and submittal of building assessment proposals pursuant to section 14(d);

(D) a description and schedule of specific response actions to be implemented in each specific building identified in subparagraph (C) and assessed pursuant to section 14;

(E) an identification of the Federal agency responsible for the funding and implementation of each response action identified in subparagraphs (B) and (D); and

(F) an identification of the estimated costs of each response action identified in subparagraphs (B) and (D) and the source of resources to cover the costs.

(4) REQUIREMENT FOR RESPONSE PLAN.—The response plan provided for in this subsection shall address each Federal building identified in paragraph (3)(A), except that a specific building may be exempted from coverage under this subsection. A building may be exempted on the grounds of—

(A) national security;

(B) the anticipated demolition or termination of Federal ownership not later than 3 years after the exemption; and

(C) a specialized use of a building that precludes necessary actions to reduce indoor air contamination.

(5) SUBMISSION TO CONGRESS.—The plan provided for in this subsection shall be submitted to Congress not later than 2 years after the date of enactment of this Act, and biennially thereafter.

(6) PUBLIC REVIEW AND COMMENT.—The Administrator of the General Services Administration shall provide for public review and comment on the response plan provided for in this section, including the provision of notice in the Federal Register, not later than 90 days prior to the submission to Congress of the plan.

(7) PUBLIC COMMENTS.—The response plan shall include a summary of public comments. The Council on Indoor Air Quality provided for under section 12 shall review and comment on the plan.

(c) INDOOR AIR QUALITY RESERVE.—

(1) IN GENERAL.—The Administrator of the General Services Administration shall reserve 0.5 percent of any funds used for the construction of new Federal buildings for the design and construction of measures to reduce indoor air contaminant concentrations within the buildings.

(2) MEASURES THAT MAY BE FUNDED.—The measures that may be funded with the reserve provided for in this subsection include—

(A) the development and implementation of general design principles intended to avoid or prevent contamination of indoor air;

(B) the design and construction of improved ventilation techniques or equipment;

(C) the development and implementation of product purchasing guidelines;

(D) the design and construction of contaminant detection and response systems;

(E) the development of building management guidelines and practices; and

(F) training in building and systems operations for building management and maintenance personnel.

(3) REPORT.—On completion of construction of each Federal building covered by this section, the Administrator of the General Services Administration shall file with the Administrator, the clearinghouse established under section 13, and the Council established under section 12, a report describing the uses made of the reserve provided for in this subsection. The report shall be in sufficient detail to provide design and construction professionals with models and general plans of various indoor air contaminant reduction measures adequate to assess the appropriateness of the measures for application in other buildings.

(4) EXEMPTIONS.—The Administrator of the General Services Administration, with the concurrence of the Administrator, may exempt a planned Federal building from the requirements of this subsection if the Administrator of the General Services Administration finds that the exemption is required on the grounds of national security or that the intended use of the building is not compatible with this section.

(d) NEW ENVIRONMENTAL PROTECTION AGENCY BUILDINGS.—Any new building constructed for use by the Agency as headquarters shall be designed, constructed, maintained, and operated as a model to demonstrate principles and practices for the protection of indoor air quality.

(e) BUILDING COMMENTS.—

(1) IN GENERAL.—The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, and the Director, shall provide, by regulation, a method and format for filing and responding to comments and complaints concerning indoor air quality in Federal buildings by workers in the buildings and by the public. The procedure for filing and responding to worker complaints shall supplement and not diminish or supplant existing practices or procedures established under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and executive orders pertaining to health and safety for Federal employees.

(2) LISTING OF FILINGS.—A listing of each filing and an analysis of the filing shall be included in each response plan prepared pursuant to this section. The listing shall preserve the confidentiality of individuals making filings under this section.

(3) REGULATIONS.—The regulations implementing this subsection shall be issued at the earliest practicable date, but not later than 2 years after the date of enactment of this Act.

(f) BUILDING VENTILATION AND MANAGEMENT TRAINING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the General Services Administration shall designate, or require that a lessee designate, an Indoor Air Quality Coordinator for each Federal building that is owned or leased by the General Services Administration.

(2) SCHEDULE FOR COMPLETION OF TRAINING COURSES.—Not later than 4 years after the date of enactment of this Act, each Indoor Air Quality Coordinator shall complete the indoor air training course operated pursuant to section 6(b). Beginning on the date that is 3 years after the date of enactment of this Act, each newly designated Indoor Air Quality Coordinator shall complete the indoor air training course not later than 1 year after designation.

(3) FAILURE TO DESIGNATE AN INDOOR AIR QUALITY COORDINATOR.—If the Administrator of the General Services Administration finds that a lessee has failed to designate and train an Indoor Air Quality Coordinator pursuant to the requirements of this Act, the Administrator of the General Services Administration may not reestablish a lease for the building.

SEC. 10. STATE AND LOCAL INDOOR AIR QUALITY PROGRAMS.

(a) MANAGEMENT AND ASSESSMENT STRATEGY DEMONSTRATION.—

(1) IN GENERAL.—The Governor of a State may apply to the Administrator for a grant to support demonstration of the development and implementation of a management strategy and assessment with respect to indoor air quality within the State.

(2) STRATEGIES.—Each State indoor air quality management strategy shall—

(A) identify a lead agency and provide an institutional framework for protection of indoor air quality;

(B) identify and describe existing programs, controls, or related activities concerning indoor air quality within State agencies, including regulations, educational programs, assessment programs, or other activities;

(C) identify and describe existing programs, controls, or related activities concerning indoor air quality of local and other sub-State agencies and ensure coordination among local, State, and Federal agencies involved in indoor air quality activities in the State; and

(D) ensure the coordination of indoor air quality programs with ambient air quality programs and related activities.

(3) ASSESSMENT PROGRAMS.—Each State indoor air quality assessment program shall—

(A) identify indoor air contaminants of concern and, to the extent practicable, assess the seriousness and the extent of indoor air contamination by contaminants listed in section 7(a);

(B) identify the classes or types of buildings or other indoor environments in which indoor air contaminants pose the most serious threat to human health;

(C) if applicable, identify geographic areas in the State where there is a reasonable likelihood of indoor air contamination as a result of the presence of contaminants in the ambient air or the existence of sources of a contaminant;

(D) identify methods and procedures for indoor air contaminant assessment and monitoring;

(E) provide for periodic assessments of indoor air quality and identification of indoor air quality changes and trends; and

(F) establish methods to provide information concerning indoor air contamination to the public and to educate the public and interested groups, including building owners and design and engineering professionals, about indoor air contamination.

(4) STATE AUTHORITY.—As part of a management strategy and assessment under this subsection, the applicant may develop contaminant action levels, guidance, or standards and may draw on health advisories developed pursuant to section 7.

(5) REQUIREMENTS FOR STATES.—Each State that is selected to demonstrate the development of management and assessment strategies shall provide to the Administrator a management strategy and assessment pursuant to paragraphs (2) and (3) not later than 3 years after the date of selection and shall certify to the Administrator that the strategy and assessment meet the requirements of this Act.

(6) PUBLIC REVIEW AND COMMENT.—Each State referred to in paragraph (5) shall provide for public review and comment on the management strategy and assessment prior to submission of the strategy and assessment to the Administrator.

(b) RESPONSE PROGRAMS.—

(1) IN GENERAL.—A Governor of a State or the executive officer of a local air pollution control agency may apply to the Administrator for grant assistance to develop a response program designed to reduce human exposure to an indoor air contaminant or contaminants in the State, a specific class or type of building in that State, or a specific geographic area of that State.

(2) REQUIREMENTS FOR RESPONSE PROGRAM.—A response program shall—

(A) address a contaminant or contaminants listed pursuant to section 7(a);

(B) identify existing data and information concerning the contaminant or contaminants to be addressed, the class or type of building to be addressed, and the specific geographic area to be addressed;

(C) describe and schedule the specific actions to be taken to reduce human exposure to the identified contaminant or contaminants, including the adoption and enforcement of any ventilation standards;

(D) identify the State or local agency or public organization that will implement the response actions;

(E) identify the Federal, State, and local financial resources to be used to implement the response program; and

(F) provide for the assessment of the effectiveness of the response program.

(3) STATE AUTHORITY.—As part of a response program pursuant to this subsection, an applicant may develop contaminant action levels, guidance, or standards based on health advisories developed pursuant to section 7.

(4) VENTILATION RATES.—As part of a response program established pursuant to this subsection, an applicant may develop a standard establishing 1 or more ventilation rates for a class or classes of buildings. The standard shall include development of the assessment and compliance programs needed to implement the standard.

(5) RESPONSE PLANS.—As part of a response program established pursuant to this subsection, an applicant may develop a response plan addressing indoor air quality in State and local government buildings. The plan shall, to the fullest extent practicable, be consistent with response plans developed pursuant to section 9.

(c) GRANT MANAGEMENT.—

(1) AMOUNT.—The amount of each grant made under subsection (a)(1) shall not be less than $75,000 for each fiscal year.

(2) SELECTION CRITERIA.—In selecting States for the demonstration and implementation of management strategies and assessments under subsection (a)(1), the Administrator shall consider—

(A) the previous experience of a State in addressing indoor air quality issues;

(B) the seriousness of the indoor air quality issues identified by the State; and

(C) the potential for demonstration of innovative management or assessment measures that may be of use to other States.

(3) FOCUS OF RESOURCES.—In selecting States for the demonstration of management strategies and assessments under subsection (a)(1), the Administrator shall focus resources to ensure that sufficient funds are available to selected States to provide for the development of comprehensive and thorough management strategies and assessments in each selected State and to adequately demonstrate the implementation of the strategies and assessments.

(4) AMOUNT.—The amount of each grant made under subsection (b)(1) shall not exceed $250,000 for each fiscal year and shall be available to the State for a period of not to exceed 3 years.

(5) SELECTION CRITERIA.—In selecting response programs developed under subsection (b) for grant assistance, the Administrator shall consider—

(A) the potential for the response program to bring about reductions in indoor air contaminant levels;

(B) the contaminants to be addressed, giving priority to contaminants for which health advisories have been developed pursuant to section 207;

(C) the type of building to be addressed, giving priority to building types in which substantial human exposures to indoor air contaminants occur;

(D) the potential for development of innovative response measures or methods that may be of use to other States or local air pollution control agencies; and

(E) the State indoor air quality management strategy and assessment, giving priority to States with complete indoor air management strategies and assessments.

(6) FEDERAL SHARE.—The Federal share of each grant made under subsections (a) and (b) shall not exceed 75 per cent of the costs incurred in the demonstration and implementation of the activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(7) AVAILABILITY OF FUNDS.—Funds awarded as a grant pursuant to subsections (a) and (b) for a fiscal year shall remain available for obligation for the next fiscal year following the fiscal year in which the funds are obligated and for the next following fiscal year.

(8) RESTRICTION.—No grant shall be made under this section for any fiscal year to a State or local air pollution control agency that in the preceding year received a grant under this section unless the Administrator determines that the agency satisfactorily implemented the grant activities in the preceding fiscal year.

(9) INFORMATION.—States and air pollution control agencies shall provide such information in applications for grant assistance and pertaining to grant funded activities as the Administrator requires.

SEC. 11. OFFICE OF RADIATION AND INDOOR AIR.

(a) ESTABLISHMENT.—The Administrator shall establish an Office of Radiation and Indoor Air within the Office of Air and Radiation of the Agency.

(b) RESPONSIBILITIES.—The Office of Radiation and Indoor Air shall—

(1) list indoor air contaminants and develop health advisories pursuant to section 7;

(2) develop national indoor air quality response plans as provided for in section 8;

(3) manage Federal grant assistance provided to air pollution control agencies under section 10;

(4) ensure the coordination of Federal laws and programs administered by the Agency relating to indoor air quality and reduce duplication or inconsistencies among the programs;

(5) work with other Federal agencies, including the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, to ensure the effective coordination of programs related to indoor air quality; and

(6) work with public interest groups, labor organizations, and the private sector in development of information related to indoor air quality, including the health threats of human exposure to indoor air contaminants, the development of technologies and methods to control the contaminants, and the development of programs to reduce contaminant concentrations.

SEC. 12. COUNCIL ON INDOOR AIR QUALITY.

(a) AUTHORITY.—There is established a Council on Indoor Air Quality.

(b) RESPONSIBILITIES.—The Council on Indoor Air Quality shall—

(1) provide for the full and effective coordination of Federal agency activities relating to indoor air quality;

(2) provide a forum for the resolution of conflicts or inconsistencies in policies or programs related to indoor air quality;

(3) review and comment on the national indoor air quality response program developed pursuant to section 8 and the Federal building response plans developed pursuant to section 9(b); and

(4) prepare a report to Congress pursuant to subsection (d).

(c) ORGANIZATION.—

(1) IN GENERAL.—The Council on Indoor Air Quality shall include a senior representative of each Federal agency involved in indoor air quality programs, including—

(A) the Agency;

(B) the Occupational Safety and Health Administration;

(C) the National Institute of Occupational Safety and Health;

(D) the Department of Health and Human Services;

(E) the Department of Housing and Urban Development;

(F) the Department of Energy;

(G) the Department of Transportation;

(H) the Consumer Product Safety Commission; and

(I) the General Services Administration.

(2) CHAIRPERSON.—The representative of the Agency shall serve as the Chairperson of the Council.

(3) STAFF.—The Council shall be served by a staff that shall include an Executive Director and not less than 3 full-time equivalent employees who shall be employees of the Agency.

SEC. 13. INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE.

(a) NATIONAL INDOOR AIR QUALITY CLEARINGHOUSE.—The Administrator shall establish a national indoor air quality clearinghouse to be used to disseminate indoor air quality information to other Federal agencies, State, and local governments, and private organizations and individuals.

(b) FUNCTIONS.—The clearinghouse shall be a repository for reliable indoor air quality related information to be collected from and made available to government agencies and private organizations and individuals. At a minimum, the clearinghouse established by this section shall make available reports, programs, and materials developed pursuant to this Act.

(c) HOTLINE.—The clearinghouse shall operate a toll-free hotline on indoor air quality that shall be available to provide to the public general information about indoor air quality and general guidance concerning response to indoor air quality problems.

(d) CONTRACTUAL AGREEMENT.—The Administrator may provide for the design, development, and implementation of the clearinghouse through a contractual agreement.

SEC. 14. BUILDING ASSESSMENT DEMONSTRATION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Director of the National Institute for Occupational Safety and Health shall, in consultation with the Administrator, implement a Building Assessment Demonstration Program to support the development of methods, techniques, and protocols for the assessment of indoor air quality in nonresidential, nonindustrial buildings and to provide assistance and guidance to building owners and occupants on measures to improve air quality.

(2) ONSITE ASSESSMENTS.—In implementing this section, the Director shall have the authority to conduct onsite assessments of individual buildings, including Federal, State, and municipal buildings.

(3) STATUTORY CONSTRUCTION.—Nothing in this section shall in any way limit or constrain existing authorities under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) ASSESSMENT ELEMENTS.—Assessments of individuals buildings conducted pursuant to this section shall, at a minimum, provide—

(1) an identification of suspected building conditions or contaminants (or both) and the magnitude of the conditions or contaminants;

(2) an assessment of the probable sources of contaminants in the air in the building;

(3) a review of the nature and extent of health concerns and symptoms identified by building occupants;

(4) an assessment of the probable association of indoor air contaminants with the health and related concerns of building occupants, including an assessment of occupational and environmental factors that may relate to the health concerns;

(5) an identification of appropriate measures to control contaminants in the air in the building, to reduce the concentration levels of contaminants, and to reduce exposure to contaminants; and

(6) an evaluation of the effectiveness of response measures in the control and reduction of contaminants and contaminant levels, the change in occupant health concerns and symptoms, the approximate costs of the measures, and any additional response measures that may reduce health concerns of occupants.

(c) ASSESSMENT REPORTS.—

(1) IN GENERAL.—The Director shall prepare—

(A) a preliminary report of each building assessment that shall document findings concerning assessment elements in paragraphs (1) through (5) of subsection (b); and

(B) a final report that shall provide an overall summary of the building assessment, including information on the effectiveness and cost of response measures, and the potential for application of response measures to other buildings.

(2) SCHEDULE OF REPORTS.—Each preliminary assessment report shall be prepared not later than 180 days after the selection of a building for assessment. A final assessment report shall be prepared not later than 180 days after completion of a preliminary report.

(3) AVAILABILITY OF REPORTS.—Preliminary and final reports shall be made available to building owners, occupants, and the authorized representatives of occupants.

(d) BUILDING ASSESSMENT PROPOSAL.—

(1) IN GENERAL.—The Director shall consider individual buildings for assessment under this section in response to a proposal identifying a building and the building owner and providing preliminary, background information about the nature of the indoor air contamination, previous response to air contamination problems, and the characteristics, occupancy, and uses of the building.

(2) BUILDING ASSESSMENT PROPOSALS.—A Building assessment proposal may be submitted by a building owner or occupants or the authorized representatives of building occupants, including the authorized representatives of employees working in a building.

(e) BUILDING ASSESSMENT SELECTION.—

(1) IN GENERAL.—In selecting buildings to be assessed under this section, the Director shall consider—

(A) the seriousness and extent of apparent indoor air contamination and human health effects of the contamination;

(B) the proposal for a building assessment submitted pursuant to subsection (d);

(C) the views and comments of the building owners;

(D) the potential for the building assessment to expand knowledge of building assessment methods, including identification of contaminants and other relevant building conditions, assessment of sources, and development of response measures; and

(E) the listing of a building pursuant to section 9(b)(3)(C).

(2) PRELIMINARY RESPONSE.—The Director shall provide a preliminary response and review of building assessment proposals to applicants and the applicable building owner not later than 60 days after receipt of a proposal and, to the extent practicable, shall provide a final decision concerning selection of a proposal not later than 120 days after the submittal of the proposal.

(f) BUILDING ASSESSMENT SUPPORT.—

(1) IN GENERAL.—The Director may enter into agreements with private individuals, firms, State and local governments, or academic institutions for services and related assistance in conduct of assessments under this section.

(2) OTHER FEDERAL AGENCIES.—The Director may enter into agreements with any other Federal agency for the assignment of Federal employees to a specific building assessment project for a period of not to exceed 180 days.

(g) SUMMARY REPORT.—

(1) IN GENERAL.—The Director shall provide, on an annual basis, a report on the implementation of this section to the Administrator and to the Council on Indoor Air Quality established pursuant to section 12.

(2) GENERAL REPORTS.—The Director shall, from time to time and in consultation with the Administrator, publish general reports containing materials, information, and general conclusions concerning assessments conducted pursuant to this section. The reports may address concerns related to the remediation of indoor air contamination problems, the assessment of health related concerns and the prevention of the problems through improved design, materials, product specifications, and management practices.

(3) AVAILABILITY OF REPORTS.—The reports prepared pursuant to this subsection and subsection (c) shall be provided to the indoor air quality information clearinghouse provided for in section 13 and, to the extent practicable, the reports shall be made available to architectural, design, and engineering firms and to organizations representing the firms.

SEC. 15. STATE AND FEDERAL AUTHORITY.

(a) GENERAL AUTHORITY.—Nothing in this Act shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common law, or any local ordinance.

(b) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this title, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 5 THROUGH 7.—There are authorized to be appropriated $20,000,000 for each of fiscal years 1994 through 1998. Of such sums as are appropriated pursuant to this subsection, for each of fiscal years 1994 through 1998, ⅛ shall be reserved for the implementation of section 7, ¼ shall be reserved for the implementation of section 5(c), and $1,000,000 shall be reserved for the implementation of section 6(c).

(b) SECTIONS 8, 9, 11, AND 13.—There are authorized to be appropriated $10,000,000 for each for fiscal years 1994 through 1998, to carry out sections 8, 9, 11, and 13. Of such sums as are appropriated pursuant to this subsection, ⅛ shall be reserved for implementation of section 9 and ⅛ shall be reserved for implementation of section 13.

(c) SECTION 10.—There are authorized to be appropriated $12,000,000 for each of fiscal years 1994 through 1998, to carry out section 10. Of such sums that are appropriated pursuant to this section, ⅛ shall be reserved for the purpose of carrying out section 10(b).

(d) SECTION 12.—There are authorized to be appropriated $1,500,000 for each of fiscal years 1994 through 1998, to carry out section 12.

(e) SECTION 14.—There are authorized to be appropriated $5,000,000 for each of fiscal years 1994 through 1998 to carry out section 14.

MOTION OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Mr. WAXMAN moves to strike all after the enactment clause of S. 656 and insert in lieu thereof the text of H.R. 2919 as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN].

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2919) was laid on the table.

UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1225) to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

The Clerk read as follows:

S. 1225

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 "United States-Mexico Border Health Commission Act".

SEC. 2. ESTABLISHMENT OF BORDER HEALTH COMMISSION.

The President is authorized and encouraged to conclude an agreement with Mexico to establish a binational commission to be known as the United States-Mexico Border Health Commission.

SEC. 3. DUTIES.

It should be the duty of the Commission—

(1) to conduct a comprehensive needs assessment in the United States-Mexico Border Area for the purposes of identifying, evaluating, preventing, and resolving health problems and potential health problems that affect the general population of the area;

(2) to implement the actions recommended by the needs assessment through—

(A) assisting in the coordination and implementation of the efforts of public and private entities to prevent and resolve such health problems, and

(B) assisting in the coordination and implementation of efforts of public and private entities to educate such population, in a culturally competent manner, concerning such health problems; and

(3) to formulate recommendations to the Governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country could reimburse a public or private entity in the other country for the cost of a health care service that the entity furnishes to a citizen of the first country who is unable, through insurance or otherwise, to pay for the service.

SEC. 4 OTHER AUTHORIZED FUNCTIONS.

In addition to the duties described in section 3, the Commission should be authorized to perform the following functions as the Commission determines to be appropriate—

(1) to conduct or support investigations, research, or studies designed to identify,

study, and monitor, on an on-going basis, health problems that affect the general population in the United States-Mexico Border Area;

(2) to conduct or support a binational, public-private effort to establish a comprehensive and coordinated system, which uses advanced technologies to the maximum extent possible, for gathering health-related data and monitoring health problems in the United States-Mexico Border Area; and

(3) to provide financial, technical, or administrative assistance to public or private nonprofit entities who act to prevent or resolve such problems or who educate the population concerning such health problems.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT OF UNITED STATES SECTION.—The United States section of the Commission should be composed of 13 members. The section should consist of the following members:

(1) The Secretary of Health and Human Services or the Secretary's delegate.

(2) The commissioners of health or chief health officer from the States of Texas, New Mexico, Arizona, and California or such commissioners' delegates.

(3) Two individuals residing in United States-Mexico Border Area in each of the States of Texas, New Mexico, Arizona, and California who are nominated by the chief executive officer of the respective States and appointed by the President from among individuals who have demonstrated ties to community-based organizations and have demonstrated interest and expertise in health issues of the United States-Mexico Border Area.

(b) COMMISSIONER.—The Commissioner of the United States section of the Commission should be the Secretary of Health and Human Services or such individual's delegate to the Commission. The Commissioner should be the leader of the section.

(c) COMPENSATION.—Members of the United States section of the Commission who are not employees of the United States or any State—

(1) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

(2) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

SEC. 6. REGIONAL OFFICES.

The Commission may designate or establish one border health office in each of the States of Texas, New Mexico, Arizona, and California. Such office should be located within the United States-Mexico Border Area, and should be coordinated with—

(1) State border health offices; and

(2) local nonprofit organizations designated by the State's chief executive officer and directly involved in border health issues.

If feasible to avoid duplicative efforts, the Commission offices should be located in existing State or local nonprofit offices. The Commission should provide adequate compensation for cooperative efforts and resources.

SEC. 7. REPORTS.

Not later than February 1 of each year that occurs more than 1 year after the date of the establishment of the Commission, the Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the preceding calendar year.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term "Commission" means the United States-Mexico Border Health Commission.

(2) HEALTH PROBLEM.—The term "health problem" means a disease or medical ailment or an environmental condition that poses the risk of disease or medical ailment. The term includes diseases, ailments, or risks of disease or ailment caused by or related to environmental factors, control of animals and rabies, control of insect and rodent vectors, disposal of solid and hazardous waste, and control and monitoring of air quality.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) UNITED STATES-MEXICO BORDER AREA.—The term "United States-Mexico Border Area" means the area located in the United States and Mexico within 100 kilometers of the border between the United States and Mexico.

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

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

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased to present to the House S. 1225, legislation authorizing the President to establish a United States-Mexico Border Health Commission. The legislation is similar to H.R. 2305, a bill authored by the distinguished gentleman from Texas [Mr. COLEMAN] and reported by the Committee on Energy and Commerce on August 19.

In order to expedite consideration of this matter prior to adjournment, our colleagues in the other body have made changes in their original bill to more closely reflect the original House legislation.

Mr. Speaker, the 2,000-mile border shared by the United States and Mexico is an area with great economic potential. Unfortunately, the dangers posed by unaddressed health and environmental problems threaten to undermine our progress in the development of this region: Sanitation and waste disposal facilities are inadequate or nonexistent; communicable diseases originating in this area frequently spread to other parts of the country; and access to health services is comparable to that of many third-world countries.

Mr. Speaker, the demographic issues facing the United States-Mexico border are unlike those found in any other part of the United States. The border communities are generally very poor, with more than a third living at or below the poverty line in the United States alone, and an unemployment rate over 2.5 times higher than the rest of the country. The sanitary infrastructure deficiencies of the border area are enormous, contributing to high rates of morbidity and mortality from communicable disease and chemical exposure.

While there have been a number of State and locally sponsored projects to address border health problems, the longterm impact of such efforts has been limited by the lack of significant participation by both State and Federal representatives from both countries.

These problems can only be addressed through the cooperative effort of both countries.

The legislation before us would authorize the President to establish a binational commission to investigate and coordinate solutions to these serious problems. The commission would conduct an assessment of the border area, and develop appropriate interventions and educational strategies.

Mr. Speaker, S. 1225 enjoys broad bipartisan support. Like H.R. 2305, the Senate bill is strongly supported by the Governors of the border States Texas, Arizona, New Mexico, and California.

Passage of S. 1225 will establish a meaningful framework for addressing the serious health and environmental problems which confront this vital region of our country. I urge support for the legislation.

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

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

Mr. Speaker, I rise in support of S. 1225. The unique demographics of the border region warrant the establishment of this commission to study the problems and make recommendations for solutions.

I do want to point out, however, that establishment of the commission should not preclude a continuing discussion on who should be responsible for paying the cost of providing emergency care services, as mandated by OBRA 86, to undocumented aliens. As we all know, many States are being overwhelmed by the expenses of providing care to undocumented aliens. I feel very strongly that the congressional debate on this issue must continue.

I am very pleased, however, that the chairman of the subcommittee and I have the same understanding of the

legislation. At the subcommittee markup we engaged in a colloquy and agreed about the interpretation of the provision which refers to citizens who are, "Unable, through insurance or otherwise, to pay for the service." Under Medicaid law, the State and Federal Governments, through Medicaid, pay hospitals for emergency services delivered to illegal aliens who are otherwise eligible for Medicaid. We clarified that it is the committee's intent that illegal aliens who receive emergency care and who have that care paid for by Medicaid are not to be considered able to pay through insurance or otherwise. We would therefore expect the commission to make recommendations for the reimbursement of the United States by Mexico for the costs of emergency services provided to citizens of Mexico in cases where those services are currently paid for by Medicaid, as well as in cases where services are not paid for by Medicaid.

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

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

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

Mr. Speaker, I think it is important to have a vote on this particular piece of legislation. Mr. Speaker, I like the idea of the commission, except wherein it might be misinterpreted that somehow it is an implicit endorsement of illegal immigrants receiving medical services, and I know the gentleman has had a colloquy with the chairman, and that that was established, apparently, in the committee through the colloquy that that is not the intent of this legislation.

Nonetheless, Mr. Speaker, I think it is important that having the commission will not in any way implicitly say that we do not need to have a strong border, a strong international border; that we do not have a right as a nation to deny welfare benefits, including health benefits, to those people who enter the country illegally. That is a strong message that we are sending out right now.

Mr. Speaker, Operation Gatekeeper is taking place in San Diego, CA. The El Paso blockage is presently in effect. Incidentally, there are some very good things happening as a result of having increased strength on the border. One thing I notice is that the rate of auto thefts went down 50 percent in 1 night in El Paso, because they now have strengthened the border with more Border Patrolmen. I think we are going to have other salutary effects of the same nature in San Diego.

Mr. Speaker, I just do not want to be sending the message by a vote from this Congress that somehow we disagree with the idea that we need to have a strong border, and that we have a right to deny welfare benefits paid for by American taxpayers to illegal immigrants.

If this commission is being put forth in that light, Mr. Speaker, that is, that it is not an implicit endorsement of illegal immigration or some desire to marry the populations on both sides of the border and pay for them out of the same Uncle Sam's taxpayer dollars, then I think it is important to have that message, and I think we can pass this legislation.

Mr. Speaker, I do think we should have a vote on this.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN] to respond.

Mr. WAXMAN. Mr. Speaker, I am happy to respond to the gentleman. His question does not deal with the questions of immigration, legal or illegal. It simply deals with the health problems of border areas, and asks for a convening of those people involved in health matters to look at the problems in that region.

However, it would not in any way seek to address those immigration questions that the gentleman has raised.

Mr. HUNTER. Mr. Speaker, if the gentleman would continue to yield, I know the gentleman from California [Mr. PACKARD] may have a question, too. Those of us who have districts on the border, the message to citizens of Mexico who live south of the border often is that health care is available in the United States. Everybody knows about that. Thousands of people come to the United States side to have their babies and to get operations. Whenever they have a more severe medical procedure, one that taxes the abilities of the doctors in Mexico, they feel that the United States is a place to go.

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I do not think the people are going to look at this commission and have no opinion on it. One message that I initially got was that the impression would be that somehow we are going to set up a border health commission that is going to deal naturally with the expenditures generally of American taxpayer dollars and that somehow we are going to be providing services for people who want to come across to avail themselves of those services.

The gentleman has had a colloquy with the gentleman from California [Mr. MOORHEAD] in subcommittee, that is not the case, and I appreciate him saying that on the House floor.

Mr. MOORHEAD. Was my statement of our colloquy correct?

Mr. WAXMAN. If the gentleman will yield, yes, the gentleman is correct. We did have a colloquy in committee. We have clarified this matter. We can allay the gentleman's concerns.

Mr. HUNTER. If the gentleman would continue to yield, the reason I have asked this question is simply this. We are expending a ton of taxpayer dollars now with roads, lights, fences, and more border patrolmen on the border. We are trying to send a strong message to those who would enter the country illegally: "We have a right to protect our border and we have a right to ask you to use the front door to enter legally if you want to come into the United States."

I just do not want to have this commission be a contrary message that says somehow if you do come across, we are going to put together another tier of health care that will be available for you. We have been sending inconsistent messages to people for years: "Don't come across the border but if you do, we'll hire you when you get up here." I do not want that to be replaced with a message that says, "Don't come across the border but we're going to have a new health care plan in effect when you get here."

I know it is not the gentleman's intent to send that message, but I think it is important to lay that out on the House floor so nobody gets the wrong impression of what we are doing here.

Mr. WAXMAN. Mr. Speaker, if the gentleman from California who has the time would yield to me further, I do not think this bill gives any incentive to come across the border for anything other than to participate in this particular conference or council. Certainly whatever incentives there are now for them to come across for services are there and that is an issue we need to deal with in another context.

Mr. MOORHEAD. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, if I could enter into a colloquy if I may with the chairman.

The gentleman indicates that there is no intent for the commission to participate in providing health care for either illegal or legal residents, is that correct?

Mr. COLEMAN. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. PACKARD. Mr. Speaker, I yield to the gentleman from California.

Mr. WAXMAN. They are simply to study the health problems. There is nothing they will do other than to study it and to give recommendations to look at the health problems in these border areas, some of which are primarily due to the communicable disease rates in these communities and the poverty of the populations on both sides of the border.

Mr. PACKARD. How is the commission to be funded and how much is the cost to the taxpayers do you estimate.

Mr. COLEMAN. Mr. Speaker, let me read if I might for my colleague, the gentleman from California [Mr. PACKARD] the duties of the commission, first, is to conduct a comprehensive needs assessment in the United States-Mexico border area for the purpose of identifying, evaluating, preventing

health problems and potential health problems that affect the general population of the area; second, to implement the actions recommended by the needs assessments through assisting in the coordination and implementation of the efforts of public and private entities to prevent and resolve such health problems and, B, assisting in the coordination and implementations of efforts of public and private entities to educate such population concerning such health problems; and third, formulate recommendations to the governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country could reimburse a public or private entity in the other country for the cost of a health care service that the entity furnishes to a citizen of the first country who is unable through insurance or otherwise to pay for the service.

The point being that what we would do with this commission is help resolve the very problems that the gentleman from San Diego as is the gentleman from El Paso is concerned about. This is exactly the way we are going to begin attacking the problem of not utilizing U.S. taxpayer money to provide health care.

The legislation passed by the Senate which is the bill we are considering, S. 1225, speaks to those issues very clearly and I would urge my colleagues to get a copy and read exactly what this is all about.

The legislation passed by the Senate which is the bill we are considering, S. 1225, speaks to those issues very clearly and I would urge my colleagues to get a copy and read exactly what this is all about.

The gentleman and I know that disease does not recognize a border and since it does not, we know that we are not going to resolve health care problems in Chicago, Illinois; or Los Angeles, or New York, or Kansas City or anywhere else in America if we do not have a plan of action to deal with the high rates of tuberculosis and typhoid, the high rates of hepatitis along the United States-Mexico border.

What we are trying to do here is what all of the state public health officials have said from California, Arizona, New Mexico and Texas, is we need to be able to quantify the problem so that we know best how to deal with it from a public sector health care point of view. That is what this commission is all about.

It will be very similar, I think, to the kind of cooperative effort that we have utilized in the International Boundary and Water Commission. That is the real goal of this legislation.

I hope that people are not fearful that we are going to be sending signals because that is not what we are going to do with this bill. What we are going to do with this bill is begin to attack a very real problem that affects the school districts in the gentleman from San Diego's district as well as mine.

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

Mr. Speaker, in response to a question that was asked earlier, there is an authorized expenditure in this bill and the CBO estimates there will be no cost.

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield to me, that is a correct statement.

Mr. Speaker, I yield myself such time as I may consume. We appreciate the cooperation of our colleagues on the Committee on Foreign Affairs which had joint jurisdiction with us over this legislation. The gentleman from Indiana [Mr. HAMILTON], the chairman; and the gentleman from New York [Mr. GILMAN], the ranking Republican member, graciously agreed to expedite consideration of this bill on the floor without requiring action in their committee.

Mr. Speaker, this legislation is the product of years of work by our colleague, the gentleman from Texas [Mr. COLEMAN]. He has worked diligently on this matter to allay all the concerns that have been raised and to introduce this highly constructure proposal which will lead us to a way to deal with sanitation and public health problems in the border regions.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Texas [Mr. COLEMAN], the author of the legislation which our committee has voted unanimously to present to the House for its consideration.

Mr. COLEMAN. Mr. Speaker, I want to thank the gentleman from Texas [Mr. DE LA GARZA] for his coauthorship of this legislation at its inception.

Mr. Speaker, I rise in strong support of S. 1225, the United States-Mexico Border Health Commission.

I also would like to thank my colleagues on the Energy and Commerce Committee for reporting this legislation. I appreciate the leadership shown by Chairman DINGELL and ranking minority member, Mr. MOORHEAD, as well as the Health subcommittee chairman, HENRY WAXMAN and ranking member, THOMAS BLILEY. I would also like to thank their very able staffs for all of their assistance, I understand that they have been extremely helpful during this process. I would be remiss if I were not to mention the assistance we received from the Foreign Affairs full committee members and staff in bringing this legislation to the floor. Chairman LEE HAMILTON and ranking member BENJAMIN GILMAN, as well as the Western Hemisphere Affairs Subcommittee chairman ROBERT TORRICELLI and ranking member CHRIS SMITH were all very supportive of our efforts and I thank them for their cooperation.

This legislation has been a high priority of mine for the entire 12 years that I have been in Congress. This landmark legislation will not only create a binational commission specifically focused on all public health issues of concern to the United States-Mexico border, but it will be given the authority to formulate and implement ways in which to address the problems in existence along our southwestern border. These are public health problems that do not remain at the border. In 1991, for example, there was a multistate outbreak of Salmonella infections in Illinois, Michigan, Minnesota, New Jersey, Ontario, Newfoundland, Quebec, and Saskatchewan. This outbreak was traced to the consumption of produce from the Lower Rio Grande Valley in South Texas. Another example of an illness making its way north took place in 1988–90, when mosquito-transmitted malaria cases in California and Florida were traced to parasitemic migrant farm workers from Mexico and Central America that were bitten by the same mosquitoes.

During the course of our discussions on health care reform, the issue of providing health care services to undocumented immigrants has been quite contentious. This legislation would include among the issues to be addressed by the commission, ways to pay for uncompensated care provided on both sides of the border. This would be an important step forward in addressing some of the concerns that have resulted in the States' frustrated attempts to sue the Federal Government to reimburse them for uncompensated care provided to undocumented persons.

These issues directly affect my district in El Paso, TX. We all realize the need for this legislation. In fact, S. 1225 enjoys broad support from the border state governments, medical associations and health officials, along with strong bipartisan support. I urge its speedy passage.

Mr. BONILLA. Mr. Speaker, I rise today in strong support of H.R. 2305, the United States-Mexico Border Health Commission. This bill is vital for addressing the rapidly deteriorating health conditions which have transformed the 2,000 mile border region into an environment conducive to the spread of disease.

This bill would ask President Clinton to reach an agreement with President Zedillo of Mexico to establish a binational commission on border health. This would bring together Mexican and American officials from various agencies to coordinate disease-prevention and immunization efforts on both sides of the border.

This health commission will help disseminate advice on treatment as well as provide early warning of outbreaks. The commission should come up with a plan to cut through much of the redtape that hamstrings joint efforts.

We must not forget that the mission of public health entities is to protect and promote

health, and prevent disease and injury. Public health services are population based—that is services which are focused on improving the health status of entire communities, rather than the treatment of individuals. We recognize that the people on both sides of the border are all in this together and a unilateral approach is not an effective approach to these health problems.

This commission will take a comprehensive approach to a wide array of border health issues. The commission will put together a specific workable action plan based on the needs of border residents.

To understand why this commission is long overdue you need to only look at the facts:

More than 9.2 million people are crowded into cities and towns on either side of the invisible line dividing the United States and Mexico.

The border population represents about 9 percent of Texas residents and they earn the lowest income in the State. Four of the poorest cities in America are along the Texas-Mexico border. Both sides of the border are under serious strain to provide potable water, sewage, disposal, electricity, and health facilities.

The Rio Grande is one of the top ten most polluted rivers in the U.S. In fact, health officials warn residents in El Paso and Laredo not to swim in the river. At some places in the river, the fecal bacteria count is 22,000 per milliliter. Unfortunately, this year two children who swam in the Rio Grande contracted an amoeba and died.

From early spring to late fall each year, farmworkers from the Rio Grande area travel to States like California, Oregon, Florida, and Michigan. They return to the region late each fall. As a result, health problems spread beyond the border as farmworkers and regional produce make their way northward.

Recent health epidemics linked to the Rio Grande region include: salmonella in 23 States and Canada; a measles epidemic in Washington State; and a malaria outbreak in Florida.

Added to the problem is the living conditions in the colonias which are harsh enough to be considered life threatening: there is contaminated water, and no electricity, sewer systems, garbage collection or waterlines. These colonias are a perfect breeding ground for infectious diseases not seen in other parts of the United States.

I am optimistic that this commission will lead to the establishment of a border laboratory to protect the public health of communities on the United States-Mexico border by analyzing human, wildlife, air, water, and soil samples, and to serve as a resource to border State public health agencies.

A United States-Mexico border health laboratory would aid border areas that have a high incidence of infectious and communicable diseases. Health conditions are often linked to environmental conditions. By addressing environmental concerns along the border, this laboratory could provide analysis beneficial to public health on an international scope.

Four States: California, Arizona, New Mexico, and Texas, face increased demands for expanded disease and environmental surveillance, monitoring, and regulation, an infrastructure breakdown along the border has resulted in a disproportionate higher incidence of many infectious and communicable diseases. The border region has had outbreaks of dysentery, cholera, hepatitis, tuberculosis, malaria, leprosy, and rabies. In fact, U.S. cities along the 2,000 mile border from Brownsville to San Diego have twice the number of hepatitis A cases as those reported in the other cities nationwide.

It is essential that these four States have state-of-the-art facilities to successfully intervene and diagnose the severe health problems along our country's border with Mexico.

Unfortunately, along the United States-Mexico border, the supply of laboratories capable of providing sophisticated, highly complex laboratory analyses of air, water, and soil, as well as human and animal biologic samples, is very limited and far from capable of meeting the current and anticipated demand.

With appropriate resources, these labs will be able to create a line of evidence on how environmental pollution affects human health, thereby reducing or eliminating future health risks.

It is envisioned that this border environmental laboratory will be funded jointly by the Centers for Disease Control [CDC], the Environmental Protection Agency [EPA], and the Food and Drug Administration [FDA] to assist in supplying the critically needed analytical services.

As a member on the Appropriations Committee and a member of the subcommittee that controls CDC's budget, I pledge to provide the necessary funds to create this lab and hopefully expand the program to include a fleet of highly sophisticated mobile environmental laboratories stationed at strategic locations along the United States-Mexico border.

I wish I could give Congress credit for the idea of this border lab. However, this idea came from Texas to Congress. I would like to applaud the hard work and determination of Dr. David Smith, Commissioner of Health, from the Texas Department of Health and Dr. Laurance Nickey, El Paso health director, for developing these ideas and educating policymakers on their importance. Senator KAY HUTCHISON has worked hard to include a similar provision in the Senate version of the bill, S. 1569. I would also like to thank Congressmen RICHARDSON, ORTIZ, SERRANO, PASTOR, and COLEMAN for working with Chairman WAXMAN to educate the Congress on the specific needs in the Hispanic community and I pledge to work with them on the Appropriations Committee to adequately fund research and education programs for our border communities.

Ms. SCHENK. Mr. Speaker, I rise as an original cosponsor of H.R. 2305 to urge my colleagues to support its passage.

H.R. 2305 authorizes the President to conclude an agreement with the Government of Mexico to establish a binational border health commission. This legislation is entirely consistent with the spirit of cooperation between our two nations in the implementation of NAFTA.

Mr. Speaker, the United States shares a 2,000 mile border with Mexico, but in San Diego we know that disease knows no borders. Frequent crossborder migration—both legal and illegal—means that Mexico's health problems are our health problems.

The border areas in Texas, Arizona, New Mexico, and California are notorious for high incidences of infections and communicable disease, including tuberculosis, hepatitis and typhus. These health problems are exacerbated, and in some instances created by environmental hazards—severe air and groundwater pollution, open landfills, and raw sewage which flows north from Tijuana to the beaches of my district.

To this point, however, we have paid scant attention to this public health crisis. With the passage of NAFTA, however, it is my hope that we can begin to build a real public health infrastructure at the border. Prevention at the border would save lives and help reduce the enormous burden of uncompensated care on U.S. hospitals.

A United States-Mexico Border Health Commission will help focus the scarce public health resources of both nations on preventing disease at the border. I urge strong support for this legislation, and I yield back the balance of my time.

□ 1740

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

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

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the Senate bill, S. 1225.

The question was taken.

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

The yeas and nays were ordered.

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

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore debate has concluded on all motions to suspend the rules, for the time being.

Pursuant to clause 5, rule 1, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2129, de novo;
H.R. 4608, de novo;
H.R. 4896, de novo;
S. 1233, de novo;
H.R. 4777, de novo;
H.R. 4462, de novo;
H.R. 4833, de novo;
H.R. 967, de novo;

S. 2170, de novo;
H.R. 4704, de novo;
H.R. 4939, de novo;
H.R. 4910, de novo;
H.R. 4967, de novo;
H.R. 4495, de novo;
House Resolution 558, de novo; and
H.R. 1520, by the yeas and nays;
H.R. 5108, by the yeas and nays;
House Congressional Resolution 279, by the yeas and nays;
House Congressional Resolution 286, by the yeas and nays; and
S. 1225, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MADRID PROTOCOL IMPLEMENTATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2129, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 2129, as amended.

The question was taken.

Mr. LEWIS of California. 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 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 387, nays 3, not voting 44, as follows:

[Roll No. 457]

YEAS—387

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
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
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
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
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Bentley
Hunter
Kaptur

NOT VOTING—44

Bacchus (FL)
Baker (LA)
Berman
Blackwell
Borski
Callahan
Calvert
Carr
Cox
Darden
Ford (TN)
Gallo
Grams
Grandy
Green
Harman
Hayes
Hilliard
Inhofe
Johnston
Kyl
Lantos
Laughlin
Lowey
Maloney
McCollum
McCurdy
McDade
McMillan
Neal (MA)
Owens
Pastor
Rangel
Richardson
Rostenkowski
Roth
Slattery
Sundquist
Taylor (NC)
Torricelli
Tucker
Washington
Wheat
Whitten

□ 1810

Mrs. BENTLEY, Mr. HUNTER, and Ms. KAPTUR changed their vote from "yea" to "nay."

Mr. OXLEY and Mr. STUMP changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to the provisions of clause 5 of rule I the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which votes by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

PATENT AND TRADEMARK AUTHORIZATION ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4608, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4608, as amended.

The question was taken.

RECORDED VOTE

Mr. POMBO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 251, not voting 37, as follows:

[Roll No. 458]

AYES—146

Abercrombie
Andrews (NJ)
Applegate
Bacchus (FL)
Ballenger
Barrett (NE)
Bartlett
Becerra
Bereuter
Bonilla
Bonior
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Castle

Clayton
Clinger
Clyburn
Collins (MI)
Conyers
Coyne
Dellums
Derrick
Diaz-Balart
Dickey
Dingell
Edwards (CA)
Ehlers
Engel
Evans
Farr
Fazio
Fields (LA)
Filner
Fish
Foglietta
Ford (MI)
Frank (MA)
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gonzalez
Hamburg
Hansen
Hastert
Herger
Hinchey
Hochbrueckner
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hyde
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Klink
Knollenberg
Kopetski
Kreidler
Leach
Levy
Lewis (KY)
Lightfoot
Lucas
Manton
Markey
Martinez
Mazzoli
McCandless
McCrery
McDermott
McInnis
McKeon
McKinney
Meek
Menendez
Michel
Mineta
Moakley
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Nadler
Nussle
Oberstar
Oxley
Parker
Payne (NJ)
Pelosi
Petri
Pickett
Pickle
Porter
Pryce (OH)
Quillen
Quinn
Ravenel
Reynolds
Rogers
Rose
Roukema
Roybal-Allard
Sanders
Sangmeister
Sawyer
Schiff
Schumer
Scott
Serrano
Shuster
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Studds
Swift
Tauzin
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Walker
Walsh
Watt
Weldon
Williams
Woolsey
Wynn
Young (AK)

NOES—251

Ackerman
Allard
Andrews (ME)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Bellenson
Bentley
Bevill
Bilbray
Billirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Brewster
Browder
Bryant
Burton
Buyer
Byrne
Camp
Canady
Cantwell
Cardin
Chapman
Clay
Clement
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Flake
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Geren
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastings
Hefley
Hefner
Hoagland
Hobson
Hoekstra
Holden
Hoyer
Hutchinson
Hutto
Inglis
Inslee
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Kolbe
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manzullo
Margolies-Mezvinsky
Matsui
McCloskey
McCollum
McHale
McHugh
McNulty
Meehan
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Morella
Neal (NC)
Obey
Olver
Ortiz
Orton
Packard
Pallone
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Rahall
Ramstad
Reed
Regula
Ridge
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Rush
Sabo
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Swett
Synar
Talent
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Traficant
Unsoeld
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Waters
Waxman
Wilson
Wise
Wolf
Wyden
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—37

Baker (LA)
Berman
Blackwell
Borski
Callahan
Calvert
Carr
Darden
Ford (TN)
Gallo
Grandy
Green
Harman
Hayes
Hilliard
Inhofe
Johnston
Kyl
Laughlin
Lowey
Maloney
McCurdy
McDade
McMillan
Neal (MA)
Owens
Pastor
Rangel
Richardson
Rostenkowski
Slattery
Sundquist
Torricelli
Tucker
Washington
Wheat
Whitten

□ 1854

Messrs. CARDIN, SOLOMON, CRANE, DEFAZIO, DURBIN, BARCIA of Michigan, Ms. LAMBERT, Messrs. WYDEN, PETERSON of Minnesota, CONDIT, COPPERSMITH, LEHMAN, SABO, SHARP, LEVIN, MINGE, DOOLEY, VISCLOSKY, BEILENSON, and SYNAR, Mrs. SCHROEDER, Messrs. KLINE, KASICH, POMEROY, DE LA GARZA, VALENTINE, RAMSTAD, MEEHAN, PAYNE of Virginia, VOLKMER, SHAYS, BILBRAY, DICKS, HAMILTON, ROWLAND, HOLDEN, ROEMER, CAMP, SARPAULIUS, SANTORUM, GUNDERSON, UPTON, DEUTSCH, HALL of Texas, WOLF, HOBSON, BAESLER, and ROBERTS, Mrs. VUCANOVICH, Messrs. SISISKY, ANDREWS of Texas, BLUTE, TORKILDSEN, EMERSON, and CHAPMAN, Ms. DANNER, Messrs. DEAL, FROST, and LAROCCO, Ms. DUNN, Ms. FURSE, Mr. LAZIO, Ms. LONG, Mrs. LLOYD, Ms. MOLINARI, Messrs. REGULA, SKELTON, and TEJEDA, Mrs. THURMAN, Mr. YATES, Mrs. UNSOELD, Mr. WILSON, Mrs. BENTLEY, Messrs. BISHOP, CLAY, GORDON, and FRANKS of New Jersey, Ms. KAPTUR, Mr. HUTTO, Ms. MARGOLIES-MEVINSKY, Mr. RAHALL, Mrs. MEYERS of Kansas, Mr. STOKES, Mr. ZELIFF, Ms. ENGLISH of Arizona, Messrs. GUTIERREZ, ISTOOK, LINDER, REED, and GOODLING, Ms. SHEPHERD, Mr. KILDEE, Ms. DELAURO, Messrs. GLICKMAN, INGLIS of South Carolina, JOHNSON of South Dakota, LANCASTER, and MANN, Mrs. MORELLA, Mr. SMITH of Texas, Ms. SNOWE, Messrs. BARLOW, BREWSTER, BROWDER, CRAMER, KOLBE, ORTON, PACKARD, MACHTLEY, and RIDGE, Ms. WATERS, Mr. BEVILL, Mr. BUYER, Mrs. COLLINS of Illinois, Messrs. FLAKE, HASTINGS, LEWIS of California, MFUME, RUSH, WAXMAN, DIXON, FINGERHUT, GINGRICH, INSLEE, McCLOSKEY, PETERSON of Florida, MILLER of California, MOLLOHAN, PRICE of North Carolina, TRAFICANT, PALLONE, STRICKLAND, SKAGGS, GREENWOOD, HALL of Ohio, McHALE, GILMAN, EDWARDS of Texas, CRAPO, THOMAS of Wyoming, ORTIZ, BRYANT, FAWELL, FRANKS of Connecticut, SAXTON, BURTON of Indiana, WISE, KLECZKA, STARK, LAFALCE, KIM, CLEMENT, COOPER, PORTMAN, and KING, Mrs. BYRNE, Mr. HEFNER, Ms. CANTWELL, Messrs. COLEMAN, SWETT, OLVER, ACKERMAN, BARTON of Texas, JOHNSON of Georgia, THORNTON, THOMAS of California, MATSUI, POMBO, McHUGH, Mrs. MINK of Hawaii, Messrs. ANDREWS of Maine, BOEHLERT, GILLMOR, HOAGLAND, CUNNINGHAM, NEAL of North Carolina, and BAKER of California and Ms. SCHENK changed their vote from "aye" to "no."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DE LA GARZA). The Chair advises the Members that under the regular order, Members have the right to change their votes in the well by card. The Chair will advise the Members of the previously announced policy of January 4, 1977, that the machine on 5-minute votes only allows changes on a vote to be electronically recorded until voting stations are closed. The Chair further announces that he will attempt to comply as closely as possible to the remaining 5-minute votes.

GRANTING CONSENT OF CONGRESS TO THE KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4896.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 4896.

The question was taken.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

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

A motion to reconsider was laid on the table.

ARIZONA WILDERNESS LAND TITLE RESOLUTION ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1233.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 1233.

The question was taken.

RECORDED VOTE

Mr. MCKEON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 381, noes 15, not voting 38, as follows:

[Roll No. 459]

AYES—381

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
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
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—15

Bonilla
Collins (GA)
Dicks
Duncan
Gonzalez
Hunter
Lewis (CA)
Livingston
Pickett
Poshard
Rohrabacher
Shuster
Tanner
Taylor (MS)
Valentine

NOT VOTING—38

Baker (LA)
Berman
Blackwell
Borski
Callahan
Calvert
Carr
Darden
Ford (TN)
Gallo
Grandy
Green
Harman
Hayes
Hilliard
Inhofe
Johnston
Kaptur
Kyl
Laughlin
Lowey
Maloney
McCurdy
McDade
McMillan
Neal (MA)
Owens
Pastor
Rangel
Richardson
Rostenkowski
Slattery
Sundquist
Torricelli
Tucker
Washington
Wheat
Whitten

□ 1905

Mr. ROHRABACHER changed his vote from "aye" to "no."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UPDATING U.S. CODE REFERENCES TO CONGRESSIONAL COMMITTEES

The SPEAKER pro tempore. (Mr. DE LA GARZA). The pending business is the question of suspending the rules and passing the bill, H.R. 4777, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 4777, as amended.

The question was taken.

RECORDED VOTE

Mr. SKEEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 391, noes 3, not voting 40, as follows:

[Roll No. 460]

AYES—391

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Camp
Canady
Cantwell
Cardin
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
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut

Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
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
Stark
Stearns
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—3

Deal
Penny
Stenholm

NOT VOTING—40

Baker (LA)
Barcia
Berman
Blackwell
Boehner
Borski
Callahan
Calvert
Carr
Darden
Ford (TN)
Gallo
Goodling
Grandy
Green
Harman
Hayes
Hilliard
Inhofe
Johnston
Kyl
Laughlin
Lowey
Maloney
McCurdy
McDade
McMillan
Neal (MA)
Owens
Pastor
Rangel
Richardson
Rostenkowski
Slattery
Sundquist
Torricelli
Tucker
Washington
Wheat
Whitten

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1994

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to the provisions of clause 5, rule I, the pending business is the question de novo of suspending the rules and passing the bill, H.R. 4462, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4462, as amended.

The question was taken.

RECORDED VOTE

Mr. McCANDLESS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 54, answered present, not voting 43, as follows:

[Roll No. 461]

AYES—337

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Camp
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Coyne
Cramer
Crapo
Cunningham
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McInnis
McKeon
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Reynolds
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Vucanovich
Walker
Waters
Watt
Waxman
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—54

Allard
Armey
Ballenger
Canady
Coble
Collins (GA)
Condit
Costello
Cox
Crane
Danner
Deal
DeLay
Duncan
Emerson
Fawell
Fingerhut
Fowler
Geren
Goodlatte
Hancock

Hansen
Johnson, Sam
Kingston
Manzullo
McHugh
McNulty
Orton
Parker
Paxon
Penny
Petri
Poshard
Regula
Roberts
Roemer
Roukema
Royce
Schaefer
Sensenbrenner
Skelton
Smith (MI)
Solomon
Stearns
Stenholm
Stump
Taylor (MS)
Taylor (NC)
Visclosky
Volkmer
Walsh
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Baker (LA)
Berman
Blackwell
Boehner
Borski
Callahan
Calvert
Carr
Darden
Fish
Ford (TN)
Gallo
Goodling
Grandy
Green
Harman
Hayes
Hilliard
Inhofe
Johnston
Kyl
Laughlin
Lowey
Maloney
Matsui
McCurdy
McDade
McMillan
Neal (MA)
Owens
Pastor
Rangel
Richardson
Rostenkowski
Saxton
Slattery
Sundquist
Torkildsen
Torricelli
Tucker
Washington
Wheat
Whitten

□ 1933

Mr. ROBERTS and Mr. ARMEY changed their vote from "aye" to "no."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994

The SPEAKER pro tempore (Mr. DE LA GARZA). The pending business is the question of suspending the rules and passing the bill, H.R. 4833, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4833, as amended.

The question was taken.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 353, noes 39, not voting 42, as follows:

[Roll No. 462]

AYES—353

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastings
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
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
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Weldon
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—39

Allard
Archer
Armey
Ballenger
Barton
Bilirakis
Bunning
Burton
Collins (GA)
Danner
DeLay
Dickey
Duncan
Emerson
Everett
Fields (TX)
Hancock
Hansen
Hastert
Hefley
Johnson, Sam
Kingston
Klug
Lazio
Lewis (FL)
Lewis (KY)
Parker
Pickett
Rogers
Rohrabacher
Royce
Schaefer
Sensenbrenner
Stearns
Stump
Talent
Taylor (NC)
Walsh
Young (FL)

NOT VOTING—42

Baker (LA)
Berman
Blackwell
Boehner
Borski
Byrne
Callahan
Calvert
Carr
Darden
Fish
Ford (TN)
Gallo
Goodling
Grandy
Green
Harman
Hayes
Hilliard
Inhofe
Johnston
Kyl
Laughlin
Lowey
Maloney
McCurdy
McDade
McMillan
Neal (MA)
Owens
Pastor
Penny
Rangel
Richardson
Rostenkowski
Slattery
Sundquist
Torricelli
Tucker
Washington
Wheat
Whitten

□ 1929

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. speaker, I was unavoidably detained due to meetings with constitutents in my district and I was unable to register my votes on rollcall numbers 457, 458, 459, 460, 461 and 462. Had I been present I would have voted: "Yes" on rollcall No. 457, "No" on rollcall No. 458, "Yes" on rollcall No. 459, "Yes" on rollcall No. 460, "Yes" on rollcall No. 461, "Yes" on rollcall No. 462.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, I was unavoidably not present for rollcall votes 457, 459, 460, 461, and 462 on October 3, 1994. Had I been present, I would have voted "aye" on each vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to the provisions of clause 5 of rule 1, the Chair announces that he will further postpone proceedings today on the remaining motions to suspend the rules on which a recorded vote or the years and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 4, 1994, to

follow the remaining votes already postponed.

PROVIDING FOR AN EXECUTIVE DIRECTOR OF THE GAO PERSONNEL APPEALS BOARD

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5103) to amend title 31, United States Code, to provide for an Executive Director of the General Accounting Office Personnel Appeals Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5103

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

SECTION 1. EXECUTIVE DIRECTOR.

(a) POSITION.—Section 752 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) *(1) The Comptroller General shall appoint as Executive Director of the Board an individual the Chairman selects. The Executive Director serves at the pleasure of the Chairman.*

"(2) The Chairman shall fix the pay of the Executive Director. The rate of basic pay of the Executive Director shall be not less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and not greater than the rate of basic pay payable for level IV of the Executive Schedule.

"(3) The Executive Director is the chief administrative officer for the Board and performs such tasks as the Chair assigns.".

(b) CONFORMING AMENDMENTS.—(1) The heading for section 752 of such title is amended to read as follows:

"§ 752. Chairman, General Counsel, and Executive Director".

(2) The table of sections for chapter 7 of such title is amended by amending the item relating to section 752 to read as follows:

"752. Chairman, General Counsel, and Executive Director.".

SEC. 2. PAY RATE FOR GENERAL COUNSEL.

The second sentence of section 752(b)(2) of title 31, United States Code, is amended to read as follows: "The rate of basic pay of the General Counsel shall be not less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and not greater than the rate of basic pay payable for level IV of the Executive Schedule.".

SEC. 3. PARTICIPATION IN THE DEPARTMENT OF STATE HEALTH CARE PROGRAM.

Section 732 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Comptroller General may enter into interagency agreements with the Department of State and other executive agencies to permit the General Accounting Office to participate in programs for the provision of health care to government employees stationed abroad or performing temporary duty abroad.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

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

Mr. Speaker, recently, the chairman of the General Accounting Office Personnel Appeals Board [PAB] contacted the subcommittee and requested that we consider a proposal to provide the Executive Director of the PAB a senior executive service position. Due to increased responsibilities as required under P.L. 103-283, which allows employees of the Architect of the Capitol to appeal adverse actions to the PAB, the chairman of the personnel appeals board believes that the executive director should be compensated at a higher rate than the individual is currently being compensated.

After reviewing the executive director's job description and responsibilities, it certainly seems reasonable. However, subcommittee staff felt it was too complicated in the short time period we had to draft a bill to give the executive director a senior executive service position. Therefore, section one of this bill provides that the executive director be compensated at the senior level which is equivalent to SES pay.

My amendment contains a technical correction which was added to clarify that the Comptroller General shall appoint as the executive director an individual whom the chairman of personnel appeals board selects. The executive director serves at the pleasure of the chairman. This is consistent with current practice.

Section 2 of the bill is a conforming amendment to reflect the changes made under the Federal Employees Pay Comparability Act of 1990.

Section 3 of the bill will permit the Comptroller General to enter into agreements with the Department of State which would allow GAO employees stationed or on temporary duty abroad to participate in the health care programs of the Department of State and other executive agencies. Currently GAO employees abroad have been able to obtain medical services on an ad hoc basis for emergencies and hospitalization through U.S. Government facilities. However, the current scheme does not provide the protection or benefits for GAO employees that are obtained by all other Federal employees participating in the Department of State's medical health program.

Unlike other Federal employees stationed abroad, GAO employees utilizing medical facilities of the U.S. Government are responsible for paying the costs of those services. Under State's program, all participants are required to maintain their own health insurance. When services are rendered, claims are made against the employee's health insurance carrier, but the employing agency, not the employee, pays any remaining balance.

When emergencies or unforeseen circumstances occur, U.S. Government facilities are not always available and GAO employees must then obtain medical services from local sources, which can cause extreme financial hardship. GAO is the only agency that does not have authority to participate in the State Department's health program. It is a simple matter of equity to allow GAO employees access to the State Department's medical health program. It is my understanding that the State Department has no objections to this provision.

In regard to the costs of this provision, GAO states that approximately 40 employees would be covered and the estimated cost would be $30,000 to $40,000 per year.

□ 1930

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

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

Mr. Speaker, I join my colleague, the gentleman from Indiana, [Mr. McCLOSKEY], in supporting passage of H.R. 5103, a bill providing for an Executive Director of the General Accounting Office Personnel Appeals Board. This legislation is pending pursuant to a request by the General Accounting Office to create a senior level position for the Executive Director of the Personnel Appeals Board due to increases in its workload. The measure also provides for health insurance coverage for certain GAO employees stationed overseas. The minority has no objection to consideration of this measure under suspension of the rules. Accordingly, Mr. Speaker, I urge House approval of H.R. 5103.

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

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

The SPEAKER pro tempore (Mr. DEFAZIO). The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 5103, as amended.

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

A motion to reconsider was laid on the table.

REAUTHORIZING THE OFFICE OF SPECIAL COUNSEL

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2970) to reauthorize the Office of Special Counsel, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2970

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

SECTION 1. REAUTHORIZATIONS.

Section 8(a) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking "fiscal years" through "such sums" each place it appears and inserting "fiscal years 1993–1997, such sums".

SEC. 2. OFFICE OF SPECIAL COUNSEL.

(a) AUTHORITY TO CONTINUE SERVING PENDING THE APPOINTMENT OF A SUCCESSOR.—Section 1211(b) of title 5, United States Code, is amended by inserting after the third sentence the following: "The Special Counsel may continue to serve after the expiration of the Special Counsel's term until a successor has qualified, but for not longer than 1 year.".

(b) LIMITATIONS ON DISCLOSURES.—

(1) IN GENERAL.—Section 1212(g) of title 5, United States Code, is amended to read as follows:

"(g)(1) The Special Counsel may not respond to any inquiry or provide information concerning either any person making an allegation under section 1214(a) or any allegation so made, except in accordance with the provisions of section 552a or as required by any other applicable law.

"(2) If, or to the extent that, the allegation involves a prohibited personnel practice described in paragraph (2), (8), or (9) of section 2302(b), no disclosure described in paragraph (1) may be made unless—

"(A) either of the exceptions permitting disclosure under paragraph (1) is met; and

"(B)(i) the consent of the person who made such allegation is obtained in advance; or

"(ii) the information is being sought by an agency which requires such information in order to make a determination concerning access, for the person referred to in paragraph (1), to information the unauthorized disclosure of which could be expected to cause exceptionally grave damage to national security.".

(2) CONFORMING AMENDMENTS.—Section 7121(a)(1) of title 5, United States Code, is amended—

(A) by inserting "administrative" after "exclusive"; and

(B) by striking "(d) and (e)" and inserting "(d), (e), and (g)".

(c) STANDARD APPLICABLE WITH RESPECT TO CERTAIN AGENCY FINDINGS.—Section 1213(e)(2)(A) of title 5, United States Code, is amended to read as follows:

"(A) the findings of the agency head are supported by clear and convincing evidence; and".

(d) TECHNICAL CLARIFICATION.—The first sentence of section 1213(g)(1) of title 5, United States Code, is amended to read as follows: "If the Special Counsel receives information from an individual other than an individual described in subparagraph (A) or (B) of subsection (c)(2) which, if such individual were an individual described in either of such subparagraphs, would be considered information of a type described in subsection (a), the Special Counsel may transmit the information to the head of the agency which the information concerns.".

(e) INVESTIGATIONS.—Section 1214(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B) by striking "practice under paragraph (1)," and inserting "practice,"; and

(2) by striking subparagraph (C) and inserting the following:

"(C) Unless an investigation under this section is terminated, the Special Counsel shall, within 60 days after notice is provided under subparagraph (B) with respect to a particular allegation, and at least every 60 days thereafter, notify the person who made such allegation as to the status of the investigation and any action which has been taken by the Office of Special Counsel since notice was last given under this subsection.

"(D)(i) Except as provided in clause (ii), no later than 120 days after the date of receiving an allegation of a prohibited personnel practice, the Special Counsel shall determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) The deadline under clause (i) may be extended by written agreement between the Special Counsel and the person who made the allegation involved.

"(E) A determination by the Special Counsel under this paragraph shall not be admissible in any judicial or administrative proceeding except in the same circumstances as would apply under paragraph (2)(B) with respect to a written statement under paragraph (2)(A).".

(f) CLARIFICATION RELATING TO BURDEN OF PROOF.—Sections 1214(b)(4)(B)(i) and 1221(e)(1) (as amended by section 3(b)) are further amended by striking the period at the end and inserting ", notwithstanding the provisions of section 7701(c)(1).".

(g) ADDITIONAL INFORMATION TO BE INCLUDED IN ANNUAL REPORTS.—Section 1218 of title 5, United States Code, is amended by inserting "the number of instances in which it did not make a timely determination under section 1214(a)(1)," after "investigations conducted by it,".

(h) EFFECTIVE DATE.—The amendments made by subsection (e) shall apply with respect to any allegation first received by the Office of Special Counsel on or after the effective date of this Act.

SEC. 3. INDIVIDUAL RIGHT OF ACTION RELATING TO THE MERIT SYSTEMS PROTECTION BOARD.

(a) SUBPOENAS.—Section 1221(d)(1) of title 5, United States Code, is amended to read as follows:

"(d)(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the matter requested—

"(A) is not unduly burdensome;

"(B) is not privileged or otherwise protected from disclosure by law, rule, or regulation; and

"(C) is relevant to the subject matter involved in the pending action or appears reasonably calculated to lead to the discovery of admissible evidence.".

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—Section 1221(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) Subject to paragraph (2), in any case involving an alleged prohibited personnel practice as described in paragraph (8) or (9) of section 2302(b), the Board shall order such corrective action as the Board considers appropriate if the employee, former employee, or applicant for employment has demonstrated that protected conduct under such paragraph (8) or (9) (as defined in paragraph (3)(A) or (B), as applicable) was a contributing factor in the personnel action which was taken or is to be taken against such employee, former employee, or applicant.

"(2) Corrective action under paragraph (1) may not be ordered if the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of the protected conduct involved.

"(3) For the purpose of this subsection, the term 'protected conduct' means—

"(A) with respect to paragraph (8) of section 2302(b), any disclosure described in subparagraph (A) or (B) of such paragraph; and

"(B) with respect to paragraph (9) of section 2302(b), any conduct described in subparagraph (A), (B), (C), or (D) of such paragraph.".

(2) SAME STANDARD IF RELIEF IS SOUGHT THROUGH OFFICE OF SPECIAL COUNSEL.—

(A) IN GENERAL.—Subparagraph (B) of section 1214(b)(4) of title 5, United States Code, is amended to read as follows:

"(B)(i) Subject to the provisions of clause (ii), in any case involving an alleged prohibited personnel practice as described in paragraph (8) or (9) of section 2302(b), the Board shall order such corrective action as the Board considers appropriate if the employee, former employee, or applicant for employment has demonstrated that protected conduct under such paragraph (8) or (9) (as defined in clause (iii)(I) or (II), as applicable) was a contributing factor in the personnel action which was taken or is to be taken against such employee, former employee, or applicant.

"(ii) Corrective action under clause (i) may not be ordered if the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of the protected conduct involved.

"(iii) For the purpose of this subparagraph, the term 'protected conduct' means—

"(I) with respect to paragraph (8) of section 2302(b), any disclosure described in subparagraph (A) or (B) of such paragraph; and

"(II) with respect to paragraph (9) of section 2302(b), any conduct described in subparagraph (A), (B), (C), or (D) of such paragraph.".

(B) CONFORMING AMENDMENT.—Section 1214(b)(4)(A) is amended by striking "section 2302(b)(8)," and inserting "paragraph (8) or (9) of section 2302(b),".

(3) SAME STANDARD IF RELIEF IS SOUGHT THROUGH BINDING ARBITRATION.—Section 7121(b) of title 5, United States Code, as amended by section 5(d), is further amended by adding at the end the following:

"(3) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice described in paragraph (8) or (9) of section 2302(b) is involved, require that the arbitrator apply the same standard as would apply under section 1221(e).".

(4) SAME STANDARD IF RELIEF IS SOUGHT BY AN APPEAL UNDER SECTION 7701.—Section 7701(c) of title 5, United States Code, is amended—

(A) in paragraph (1) by striking "Subject to paragraph (2)" and inserting "Subject to paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) To the extent that an appeal involves an alleged prohibited personnel practice described in paragraph (8) or (9) of section 2302(b), the standard under section 1221(e) shall be applied.".

(c) REFERRALS FOR POSSIBLE DISCIPLINARY ACTION.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following:

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel for investigation and appropriate action under section 1215.".

SEC. 4. PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTIONS.—

(1) IN GENERAL.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (ix) by striking "and" after the semicolon; and

(B) by redesignating clause (x) as clause (xii) and inserting before such clause the following:

"(x) a decision to require psychiatric testing or examination;

"(xi) a denial, revocation, or other determination relating to a security clearance; and".

(2) CONFORMING AMENDMENT.—Section 2303(a) of title 5, United States Code, is amended by striking "clauses (i) through (x)" and inserting "clauses (i) through (xii)".

(b) COVERED POSITIONS.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position', as used with respect to an employee or applicant for employment, means any position in the competitive service, a career appointee position in the Senior Executive Service, a position in the excepted service, or a position covered by chapter 74 of title 38, but does not include any position which, as of the date on which the employee began serving in the position or the applicant applied for such position (as the case may be), was—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration.".

(c) AGENCIES.—

(1) IN GENERAL.—Section 2302(a)(2)(C) of title 5, United States Code, is amended—

(A) by striking clause (i); and

(B) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(2) COORDINATION WITH CERTAIN OTHER PROVISIONS OF LAW.—Section 2305 of title 5, United States Code, is amended—

(A) by striking "No" and inserting "(a) No"; and

(B) by adding at the end the following:

"(b)(1) This subsection applies with respect to a prohibited personnel practice described in section 2302(b)(8) for which a remedy is also available under section 33 of the Federal Deposit Insurance Act or section 21A(q) of the Federal Home Loan Bank Act.

"(2) An employee or former employee affected by a prohibited personnel practice described in paragraph (1) may raise the matter under (A) section 33 of the Federal Deposit Insurance Act or section 21A(q) of the Federal Home Loan Bank Act, as the case may be, or (B) a procedure available under this title, but not both.

"(3) A determination as to if or when an employee or former employee has made a choice under this subsection shall be made in a manner similar to that set forth in section 7121(g).".

(d) INFORMATION.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by striking "management." and inserting "management, and for ensuring (in consultation with the Office of Special Counsel) that employees of such agency are informed of the rights and remedies available to them under this chapter and chapter 12.".

SEC. 5. ADDITIONAL AMENDMENTS RELATING TO PROCEDURES UNDER WHICH INDIVIDUALS MAY SEEK RELIEF FROM PROHIBITED PERSONNEL PRACTICES.

(a) INDIVIDUAL RIGHT OF ACTION BEFORE MSPB AVAILABLE FOR PROHIBITED PERSONNEL PRACTICES GENERALLY.—

(1) IN GENERAL.—Section 1221(a) of title 5, United States Code, is amended by striking "practice described in section 2302(b)(8)," and inserting "practice,".

(2) EXCEPTION.—Subsection (b) of section 1221 of title 5, United States Code, is amended by redesignating such subsection as subsection (b)(1), and by adding at the end the following:

"(2) Nothing in this subchapter shall be considered to create any right to seek corrective action with respect to a prohibited personnel practice described in section 2302(b)(1).

"(3) For purposes of subsection (a), the term 'personnel action', if taken or proposed to be taken as a result of a prohibited personnel practice other than one described in paragraph (1) or (8) of section 2302(b), means—

"(A) an action under subchapter II of chapter 75;

"(B) a detail, transfer, or reassignment; and

"(C) a reduction in grade or removal under section 4303.".

(3) TECHNICAL CORRECTION.—Section 1221(a) is amended by striking "subsection 1214(a)(3)" and inserting "section 1214(a)(3)".

(b) AMENDMENTS RELATING TO THE "PASS-THROUGH" REQUIREMENT.—Section 1214(a)(3) of title 5, United States Code, is amended—

(1) by adding at the end the following:

"This paragraph shall not apply with respect to a prohibited personnel practice described in section 2302(b)(8).";

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(3) by striking the matter before subparagraph (B) (as so redesignated by paragraph (2)) and inserting the following:

"(3) Except as provided in the last sentence of this paragraph, an employee, former employee, or applicant for employment may not seek corrective action from the Board under section 1221 unless—

"(A) such employee, former employee, or applicant has sought corrective action from the Special Counsel under this subchapter;".

(c) CHOICE OF REMEDIES PROVISION INVOLVING JUDICIAL REVIEW.—

(1) IN GENERAL.—Chapter 12 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—JUDICIAL REVIEW

"§ 1231. Judicial review

"(a) Subject to subsection (b) and section 1232, an employee, former employee, or applicant for employment may, with respect to a personnel action taken, or proposed to be taken, against such employee, former employee, or applicant for employment, as a result of a prohibited personnel practice described in section 2302(b)(8), bring a civil action in the appropriate district court of the United States for relief. For purposes of the preceding sentence, the term 'personnel action' means—

"(1) an action under subchapter II of chapter 75;

"(2) a detail, transfer, or reassignment; and

"(3) a reduction in grade or removal under section 4303.

"(b) An action under this section—

"(1) shall be brought in the district court of the United States for the judicial district in which the prohibited personnel practice is alleged to have been committed, in which the employment records relevant to such practice are maintained and administered, or in which the aggrieved person works or would have worked but for the alleged prohibited personnel practice; and

"(2) shall be brought within 120 days after the prohibited personnel practice is alleged to have occurred.

"(c) STANDARD OF REVIEW.—In any action brought under this section, the court—

"(1) shall review the matter de novo; and

"(2) shall apply the same standard as would the Merit Systems Protection Board under section 1214(b)(4)(B) or 1221(e).

"§ 1232. Choice of remedies

"(a) An action under section 1231—

"(1) if brought, shall be in lieu of any remedy described in subsection (b); but

"(2) may not be brought if the aggrieved person has elected to raise the same matter under any of the remedies described in subsection (b).

"(b) The remedies described in this subsection are as follows:

"(1) An appeal to the Merit Systems Protection Board under section 7701.

"(2) A negotiated grievance procedure under section 7121.

"(3) Procedures for seeking corrective action under subchapters II and III.

"(c) For the purpose of this section, a person shall be considered to have elected—

"(1) the remedy described in subsection (b)(1) if such person has timely filed a notice of appeal under the applicable appellate procedures;

"(2) the remedy described in subsection (b)(2) if such person has timely filed a grievance in writing, in accordance with the provisions of the parties' negotiated procedure; or

"(3) the remedy described in subsection (b)(3) if such person has sought corrective action from the Office of Special Counsel by making an allegation under section 1214(a)(1).

"(d) For purposes of subsection (a)(1), a person shall be considered to have elected the remedy under section 1231 if such person has timely commenced an action in an appropriate court, in accordance with applicable procedures.

"§ 1233. Appeals

"Any party aggrieved by a final decision under section 1231 may appeal such decision only to the United States Court of Appeals for the Federal Circuit.".

(2) CHAPTER ANALYSIS.—The analysis for chapter 12 of title 5, United States Code, is amended by striking "Sec." each place it appears, by inserting "Sec." as a flush left item after the item relating to subchapter I, and by adding at the end the following:

"SUBCHAPTER IV—JUDICIAL REVIEW

"1231. Judicial review.

"1232. Choice of remedies.

"1233. Appeals.".

(d) AUTHORITIES WHICH MAY BE EXTENDED TO ARBITRATORS.—Section 7121(b) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (C) of paragraph (3) as clauses (i) through (iii), respectively;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking "(b)" and inserting "(b)(1)"; and

(4) by adding at the end the following:

"(2)(A) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph

(1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order—

"(i) a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board; and

"(ii) the taking, by an agency, of any disciplinary action identified under section 1215(a)(3) that is otherwise within the authority of such agency to take.

"(B) Any employee who is the subject of any disciplinary action ordered under subparagraph (A)(ii) may appeal such action to the same extent and in the same manner as if the agency had taken the disciplinary action absent arbitration.".

(e) CHOICE OF REMEDIES PROVISION NOT INVOLVING JUDICIAL REVIEW.—Section 7121 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) This subsection applies with respect to a prohibited personnel practice other than a prohibited personnel practice to which subsection (d) applies.

"(2) An aggrieved employee affected by a prohibited personnel practice described in paragraph (1) may elect not more than one of the remedies described in paragraph (3) with respect thereto. For purposes of the preceding sentence, a determination as to whether a particular remedy has been elected shall be made in the same way as set forth in section 1232(c).

"(3) The remedies described in this paragraph are as follows:

"(A) An appeal to the Merit Systems Protection Board under section 7701.

"(B) A negotiated grievance procedure under this section.

"(C) Procedures for seeking corrective action under subchapters II and III of chapter 12.".

SEC. 6. PERFORMANCE APPRAISALS.

Paragraph (5) of section 4313 of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth in section 2301.".

SEC. 7. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of the enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the amendments made by the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described in section 2302(b) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any written statement under section 1214(a)(2)(A) of title 5, United States Code, the name and telephone number of an employee of the Office of Special Counsel who shall be available to respond to reasonable questions from the person regarding the investigation involved, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 8. AMENDMENTS RELATING TO ATTORNEY'S FEES.

(a) CHAPTER 12.—Section 1221(g) of title 5, United States Code, is amended by striking "attorney's fees" each place it appears and inserting "fees for legal representation".

(b) CHAPTER 77.—Section 7701(g) of title 5, United States Code, is amended—

(1) by striking "attorney fees" each place it appears and inserting "fees for legal representation"; and

(2) in paragraph (1)—

(A) by inserting "substantially" before "prevailing"; and

(B) by striking "agency or any case in which the agency's action was clearly without merit." and inserting "agency, in which the agency's action was clearly without merit, or which is settled or otherwise similarly resolved.".

SEC. 9. MSPB RETIREMENT APPEALS EXPENSE AUTHORIZATION.

(a) IN GENERAL.—Section 8348(a) of title 5, United States Code, is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following:

"(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in connection with the administration of appeals authorized under section 8347(d) or 8461(e).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1995.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 9, this Act and the amendments made by this Act shall take effect 120 days after the date of the enactment of this Act.

(b) SAVINGS PROVISION.—No provision of this Act shall affect any administrative proceeding pending at the time such provision takes effect. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

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

Mr. Speaker, the history and rationale for the OSC is quite simple: to provide legal protections for Federal employees who blow the whistle on fraud, waste, abuse, or criminal activity in the workplace and to investigate prohibited personnel practices.

Prohibited personnel practices are serious career-threatening or career ending moves like demotion, removal, reassignment, or other significant change in duties on prohibited grounds such as racial discrimination, political coercion, reprisal against whistle blowing, or in response to the employee's valid exercise of legal rights.

The Subcommittee on Civil Service has had several hearings on this issue, and has heard testimony from the office of special counsel on two occasions, from Ben Erdreich, the Chairman of the Merit Systems Protections Board [MSPB], Federal employee unions, Government Accountability Project [GAP], and individual whistleblowers.

Our findings have generally tracked the conclusions of the MSPB and the GAO in reports released last year: Agencies still need to improve their attitudes when it comes to whistleblowers.

Clearly agencies must do a better job of educating their employees of their rights and remedies under the WPA, but they must also communicate to managers and supervisors that retaliation against whistleblowers is not acceptable and will not be tolerated.

Considerable consultation has been done with the administration, other committees, and virtually all interested parties.

I have an amendment in the nature of a substitute which closely tracks the original structure of H.R. 2970 while seeking to address the concerns of the Banking Committee and the Judiciary Committee.

The amendment reauthorizes the Office of Special Counsel and the MSPB for 4 years, and makes amendments to the Whistleblower Protection Act of 1989 which add further protection to Federal employees who blow the whistle.

The bill also expands the choices Federal employees would have when seeking corrective action for any reprisal taken against them.

The bill requires agencies to educate and inform their employees of their rights and remedies under the WPA, expands coverage to hundreds of thousands of Federal employees who are not currently covered, expands the definition of personnel actions to include several practices that are not currently covered, but that can have a debilitating effect on an employee's career, and attempts to level the playing field for employees in these always difficult cases.

In response to concerns raised by the Judiciary Committee, the amendment deletes the provision of H.R. 2970 which expanded appellate jurisdiction from the Federal circuit and gave the employee the option of choosing the circuit in which the employee resides.

The amendment also provides that employees of the FDIC and RTC who have separate whistleblower protection provisions as a result of the savings and local bailout legislation must choose to either follow those procedures in title 39 or the ones established in title 5.

I urge all of my colleagues to support this measure.

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

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

Mr. Speaker, I am pleased to rise in support of H.R. 2970, a bill introduced by the distinguished gentleman from Indiana [Mr. McCLOSKEY] reauthorizing the Office of Special Counsel and the Merit Systems Protection Board through 1997. The legislation also expands upon the 1989 Whistleblower Protection Act by providing additional safeguards for Federal employees who expose waste, fraud, or abuse within the Federal Government.

The legislation was the subject of three Civil Service subcommittee hearings and was reported out of the Committee on Post Office and Civil Service by voice vote. Mr. Speaker, the minority has no objections to consideration of this measure under suspension of the rules. Accordingly, I urge my colleagues to support passage of this measure.

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

Mr. GILMAN. Mr. Speaker, I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, we had an issue on the floor earlier that related to the reauthorization of an agency, and the question was raised relative to those provisions that would have prevented the downsizing of these agencies. Are those provisions a part of this measure?

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

Mr. GILMAN. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, I say to the gentleman, "There are no provisions related to downsizing in this legislation.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman from Indiana.

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Mr. McCLOSKEY. Mr. Speaker, I thank the distinguished gentleman from New York for his cooperation and leadership on this and numerous other items of legislation.

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

The SPEAKER pro tempore (Mr. DEFAZIO). The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 2970, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2970 and H.R. 5103.

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

There was no objection.

CENSUS ADDRESS LIST IMPROVEMENT ACT OF 1994

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5084) to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes, as amended.

The clerk read as follows:

H.R. 5084

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 "Census Address List Improvement Act of 1994".

SEC. 2. ADDRESS INFORMATION REVIEWED BY LOCAL GOVERNMENTS.

(a) IN GENERAL.—Chapter 1 of title 13, United States Code, is amended by adding after section 15 the following new section:

"§ 16. Address information reviewed by States and local governments

"(a) The Secretary, to assist efforts to ensure the accuracy of censuses and surveys under this title, shall—

"(1) publish standards defining the content and structure of address information which States and local units of general purpose government may submit to the Secretary to be used in developing a national address list;

"(2)(A) develop and publish a timetable for the Bureau to receive, review, and respond to submissions of information under paragraph (1) before the decennial census date; and

"(B) provide for a response by the Bureau with respect to such submissions in which the Bureau specifies its determinations regarding such information and the reasons for such determinations; and

"(3) be subject to the review process developed under section 3 of the Census Address List Improvement Act of 1994 relating to responses pursuant to paragraph (2).

"(b)(1) The Secretary—

"(A) *shall* provide officials who are designated as census liaisons by a local unit of general purpose government with access to census address information for the purpose of verifying the accuracy of the address information of the Bureau of census and survey purposes; and

"(B) together with such access, should provide an explanation of duties and obligations under this title.

"(2) Access under paragraph (1) shall be limited to address information concerning addresses within the local unit of general purpose government represented by the census liaison or an adjacent local unit of general purpose government.

"(3) The Bureau should respond to each recommendation made by a census liaison concerning the accuracy of address information, including the determination (and reasons therefor) of the Bureau regarding each such recommendation.

"(4) For the purposes of paragraph (1), in a case in which a local unit of general purpose government is within another local unit of general purpose government and is not independent of the enclosing unit, the census liaison shall be designated by the local unit of general purpose government which is within the enclosing local unit of general purpose government.

"(5) A census liaison may not use information made available under paragraph (1) for any purpose other than the purpose specified in paragraph (1).

"(c) For the purposes of this section—

"(1) the term 'local unit of general purpose government' has the meaning given such term by section 184(1) of this title; and

"(2) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.".

(b) CONFIDENTIALITY.—Section 9(a) of such title is amended—

(1) by inserting "or local government census liaison," after "thereof,"; and

(2) by inserting "or 16" after "section 8".

(c) PENALTY.—Section 214 of such title is amended by inserting "or whoever, being or having been a census liaison within the meaning of section 16 of this title, after "title," the second place it appears.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 15 the following:

"16. Address information reviewed by local governments.".

SEC. 3. DEVELOPMENT OF APPEALS PROCESS BY ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Administrator of the Office of Information and Regulatory Affairs, acting through the Chief Statistician and in consultation with the Bureau of the Census, shall develop an appeals process for those States and local units of general purpose government which desire to appeal determinations of the Bureau of the Census pursuant to section 16(a)(2) or (b)(3) of title 13, United States Code. Appeals under such process shall be resolved before the decennial census date. The Chief Statistician shall publish the proposed appeals process for a period of public comment before finalizing such process.

SEC. 4. AUTHORITY OF UNITED STATES POSTAL SERVICE TO SHARE ADDRESS LISTS.

Section 412 of title 39, United States Code, is amended—

(1) by striking out "Except" and all that follows through "law," and inserting in lieu thereof;

"(a) Except as specifically provided by subsection (b) or other law,"; and

(2) by adding at the end the following:

"(b) The Postal Service shall provide to the Secretary of Commerce for use by the Bureau of the Census such address information, address-related information, and point of postal delivery information, including postal delivery codes, as may be determined by the Secretary to be appropriate for any census or survey being conducted by the Bureau of the Census. The provision of such information under this subsection shall be in accordance with such mutually agreeable terms and conditions, including reimbursability, as the Postal Service and the Secretary of Commerce shall deem appropriate.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 5084.

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

There was no objection.

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

Mr. Speaker, I am pleased that today the House is considering the Census Address List Improvement Act of 1994. This legislation is an important step forward in preparing the Census Bureau to take an accurate census in the year 2000.

I am pleased to have drafted the bill in cooperation with the subcommittee's ranking minority member, Representative THOMAS E. PETRI. The legislation was considered by the Subcommittee on Census, Statistics and Postal Personnel, which I chair, at a hearing on July 21, and at a markup on September 28, where it passed unanimously.

The legislation is designed to meet two primary goals: to improve the accuracy of the Census Bureau's address list (which directly affects the accuracy of the population count), and to reduce the cost of compiling a national address list.

An important related goal is to strengthen the relationship between local governments and the Census Bureau.

The 1990 census was the first in modern history that was less accurate than the one before it. The difference between the undercount of minorities and the White population was the highest ever recorded. And the price tag more than doubled from the census before it. States and cities spent their own money to promote the census and to gather evidence of houses and people they thought the Bureau had missed. By the conclusion of the census, many of those officials believed that their efforts were wasted. The frustration level was very high indeed.

Census Bureau research showed that approximately ⅓ of the undercount was attributable to missed housing units. Millions of housing units were never included in the Bureau's address list, and millions of others were, in fact, nonexistent or placed in the wrong area. The compilation and verification of addresses for the 1990 census cost almost $300 million dollars. Linking those addresses to a geographic mapping system cost millions more.

Because the committee did not file a report, let me take a moment to explain some of the provisions and our intent. The subcommittee discussed at some length with the Census Bureau its plan to develop a program for ongoing interaction with the Postal Service and local officials to ensure that high-quality address lists and associated maps are ready prior to the census. The legislation is consistent with the subcommittee's understanding of the Bureau's intended program, and is designed to facilitate its success by allowing for appropriate access to information.

H.R. 5084 will achieve the three goals by providing the Bureau with ready access to two important information sources—Postal Service and local government address lists—and by providing an opportunity for local verification of the Bureau's information.

Fortunately, discussions about potential cooperative ventures between the Census Bureau and local governments are underway. The purpose of this bill is to build upon and strengthen those discussions.

Collection and verification of address information in primarily electronic format will greatly reduce the amount of precensus field canvassing. In previous censuses, those efforts were expensive and often inaccurate. The new methods authorized in H.R. 5084 will save money and improve the accuracy of the census address lists.

An obvious starting point for the development of a comprehensive address list is the U.S. Postal Service. The bill provides for monetary compensation or any reasonable exchange of services as part of the terms under which the Postal Service will provide address information to the Bureau. While the Postal Service should seek to minimize the cost of providing information to the Bureau, it should be compensated fairly.

Obviously, the Postal Service would only be required to provide to the Census Bureau addresses that are already available from the Postal Service's existing information systems. The Postal Service should not be required to collect information at the Secretary of Commerce's request that would not otherwise be collected for its own purposes. Nothing in the legislation would preclude the Postal Service from voluntarily adapting its data collection to meet the Census Bureau's needs more fully, however.

This legislation does not specify whether the Bureau should spend appropriated funds to receive local address information. Clearly, it is in a local government's best interest to ensure an accurate census count. That implies at least a limited expenditure of local dollars during the course of census planning and execution. However, the Bureau is already authorized under section 6 of title 13, United States Code, to pay for local information to further the goals of the census.

H.R. 5084 also requires the Census Bureau to develop standards under which local governments may submit their own address information to the Bureau. These standards will help ensure that the Bureau does not receive address lists in thousands of different formats. They also should define clearly the types of addresses the Bureau needs. The legislation should not be construed to mean that the Bureau should refuse information submitted in non-standard format. The Bureau may choose to provide preferential treatment (faster response time, for example) in cases where information is standardized. However, every local government should be afforded the opportunity to participate in ensuring an accurate census.

In addition, the Bureau will have more time to resolve address discrepancies with local governments that participate in the Bureau's entire address program. Incentives for local governments to get involved early in the process will help the Bureau to develop an accurate final address list before Census Day.

The bill, as amended, also requires the Census Bureau to provide address information to individuals designated by a local government as census liaisons. In some cases, it may be easier for a local government to submit its own list to the Bureau. In other cases, where there is no readily available local list, the local officials may choose to designate a liaison and review the Bureau's preliminary list.

In cases where a jurisdiction, such as a town or city, exists within a county, the bill provides that the census liaison is designated by the town or city. In cases where an area within a county is unincorporated, the county could designate a liaison for that area. The designated person does not have to be employed by the jurisdiction he or she represents. A town, for example, could designate someone employed by the county or the state. We envision that collaborative efforts by different levels of government would be very efficient and useful.

If a local government submits and reviews addresses, the Census Bureau must inform that jurisdiction about the disposition of any discrepancies that arise. If a jurisdiction disputes the Census Bureau's final address list, it may appeal under procedures set up by the Office of Management and Budget's Statistical Policy Office. Our intent was to allow the process for disputes to be developed by a party independent of the Census Bureau. OMB would determine in advance the parties who would resolve disagreements concerning the address lists. However, the administration and funding of that process is the Census Bureau's responsibility.

The authority in H.R. 5084 to appoint local census liaisons is distinct from existing authority to hire local officials as temporary employees. With regard to its existing authority the Bureau has developed a practice of "swearing in" temporary employees in person. That procedure might be time-consuming and expensive to carry out for individuals who are, by definition,

located throughout the country. Therefore, the Secretary should provide census liaisons with an explanation of duties and responsibilities. There is no requirement to administer an oath in person.

The subcommittee is well aware of, and sensitive to, concerns about personal privacy. It's probably true that most people do not view an address, without related names, as private information. Frankly, address information is widely available in today's society from public and private sources. However, for two reasons, the legislation allows for only limited access to this most benign piece of census information.

The first reason is that it may be difficult to communicate clearly to the American public that the information in question does not contain names or any other identifying information besides the physical location of a housing unit. Given the special trust that must exist between the Census Bureau and much of the American public, we did not want to jeopardize the Bureau's ability to garner cooperation in future censuses.

The second reason for limiting access is that the Bureau's definition of a housing unit is necessarily broad and may include information not generally known. For example, that definition includes illegally occupied garages, offices, basement apartments, and other structures not normally inhabited. But while the effort to include every structure where a person lives is essential for an accurate count, the Bureau might inadvertently have information on its address lists that indicates the existence of a structure not properly zoned for residential dwelling. If the census address information were misused, an individual might face some adverse result.

In trying to protect privacy, H.R. 5084 also limits the geographic scope of addresses to which a census liaison is allowed access. Access is limited to information concerning addresses within the liaison's jurisdiction or an adjacent jurisdiction. (It is necessary to include adjacent jurisdictions because addresses that appear to be missing may, in fact, be allocated across a jurisdictional boundary.) In the past, many local governments disputed the Bureau's housing unit counts, in part, based on the grounds that those units were allocated to the wrong area. Correcting those errors is an important part of the pre-census address listing process. The Bureau should cooperate with the Postal Service and local governments on the geographic aspects of address listing, as well as the addresses themselves.

H.R. 5084 tries to balance two competing priorities of local governments. First, local governments want to ensure that the Census Bureau has an accurate address list for the census. Second, they are interested in using any available source of high-quality information to update their own local records. But while promoting accurate records for a wide range of purposes for local governments is important, the subcommittee believed that this broader purpose was outside the scope of this legislation.

As a further protection, census addresses can only be provided to a local official who is designated as a "census liaison" and is aware of his or her responsibilities under this act. One express limitation is that information received can only be used for the purpose of verifying the accuracy of the Bureau's information. A local official may not use the information to update local files or for any other purpose not expressly authorized, including law enforcement. Any liaison who violates the requirements of the Act would be subject to strict penalties.

In addition, any information furnished to the Census Bureau by Postal Service under section 4 of H.R. 5084 would be subject to the confidentiality provisions of section 9 of title 13, United States Code. The Census Bureau should treat address information obtained from the Postal Service with the same degree of confidentiality that is required for other address information furnished to the Bureau.

While the subcommittee is concerned about housing units missed entirely by the Census Bureau, it does recognize a competing concern. In recent censuses, the Bureau was criticized for making it extremely difficult to remove an address once it appeared on the list. Enumerators were required to make several in-person inspections to determine that a house was actually nonexistent. This exercise was costly and time-consuming.

Local government representatives demonstrated aptly to the subcommittee that local address information can be of high quality. The trends indicate that the quality and availability of local information should be even better by 2000. Nonetheless, there will be a temptation by the Bureau to accept even questionable addresses in the spirit of cooperation. The effort required to verify those addresses (if subsequent attempts to collect information from residents are unsuccessful) could be costly.

Therefore, the subcommittee encourages the Bureau to continue research to determine the most accurate and cost-effective methods for including or deleting addresses from its master files. The subcommittee also encourages the Bureau to develop standards that define clearly how local information would be most useful in promoting an accurate census.

In closing, H.R. 5084 provides the Census Bureau with new tools to improve the conduct of the census in an accurate and cost-effective manner. I am pleased that the measure enjoys the support of the entire subcommittee, as well as a wide range of outside organizations. I believe it is an important contribution to preparations for the 2000 census.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 1994.

Hon. WILLIAM CLAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your letter dated September 28, 1994, requesting the Congressional Budget Office to review H.R. 5084, the Census Address List Improvement Act of 1994, as ordered reported by the Subcommittee on Census, Statistics and Postal Personnel of the House Committee on Post Office and Civil Service on September 28, 1994. CBO estimates that implementation of H.R. 5084 would save the federal government approximately $33 million over the next five years. Enactment of H.R. 5084 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H.R. 5084 would require the Bureau of the Census to permit officials from local governments to examine its address lists that cover their jurisdictions. The bill would direct the Census Bureau to perform various tasks that would ease comparisons between its address lists and those of local governments. It also would require the Office of Information and Regulatory Affairs (OIRA) to establish a process for states and local governments to appeal certain Census Bureau determinations. Finally, it would require the Postal Service to provide certain address information to the Census Bureau.

The process of making federal address lists available to local governments would initially increase costs of the Census Bureau. In addition, permitting local governments to examine Census Bureau address lists would likely encourage more local governments to share their address lists with the Census Bureau. Reviewing those lists would add to Census Bureau costs. Additional costs would be $5 million to $6 million a year from 1995 through 1998.

Over the long run, however, increased access to state and local government address lists would result in savings to the Census Bureau because the bureau would not require as much effort to field-check its address lists or to review address lists with state and local governments immediately before and after the 2000 census. Based on information from the Census Bureau, CBO estimates that implementation of H.R. 5084 would result in savings of $55 million from 1998 through 1999, for a net savings to the federal government of $33 million over the five-year period.

Based on information from OIRA, CBO estimates that developing an appeals process would have no significant cost. Requiring the Postal Service to exchange address lists with the Census Bureau would not result in significant costs because the costs to the Postal Service of exchanging the lists would be roughly offset by savings derived from access to the Census Bureau lists.

Many state and local governments already share their address lists with the Census Bureau, and this bill would not require any to do so. The costs to those governmental bodies that would choose to share their address lists as a result of this bill are not likely to be significant.

If you wish further details on this estimate, we will be pleased to provide them.

The CBO staff contacts are John Webb, James Hearn, and Mary Maginniss, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

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

Mr. Speaker, I want to commend the gentleman from Ohio, [Mr. SAWYER], the distinguished chairman of the Subcommittee on Census, Statistics and Personnel and the gentleman from Wisconsin [Mr. PETRI], the ranking Republican member and their staffs for all of their diligent work on this bill. The product we have before us is something we can all be pleased with. It was developed in consultation with representatives of State and local governments with a stake in improving the accuracy of the Census Bureau's address list.

And regardless of how various Census stakeholders may feel about the Census adjustment issue, we all agree that we still need the best possible enumeration we can get. Our hope is that this bill will prove to be an important step in that direction.

In addition, preliminary CBO estimates suggest that this bill will save the Census Bureau $33 million over the next 5 years—Further evidence that we can get better government at less cost.

Finally, since there was no opportunity to file a committee report, I want to acknowledge that the chairman has submitted a longer statement for the RECORD explaining the Committee's intentions and concerns in drafting this legislation. I accordingly, urge my colleagues to support this measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 5084, as amended.

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

A motion to reconsider was laid on the table.

MODIFICATION OF MOTION TO SUSPEND RULES AND PASS H.R. 967, AS AMENDED, MINOR CROP USE ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the motion to suspend the rules and pass the bill H.R. 967, as amended, be modified as follows: On page 34, line 4, strike "require" and insert in lieu thereof "provide technical assistance to".

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

There was no objection.

PENSION ANNUITANTS PROTECTION ACT OF 1993

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1312) to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

The Clerk read as follows:

S. 1312

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 "Pension Annuitants Protection Act of 1993".

SEC. 2. CIVIL ENFORCEMENT OF ERISA.

Section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended—

(1) by striking the "or" after the semicolon at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; or", and

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

"(7) in the event that the purchase of an insurance contract or insurance annuity in connection with termination of an individual's status as a participant covered under a pension plan with respect to all or any portion of the participant's pension benefit under such plan constitutes a violation of part 4 of this title or the terms of the plan, by the Secretary, by any individual who was a participant or beneficiary at the time of the alleged violation, or by a fiduciary, to obtain appropriate relief, including the posting of security if necessary, to assure receipt by the participant or beneficiary of the amounts provided or to be provided by such insurance contract or annuity, plus reasonable prejudgment interest on such amounts.".

SEC. 3. WAIVER OR REDUCTION OF CIVIL PENALTY.

Section 502(l)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(3)(B)) is amended by inserting "(or to provide the relief ordered pursuant to subsection (a)(7))" after "to restore all losses to the plan".

SEC. 4. EFFECT ON OTHER PROVISIONS.

Nothing in this Act shall be construed to limit the legal standing of individuals to bring a civil action as participants or beneficiaries under section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)), and nothing in this Act shall affect the responsibilities, obligations, or duties imposed upon fiduciaries by title I of the Employee Retirement Income Security Act of 1974.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

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

Mr. Speaker, S. 1312 is designed to help workers and retirees whose pension plans were terminated and turned over to insurance companies that later went insolvent.

The Employee Retirement Income Security Act of 1974 (ERISA) has always authorized participants and beneficiaries under employee benefit plans to bring suit in Federal court against plan fiduciaries who have breached their duties under the plan or who have violated the terms of the plan or the statute.

This bill, which passed the Senate by unanimous consent, is a bipartisan approach to resolve a specific problem that has arisen from the termination of hundreds of well-funded, federally insured pension plans during the 1980s. The pensions earned by the workers and retirees in those plans were often paid in the form of monthly annuities purchased from a variety of insurance companies, including the Executive Life Insurance Company of California.

In April of 1991, state regulators in California took control over Executive Life after it failed to make good on its obligations to more than 44,000 pension annuitants across the country. The pensions of retirees were reduced and today, more than three and half years later, many of those individuals have still not been made whole.

In some cases, the fiduciaries of the pension plans may have purchased the Executive Life annuities without giving adequate attention to the financial safety of the annuities. Instead of choosing a safer, more expensive annuity, buying an annuity from Executive Life allowed some employers to receive a substantially larger reversion of excess assets from the plan, thus freeing up a greater amount of money to be used for other corporate purposes.

When some retirees and the Secretary of Labor sued certain fiduciaries under ERISA to recover the losses, some of the fiduciaries argued that the retirees were no longer participants of the plan because the plan had terminated and, therefore, had no standing to sue them. These fiduciaries also argued, based on a 1993 Supreme Court decision, *Mertens* v. *Hewitt Associates*, that ERISA provides no effective remedy to make people whole for the losses incurred.

Unfortunately, a few lower courts have narrowly and mistakenly given favorable consideration to these arguments. These courts have denied standing to sue to individuals who were participants and beneficiaries under the plan at the time the alleged breach of fiduciary duty (or violation of the terms of the plan or of ERISA) occurred, but, because of the intervening plan termination, were not literally participants under the plan at the time the lawsuit was brought.

S. 1312 clarifies that in litigation to recover these lost benefits, individuals who were participants and beneficiaries at the time the alleged violation of

ERISA occurred may sue and recover money damages from their employers or other fiduciaries. Under S. 1312, they can at least receive the amounts that were promised by the insurance contract or annuity, plus reasonable interest. S. 1312 also clarifies that when the Department of Labor sues on behalf of such a participant and beneficiary, any appropriate relief, including money damages, may be granted.

S. 1312 does not represent a change from current law, but rather a clarification made necessary because of recent court decisions. The courts have wrongly held that annuitants are not plan participants and therefore lack standing under ERISA to challenge the decision of the plan fiduciary to dispose of plan assets by purchasing annuities.

Because S. 1312 is designed to overturn this line of specific court cases, no limiting inference should be drawn with respect to standing questions for annuitants under any other section of any title of ERISA. To the contrary, other standing issues should be guided by the broad remedial policy reflected in today's legislative clarification, not by the incorrect court holdings that we reject today.

In addition, because the bill merely clarifies the standing of pension annuitants and specifies remedies available for fiduciary breaches that occur in the purchase of their annuities, the bill is retroactive to May 31, 1993, the day before the *Mertens* decision was issued.

The Mertens decision, which was decided by a 5 to 4 majority of the Court, raises other important issues regarding the nature of relief available under ERISA for breaches of fiduciary duty. Because there is disagreement about how these other problems should be addressed, the bill before us today does not attempt to solve all of the problems raised by Mertens.

Instead S. 1312, as shown by its unanimous approval by the Senate, is a first step toward correcting several erroneous interpretations of ERISA which have unfortunately narrowed the rights and remedies that Congress made available to participants and beneficiaries under ERISA. The bill is narrowly targeted to give pension annuitants who suffered as a result a plan fiduciary's action in purchasing their annuities, and the Secretary of Labor bringing suit on their behalf, a fair chance to have their cases determined in court on the merits and, if successful, to obtain an appropriate remedy.

Mr. Speaker, I ask unanimous consent to include in the RECORD the letter of support that Chairman FORD received from Secretary of Labor Robert Reich on behalf of the administration.

The Secretary notes in his letter that while passage of the legislation before us today is an important first step, further legislation is needed to fully protect workers and retirees who have suffered losses due to breaches of fiduciary duty. I agree. In the next Congress, I intend to work with my colleagues on the other side of the aisle and with the administration to enact such additional legislation.

But today we must pass S. 1312 to restore the previous right of workers to sue for monetary damages in cases where pension benefits have been lost because of an ERISA violation in the purchase of annuities. I urge support for S. 1312.

U.S. DEPARTMENT OF LABOR,
Washington, DC, September 30, 1994.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to provide you with the views of the Administration on S. 1312, the "Pension Annuitants Protection Act of 1993," as passed by the Senate. I understand that this measure is about to be considered by the House of Representatives.

The Administration views this legislation as an important effort in ensuring that the interests of plan participants are protected against violations of fiduciary responsibility when they receive their pension benefits through the purchase of insurance annuities. We share the strong concern of Senator Metzenbaum and Senator Kassebaum, the authors of S. 1312, that retirees should have adequate remedies to enforce the retirement promises made to them and, in particular, the obligations of plan fiduciaries when insurance annuities are purchased to guarantee such promises.

S. 1312 helps respond to the Supreme Court's decision in *Mertens* v. *Hewitt Associates* and to a U.S. district court decision in *Kayes* v. *Pacific Lumber*. In *Mertens*, the Supreme Court held that participants and beneficiaries of an employee benefit plan could not receive monetary damages under the Employee Retirement Income Security Act (ERISA) for losses resulting from a non-fiduciary's knowing participation in a fiduciary breach. In *Kayes*, the court ruled that former participants and beneficiaries lack standing to bring a suit alleging fiduciary breaches in connection with the purchase of their pension distribution annuities.

S. 1312 would make it clear that an adequate monetary remedy is available to, among others, former participants and beneficiaries who received insurance annuities from Executive Life Insurance Company of California in violation of the fiduciary responsibility requirements of ERISA, and also expressly provide that such individuals have standing to seek such remedies. This is an important step in overcoming the problems created by *Mertens* and *Kayes*. We therefore support prompt passage of S. 1312. At the same time, in the wake of these decisions, we continue to believe that further legislation is needed to fully protect former participants and beneficiaries who have suffered losses due to breaches of fiduciary duties. We look forward to working with the next Congress toward this end.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Robert B. Reich.

□ 1950

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will speak in support of the bill, S. 1312, as passed by the Senate on October 28, 1993. The legislation is bipartisan and noncontroversial.

The bill addresses a problem under the current pension law, wherein former pension plan participants may be denied appropriate relief to remedy certain fiduciary breaches. In particular, S. 1312 would amend the Employee Retirement Income Security Act of 1974 [ERISA] to allow the Secretary of Labor and former pension participants to seek appropriate relief, when ERISA violations involving the purchase of annuities occur in connection with the termination of a pension plan, or an individual's status as a participant.

In July of 1993, the Subcommittee on Labor-Management Relations held an oversight hearing on this annuity issue, among other ERISA enforcement issues. During the hearing, concern was raised that, after the decision by the Supreme Court in Mertens versus Hewitt, current law could be read as narrowing the remedies under ERISA upon which participants and beneficiaries have previously relied, to fully restore denied pension plan benefits. Specifically, there was concern that the case could undermine the efforts of the Department of Labor to recover the reduction of annuity payments for former pension plan participants. In the case of Kayes versus Pacific Lumber, which was cited in the Mertens case, the U.S. District Court for the Northern District of California held that former participants and beneficiaries who were given executive life annuities, do not have standing to sue under Title I of ERISA.

S. 1312 would clarify that ERISA does give standing to former participants and beneficiaries, if they seek relief in connection with a fiduciary breach involving the purchase of insurance contracts or annuities. Under S. 1312, this standing would be retroactive in connection with legal proceedings pending, or brought, on or after May 31, 1993.

My understanding is that there are a number of cases wherein the pension rights of former participants could be in jeopardy. Therefore, I urge my colleagues to expedite the passage of this bill clarifying the extent of ERISA civil remedies for pension plan participants.

Mr. GOODLING. Mr. Speaker, I rise in support of the bill, S. 1312, as passed by the Senate on October 28, 1993. The bill is noncontroversial.

On August 2, 1993 the Senate held a hearing before the Subcommittee on Labor on S. 1312. The bill passed the Senate by unanimous consent on October 28, 1993. Senators KASSEBAUM and METZENBAUM have asserted their commitment to the passage of the bill. This bipartisan bill would provide for the availability of remedies for former pension plan

participants and beneficiaries who could be denied pension protections under ERISA. More specifically, S. 1312 would grant appropriate relief when ERISA violations concerning the purchase of annuities occurs as a result of the termination of a pension plan. I agree with Senator KASSEBAUM that it is important that we move this clarifying legislation forward because as she said "recent court decisions [have called] into question whether [persons receiving] pension distribution annuities have standing to sue for relief under ERISA and whether, assuming a violation is found, a court can order relief for their lost benefits and help safeguard them against loss of benefits in the future."

The need for S. 1312 arose out of the U.S. Supreme Court case, Mertens versus Hewitt. This case effectively narrowed the legal protections available to retirees. During the August 2, 1993 Senate hearing, Ms. Olena Berg, Assistant Secretary for Pension and Welfare Benefits Administration for the Department of Labor stated, "under Mertens courts may conclude that they cannot reward retirees the difference between their promised benefit and the actual annuity payment even where a fiduciary admits to violating ERISA." Ms. Berg further stated that "in the case of Kayes versus Pacific Lumber, a U.S. district court held that workers and retirees did not have the right to sue under ERISA for violations in the annuity purchase."

Because participants may not have the ability to seek relief, I feel it is necessary to pass S.1312 in order to protect their pension benefits. Under the bill, former participants and beneficiaries would be given standing to seek appropriate relief to restore pension reductions resulting from fiduciary breaches. Since the bill is bipartisan and noncontroversial, I ask that my colleagues support the bill.

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

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

The SPEAKER pro tempore (Mr. DEFAZIO). The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS], that the House suspend the rules and pass the Senate bill, S. 1312.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1312, the Senate bill just passed.

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

There was no objection.

CORRECTING ENROLLMENT OF S. 1312, PENSION ANNUITANTS PROTECTION ACT OF 1993

Mr. WILLIAMS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 304) directing the Secretary of the Senate to make corrections in the enrollment of the bill S. 1312, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 304

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 1312) to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries, the Secretary of the Senate shall make the following corrections:

(1) In Section 1, strike "1993" and insert "1994".

(2) In section 2(1) strike "paragraph (5)" and insert "paragraph (7)".

(3) In section 2(2), strike "paragraph (6)" and insert "paragraph (8)".

(4) In section 2(3), in the new paragraph (7) to be added thereby, strike "(7)" and insert "(9)".

(5) In section 3, strike "subsection (a)(7)" and insert "subsection (a)(9)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT AMENDMENTS CONSENT ACT OF 1994

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4814) to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact, as amended.

The Clerk read as follows:

H.R. 4814

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 "Central Midwest Interstate Low-Level Radioactive Waste Compact Amendments Consent Act of *1994*".

SEC. 2. CONDITIONS OF CONSENT TO COMPACT AMENDMENTS.

The consent of the Congress to the compact amendments set forth in section 3—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the amended compact complies with all of the provisions of such Act.

SEC. 3. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is hereby given to amendments made by the States of Illinois and Kentucky to the Central Midwest Interstate Low-Level Radioactive Waste Compact, which compact was consented to by the Congress in section 224 of the Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act (Pub. L. 99-240; 42 U.S.C. 2021 note). The amendments to which such consent is given are substantially as follows:

(1) The 2d undesignated paragraph of article I of the compact is amended to read as follows:

"The states party to this compact recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021), has provided for and encouraged the development of low-level radioactive waste compacts as a tool for managing such waste. The party states also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis; and, that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.".

(2) Section (k) of article II of the compact is amended to read as follows:

"k) 'Low-level radioactive waste' or 'waste' means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) by-product material as defined in Section 11e. (2) of the Atomic Energy Act of 1954. This definition shall apply notwithstanding any declaration by the federal government, a state or any regulatory agency that any radioactive material is exempt from any regulatory control.".

(3) Section (q) of article II of the compact is amended to read as follows:

"q) 'Regional facility' means any facility as defined in Article II(f) that is (1) located within the region, and (2) established by a party state pursuant to designation of that state as a host state by the Commission.".

(4) Sections (a) and (b) of article III of the compact are amended to read as follows:

"a) There is created the Central Midwest Interstate Low-Level Radioactive Waste Commission. Upon the eligible states becoming party states, the Commission shall consist of two voting Commissioners from each state eligible to be designated a host state under Article VI(b), one voting Commissioner from any other party state, and for each regional facility, one non-voting Commissioner who is an elected official of local government and a resident of the county where that regional facility is located. The Governor of each party state shall notify the Commission in writing of its Commissioners and any alternates.

"b) Each voting Commissioner is entitled to one vote. No action of the Commission is binding unless a majority of the voting membership casts its vote in the affirmative. In addition, no agreement by the Commission under Article III(i)(1), Article III(i)(2), or Article III(i)(3) is valid unless all voting Commissioners from the party state in which the facility where waste would be sent is located cast their votes in the affirmative.".

(5) Sections (d) and (e) of article III of the compact are amended to read as follows:

"d) The Commission shall meet at least once annually and shall also meet upon the call of any voting Commissioner.

"e) All meetings of the Commission and its designated committees shall be open to the public with reasonable advance notice. The

Commission may, by majority vote, close a meeting to the public for the purpose of considering sensitive personnel or legal strategy matters. However, all Commission actions and decisions shall be made in open meetings and appropriately recorded. A roll call may be required upon request of any voting Commissioner.".

(6) Section (g) of article III of the compact is amended to read as follows:

"g) The Office of the Commission shall be in Illinois. The Commission may appoint or contract for and compensate such staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure with the exception that staff hired as the result of securing federal funds shall be hired and governed under applicable federal statutes and regulations. In selecting any staff, the Commission shall assure that the staff has adequate experience and formal training to carry out the functions assigned to it by the Commission.".

(7) Sections (i) and (j) of article III of the compact are amended to read as follows:

"i) The Commission may:

"1) Enter into an agreement with any person to allow waste from outside the region to be disposed of at facilities in the region. However, no such agreement shall be effective unless and until ratified by a law enacted by the party state to which the waste would be sent for disposal.

"2) Enter into an agreement with any person to allow waste described in Article VII(a)(6) to be treated, stored, or disposed of at regional facilities. However, no such agreement shall be effective unless and until ratified by a law enacted by the host state of the regional facility to which the waste would be sent for treatment, storage, or disposal.

"3) Enter into an agreement with any person to allow waste from outside the region to be treated or stored at facilities in the region. However, any such agreement shall be revoked as a matter of law if, within one year of the effective date of the agreement, a law is enacted ordering such revocation by the party state to which the waste would be sent for treatment or storage.

"4) Approve, or enter into an agreement with any person for, the export of waste from the region.

"5) Approve the disposal of waste generated within the region at a facility in the region other than a regional facility, subject to the limitations of Articles V(f) and VII(a)(6).

"6) Require that waste generated within the region be treated or stored at available regional facilities, subject to the limitations of Articles V(f), VII(a)(3) and VII(a)(6).

"7) Appear as an intervenor or party in interest before any court of law or any federal, state or local agency, board or commission in any matter related to waste management. In order to represent its views, the Commission may arrange for any expert testimony, reports, evidence or other participation.

"8) Review the emergency closure of a regional facility, determine the appropriateness of that closure, and take whatever actions are necessary to ensure that the interests of the region are protected, provided that a party state with a total volume of waste recorded on low-level radioactive waste manifests for any year that is less than 10 percent of the total volume recorded on such manifests for the region during the same year shall not be designated a host state or be required to store the region's waste. In determining the 10 percent exclusion, there shall not be included waste recorded on low-level radioactive waste manifests by a person whose principal business is providing a service by arranging for the collection, transportation, treatment, storage or disposal of such waste.

"9) Take any action which is appropriate and necessary to perform its duties and functions as provided in this compact.

"10) Suspend the privileges or revoke the membership of a party state.

"j) The Commission shall:

"1) Submit within 10 days of its execution to the governor and the appropriate officers of the legislative body of the party state in which any affected facility is located a copy of any agreement entered into by the Commission under Article III(i)(1), Article III(i)(2) or Article III(i)(3).

"2) Submit an annual report to, and otherwise communicate with, the governors and the appropriate officers of the legislative bodies of the party states regarding the activities of the Commission. The annual report shall include a description of the status of the activities taken pursuant to any agreement entered into by the Commission under Article III(i)(1), Article III(i)(2) or Article III(i)(3) and any violation of any provision thereof, and a description of the source, volume, activity, and current status of any waste from outside the region or waste described under Article VII(a)(6) that was treated, stored, or disposed of in the region in the previous year.

"3) Hear, negotiate, and, as necessary, resolve by final decision disputes which may arise between the party states regarding this compact.

"4) Adopt and amend, as appropriate, a regional management plan that plans for the establishment of needed regional facilities.

"5) Adopt an annual budget.".

(8) Sections (o) and (p) of article III of the compact are amended to read as follows:

"o) The Commission is a legal entity separate and distinct from the party states and is liable for its actions as a separate and distinct legal entity. Commissioners are not personally liable for actions taken by them in their official capacity.

"p) Except as provided under Article III(n), Article III(o), Article VI(p) and Article VI(q), nothing in this compact alters liability for any action, omission, course of conduct or liability resulting from any causal or other relationships.".

(9) Sections (b) and (c) of article V of the compact are amended to read as follows:

"b) Other than the provisions of Article V(f) and VII(a)(6), each party state has the right to have all wastes generated within borders managed at regional facilities. This right shall be subject to the provisions of this Compact. All party states have an equal right of access to any facility outside the region made available to the region by any agreement entered into by the Commission pursuant to Article III(i)(4).

"c) Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to Commission approval under Article III(i)(4).".

(10) Section (f) of article V of the compact is amended to read as follows:

"f) Waste originating from the Maxey Flats nuclear waste disposal site in Fleming County, Kentucky shall not be shipped to any facility in Illinois for storage, treatment or disposal. Disposition of these wastes shall be the sole responsibility of the Commonwealth of Kentucky and such waste shall not be subject to the provisions of Articles IX(b)(3) and (4) of this compact.".

(11) Section (b) of article VI of the compact is amended to read as follows:

"b) If all regional facilities required by the regional management plan are not developed pursuant to Article VI(a), or upon notification that an existing regional facility will be closed, the Commission may designate a party state as a host state. A party state shall not be designated as a host state for any regional facility under this Article VI(b) unless that state's total volume of waste recorded on low-level radioactive waste manifests for any year is more than 10% of the total volume recorded on such manifests for the region during the same year. In determining the 10% exclusion, there shall not be included waste recorded on low-level radioactive waste manifests by a person whose principal business is providing a service by arranging for the collection, transportation, treatment, storage or disposal of such waste, or waste described in Article VII(a)(6).".

(12) Section (c) of article VI of the compact is repealed.

(13) Section (e) of article VI of the compact is amended to read as follows:

"e) Any party state designated as a host state may request the Commission to relieve that state of the responsibility to serve as a host state. The Commission may relieve a party state of this responsibility upon a showing by the requesting party state that no feasible potential regional facility site of the type it is designated to host exists within its borders or for other good cause shown and consistent with the purposes of this Compact.".

(14) Sections (l) and (m) of article VI of the compact are amended to read as follows:

"l) A host state intending to close a regional facility located within its borders shall notify the Commission in writing of its intention and the reasons. Notification shall be given to the Commission at least five years prior to the intended date of closure. This Section shall not prevent an emergency closing of a regional facility by a host state to protect its air, land and water resources and the health and safety of its citizens. However, a host state which has an emergency closing of a regional facility shall notify the Commission in writing within 3 working days of its action and shall, within 30 working days of its action, demonstrate justification for the closing.

"m) If a regional facility closes before an additional or new facility becomes operational, waste generated within the region may be shipped temporarily to any location agreed on by the Commission until a regional facility is operational, provided that the region's waste shall not be stored in a party state with a total volume of waste recorded on low-level radioactive waste manifests for any year which is less than 10% of the total volume recorded on the manifests for the region during the same year. In determining the 10% exclusion, there shall not be included waste recorded on low-level radioactive waste manifests by a person whose principal business is providing a service by arranging for the collection, transportation, treatment, storage or disposal of such waste, or waste described in Article VII(a)(6).".

(15) Sections (o) through (q) of article VI of the compact are amended to read as follows:

"o) The host state shall create an 'Extended Care and Long-Term Liability Fund' and shall allocate sufficient fee revenues, received pursuant to Article VI(i), to provide for the costs of:

"1) decommissioning and other procedures required for the proper closure of a regional facility;

"2) monitoring, inspection and other procedures required for the proper extended care of a regional facility;

"3) undertaking any corrective action or clean-up necessary to protect human health and the environment from radioactive releases from a regional facility; and

"4) compensating any person for medical and other expenses incurred from damages to human health, personal injuries suffered from damages to human health and damages or losses to real or personal property, and accomplishing any necessary corrective action or clean-up on real or personal property caused by radioactive releases from a regional facility; the host state may allocate monies in this Fund in amounts as it deems appropriate to purchase insurance or to make other similar financial protection arrangements consistent with the purposes of this Fund; this Article VI(n) shall in no manner limit the financial responsibilities of the site operator under Article VI(o), the party states under Article VI(p), or any person who sends waste to a regional facility, under Article VI(q).

"p) The operator of a regional facility shall purchase an amount of property and third-party liability insurance deemed appropriate by the host state, pay the necessary periodic premiums at all times and make periodic payments to the Extended Care and Long-Term Liability Fund as set forth in Article VI(n) for such amounts as the host state reasonably determines is necessary to provide for future premiums to continue such insurance coverage, in order to pay the costs of compensating any person for medical and other expenses incurred from damages to human health, personal injuries suffered from damages to human health and damages or losses to real or personal property, and accomplishing any necessary corrective action or clean-up on real or personal property caused by radioactive releases from a regional facility. In the event of such costs resulting from radioactive releases from a regional facility, the host state should, to the maximum extent possible, seek to obtain monies from such insurance prior to using monies from the Extended Care and Long-Term Liability Fund.

"q) All party states shall be liable for the cost of extended care and long-term liability in excess of monies available from the Extended Care and Long-Term Liability Fund, as set forth in Article VI(n) and from the property and third-party liability insurance as set forth in Article VI(o). A party state may meet such liability for costs by levying surcharges upon generators located in the party state. The extent of such liability shall be based on the proportionate share of the total volume of waste placed in the regional facility by generators located in each such party state. Such liability shall be joint and several among the party states with a right of contribution between the party states. However, this Section shall not apply to a party state with a total volume of waste recorded on low-level radioactive waste manifests for any year that is less than 10% of the total volume recorded on such manifests for the region during the same year.".

(16) Sections (d) through (q) of article VI of the compact are redesignated as sections (c) through (p), respectively.

(17) Article VI of the compact is amended by adding at the end the following new section:

"q) Any person who sends waste from outside the region or waste described in Article VII(a)(6) for treatment, storage or disposal at a regional facility shall be liable for the cost of extended care and long-term liability of that regional facility in excess of the monies available from the Extended Care and Long-Term Liability Fund as set forth in Article VI(n) and from the property and third-party liability insurance as set forth in Article VI(o). The extent of the liability for the person shall be based on the proportionate share of the total volume of waste sent by that person to the regional facility.".

(18) Section (a)(6) of article VII of the compact is amended to read as follows:

"6) establishes any right to the treatment, storage or disposal at any facility in the region or provides any authority to prohibit export from the region of waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of the decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing or production of any atomic weapon; or".

(19) Section (d) of article VII of the compact is amended to read as follows:

"d) No person who provides a service by arranging for collection, transportation, treatment, storage or disposal of waste from outside the region shall be allowed to dispose of any waste, regardless of origin, in the region unless specifically permitted under an agreement entered into by the Commission in accordance with the requirements of Article III(i)(1).".

(20) Section (c) of article VIII of the compact is amended to read as follows:

"c) The Commission is formed upon the appointment of the Commissioners and the tender of the membership fee payable to the Commission by the eligible states. The Governor of Illinois shall convene the initial meeting of the Commission. The Commission shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this compact, and shall take action necessary to organize the Commission and implement the provisions of this compact.".

(21) Section (e) of article VIII of the compact is amended to read as follows:

"e) This compact becomes effective July 1, 1984, or at any date subsequent to July 1, 1984, upon enactment by the eligible states. However, Article IX(b) shall not take effect until the Congress has by law consented to this compact. The Congress shall have an opportunity to withdraw such consent every 5 years. Failure of the Congress affirmatively to withdraw its consent has the effect of renewing consent for an additional 5 year period. The consent given to this compact by the Congress shall extend to the power of the region to ban the shipment of waste into the region pursuant to Article III(i)(1) and to prohibit exportation of waste generated within the region under Article III(i)(4).".

(22) Section (b) of article IX of the compact is amended to read as follows:

"b) Unless authorized by the Commission pursuant to Article III(i), or otherwise provided in this compact, after January 1, 1986 it is a violation of this compact:

"1) for any person to deposit at a facility in the region waste from outside the region;

"2) for any facility in the region to accept waste from outside the region;

"3) for any person to export from the region waste that is generated within the region;

"4) for any person to dispose of waste at a facility other than a regional facility;

"5) for any person to deposit at a regional facility waste described in Article VII(a)(6); or

"6) for any regional facility to accept waste described in Article VII(a)(6).".

(23) Article IX of the compact is amended by redesignating sections (c) and (d) as sections (d) and (e), respectively, and by inserting after section (b) the following new section:

"c) It is a violation of this compact for any person to treat or store waste at a facility other than a regional facility if such treatment or storage is prohibited by the Commission under Article III(i)(6).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. LEHMAN. 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 being considered.

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

There was no objection.

Mr. LEHMAN. Mr. Speaker, I yield myself such time as I may consume. The purpose of H.R. 4814 is to grant the consent of Congress to amendments to the central midwest interstate low-level radioactive waste compact. These amendments have been approved by the legislatures of Illinois and Kentucky pursuant to the Low Level Radioactive Waste Policy Act.

The act makes States responsible for disposal of low-level radioactive wastes generated within their borders, and encourages them to form interstate compacts to discharge their responsibilities on a regional basis. The central midwest compact between Illinois and Kentucky was initially consented to by Congress in 1985.

The States are seeking these changes to comport with the 1985 amendments to the Low-Level Waste Act, and to address other issues that have arisen in their implementation of the program over the years.

The committee adopted an amendment that made three technical changes to the enacting provisions of the bill. The important change added a new section to the bill that adds to the implementing language of the bill the same conditions of congressional consent which were included in the initial grant of congressional consent to the compact, and to each of the other eight compacts that have been approved since 1985.

These conditions provide that the consent of Congress becomes effective on the date of enactment, is granted subject to the provisions of the Low Level Waste Act, and is granted only for so long as the compact commission complies with all of the provisions of the act.

This change is not substantive, as the conditions from the original consent should be considered to apply to

these amendments, as well. The language is added simply to give some comfort to NRC and industry observers who have expressed concerns that the compact is asserting authorities over waste treatment and storage that go beyond those contemplated in the Low-Level Waste Act. On their face, we don't think the questioned provisions go too far, but we want to make it clear that their application can be judged by courts for their consistency with the act.

Progress in developing new disposal facilities under the low-level waste program has been disappointing. No new disposal facilities were opened by January 1, 1993, as the act required. Currently, due to the authority the act gives compacts to exclude waste from outside their regions, low-level waste generators in 31 States have no access to any disposal facilities.

However, some States and compacts—including the central midwest compact—have worked diligently to develop new facilities, and are making slow progress. It is hoped that several new facilities will be opened in the next few years.

Unfortunately, there are also some States that are not seriously seeking to discharge their responsibilities under the act. Some apparently hope that Congress will reopen the act and get them off the hook. Enactment of H.R. 4814 will send an important message to the States and compacts that Congress remains committed to this program.

As amended, this bill is not controversial. I urge its passage.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill and an important one. Adoption of it shows that the Congress is serious in its continuing effort to ensure that the process started by the 1985 Low Level Waste Policy Act will continue. In particular, it highlights the right way for Congress to deal with the issue of radioactive waste disposal: Allowing the States to control how that waste should be disposed of. I would also like to commend Mrs. VUCANOVICH for her efforts on this bill.

Mr. SHARP. Mr. Speaker, I am happy to support H.R. 4814, the Central Midwest interstate low-Level Radioactive Waste Compact Amendments Consent Act of 1993, on behalf of the Committee on Natural Resources. I also ask that the statement of Mr. Lehman, who shepherded the bill through that committee, be included in the RECORD.

Pursuant to the Low-Level Radioactive Waste Policy Act, States are responsible for disposal of low-level radioactive waste generated within their borders. In order to encourage States to take responsibility for their own waste, the act provided that States which joined interstate compacts could seek the approval of Congress to exclude waste generated outside their borders.

To date, Congress has given its approval to nine low-level waste compacts. While progress under the act has been slower than many of us would have liked, it nonetheless is significant that the 42 States belonging to these compacts are making progress toward developing new disposal sites. One State has already received a license to begin construction, and several other intend to submit license applications soon.

Since Congress first approved the Central Midwest Compact in 1985, the legislatures of the two member States, Illinois and Kentucky, have ratified several amendments designed to resolve implementation problems that have since arisen. H.R. 4814 gives congressional approval to these compact amendments, and thereby allows the member States to go forward.

I am aware that, at the State level, there has been considerable controversy and delay in the process of identifying appropriate sites for new disposal facilities. Without exception, these controversies fall within the authorities reserved under the act to States and compacts. Thus, while I appreciate that there are many important questions about where to site new disposal facilities, and how to make them economical, I note that under the act, these are matters for the various States and compacts to resolve.

By the same token, however, when States have fulfilled their responsibilities under the Low-Level Radioactive Waste Policy Act, I believe that it is important that Congress act promptly to approve the resulting compact agreements.

In that spirit, I am pleased to offer my support for passage of H.R. 4814, and urge my colleagues to support it as well.

Mr. MOORHEAD. Mr. Speaker, I rise in strong support of H.R. 4814, the Central Midwest Interstate Low-Level Radioactive Waste Compact Amendments Consent Act of 1993.

When the Low-Level Radioactive Waste Policy Act was passed, the States requested, and received, responsibility for disposing of low-level waste generated within their borders. In that act, Congress encouraged States to enter into compacts with other States to site and build joint disposal facilities. I would like to commend the States of Illinois and Kentucky for working together under the central midwest compact to undertake this difficult task.

We are all aware that the siting and operation of facilities such as these is never easy. However, under the act, these are issues for the States to resolve. Our responsibility is to ensure that the process established in the act works as smoothly as possible. To do this, Congress must address only the issues before it and avoid interfering with matters that have been placed within State authority.

The States of Illinois and Kentucky are doing their part to comply with the requirements of the Low-Level Radioactive Waste Policy Act. I urge my fellow Members to reward these States with prompt approval of the amendments to their compact. Thank you, Mr. Speaker.

Mr. THOMAS of Wyoming.

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

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

The SPEAKER pro tempore (Mr. DEFAZIO) The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 4814, as amended.

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

A motion to reconsider was laid on the table.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION GRAND COULEE DAM SETTLEMENT ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4757) to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4757

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 "Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the Bonneville Power Administration.

(2) The term "Bonneville Power Administration" means the Bonneville Power Administration of the Department of Energy or any successor Agency, Corporation, or entity that markets power produced at the Dam.

(3) The term "Dam" means the Grand Coulee Dam operated by the Bureau of Reclamation of the Department of the Interior, the power from which is marketed by the Bonneville Power Administration of the Department of Energy.

(4) The term "Settlement Agreement" means the Settlement Agreement entered into between the United States and the Tribe, signed by the United States on April 21, 1994, and by the Tribe on April 16, 1994, to settle the claims of the Tribe in Docket 181-D of the Indian Claims Commission, which docket has been transferred to the United States Court of Federal Claims.

(5) The term "Tribe" means the Confederated Tribes of the Colville Reservation, a federally recognized Indian tribe.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is pending before the United States Court of Federal Claims, a suit by the Confederated Tribes of the Colville Reservation against the United States, in which the Tribe seeks to recover damages under the "Fair and Honorable Dealings" clause of the Indian Claims Commission Act, (Act of August 13, 1946, 60 Stat. 1049), and in which, although the matter is in dispute, the potential liability of the United States is substantial;

(2) the claim alleges that the United States has since the construction of Grand Coulee Dam used Colville Reservation land in the generation of electric power, and will continue to use such reservation land for as long as Grand Coulee Dam produces power; and that the United States has promised and undertaken to pay the Tribe for such use and has not done so;

(3) the United States, after years of litigation, has negotiated a Settlement Agreement with the Tribe, signed by the Department of Justice, the Bonneville Power Administration and the Department of the Interior. The Settlement Agreement is contingent on the enactment of the enabling legislation; and

(4) the Settlement Agreement, approved in this Act, will provide mutually agreeable compensation for the past use of reservation land in connection with the generation of electric power at Grand Coulee Dam, and will establish a method to ensure that the Tribe will be compensated for the future use of reservation land in the generation of electric power at Grand Coulee Dam, and will settle the claims of the Tribe against the United States brought under the Indian Claims Commission Act.

(b) PURPOSES.—It is the purpose of this Act—

(1) to approve and ratify the Settlement Agreement entered into by the United States and the Tribe; and

(2) to direct the Bonneville Power Administration to carry out its obligations under the Settlement Agreement.

SEC. 4. APPROVAL, RATIFICATION, AND IMPLEMENTATION OF SETTLEMENT AGREEMENT.

(a) APPROVAL AND RATIFICATION.—The Settlement Agreement is approved and ratified.

(b) ANNUAL PAYMENTS.—The Bonneville Power Administration shall make annual payments to the Tribe as set forth in the Settlement Agreement and shall carry out its other obligations under the Settlement Agreement.

(c) SETTLEMENT.—Consistent with the negotiated terms of the Settlement Agreement, the United States shall join in the motion that the Tribe has agreed to file in Confederated Tribes v. United States, Indian Claims Commission Docket 181–D, for the entry of a compromise final judgment in the amount of $53,000,000. The judgment shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code and is not reimbursable by the Bonneville Power Administration.

SEC. 5. DISTRIBUTION OF THE SETTLEMENT FUNDS.

(a) LUMP-SUM PAYMENT.—The judgment of $53,000,000, when paid, shall be deposited in the Treasury of the United States and the principal amount and interest on the judgment, shall be credited to the account of the Tribe. These funds may be advanced or expended for any purpose by the tribal governing body of the Confederated Tribes of the Colville Reservation, pursuant to a distribution plan developed by the Tribe and approved by the Secretary of the Interior pursuant to section 3 of Public Law 93–134 (25 U.S.C. 1403): *Provided*, That any payment to a minor under the distribution plan shall be held in trust by the United States for the minor until the minor reaches the age of 18, or until the minor's class is scheduled to graduate from high school, whichever is later: *Provided further*, That emergency use of trust funds may be authorized for the benefit of the minor pursuant to regulations of the Bureau of Indian Affairs.

(b) ANNUAL PAYMENTS.—In addition to the lump-sum payment, annual payments shall be made directly to the Tribe in accordance with the Settlement Agreement, and may be used in the same manner as any other income received by the tribe from the lease or sale of natural resources.

SEC. 6. REPAYMENT CREDIT.

Beginning with fiscal year 2000 and continuing for so long as annual payments are made under this Act, the Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds as defined in section 13 of the Federal Columbia River Transmission System Act, an amount equal to 26 percent of the payment made to the Tribe for the prior fiscal year. Each deduction made under this section shall be a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made, and shall be allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during that fiscal year; except that, if the deduction in any fiscal year is greater than the interest due on debt associated with the generation function for that fiscal year, then the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during that fiscal year. *To the extent that the deduction exceeds the total amount of any such interest, the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary.*

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) LIENS AND FORFEITURES, ETC.—Funds paid or deposited to the credit of the Tribe pursuant to the Settlement Agreement or this Act, the interest or investment income earned or received on those funds, and any payment authorized by the Tribe or the Secretary of the Interior to be made from those funds to tribal members, and the interest or investment income on those payments earned or received while the payments are held in trust for the member, are not subject to levy, execution, forfeiture, garnishment, lien, encumbrance, seizure, or Federal, State or local taxation.

(b) ELIGIBILITY FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Funds paid or deposited to the credit of the Tribe pursuant to the Settlement Agreement or this Act, the interest or investment income earned or received on such funds, and any payment authorized by the Tribe or the Secretary of the Interior to be made from those funds to tribal members, and the interest or investment income on those payments earned or received while the payments are held in trust for the member, may not be treated as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefit to which the Tribe, a tribal member, or household would otherwise be entitled under the Social Security Act or any Federal or federally assisted program.

(c) TRUST RESPONSIBILITY.—This Act and the Settlement Agreement do not affect the trust responsibility of the United States and its agencies to the Tribe and the members of the Tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I am very pleased to rise in support of H.R. 4757, a bill to settle the Colville Tribes' claim against the United States for the use of their lands by the Grand Coulee Dam. I commend the Tribes and the Federal agencies for working together to reach this long overdue settlement of the Tribes' claim. H.R. 4757 is supported by three Federal agencies, the Interior Department, the Justice Department, and the Bonneville Power Administration; the Colville Tribes, and a bipartisan group of members of the Washington State delegation.

When Grand Coulee Dam was being built over 50 years ago by the Bureau of Reclamation the Secretary of Interior, Harold Ickes, endorsed a series of letters directing Federal officials to develop a mechanism to provide the Colville Tribes annual payments from power revenues. Grand Coulee was completed in 1942 but Interior did not live up to the commitments made to the Tribes. Instead, the Department paid the Colvilles about $63,000 for their flooded lands and did not provide the promised annual payments for the use of their land for power purposes.

The Tribes sued the United States in 1951. Over the years many of the Tribes claims relating to Grand Coulee have been settled, including the loss of their fishery and their land. However, their claim for the use of their land for power purposes was not ruled on until 1990 when the U.S. Claims Court dismissed the claim on the grounds that the United States' navigational servitude in the Columbia River insulated the United States from any liability to the Tribes. In April 1992 the U.S. Court of Appeals for the Federal Circuit reversed the trial court in a unanimous decision. The Court of Appeals held that the Government's navigational servitude did extinguish the Tribes legal claims but was not a defense to the Tribes' claim that the "fair and honorable dealing" clause of the Indian Claims Commission Act had been violated. The case was remanded back to the trial court for consideration consistent with this ruling. Settlement discussions between the Tribes, the Justice Department and Bonneville followed and in early 1994 agreement was reached. The settlement ratified by H.R. 4757 provides for a one-time payment from Justice Department settlement funds of $53 million, along with annual payments of about $15 million to be made by the Bonneville Power Administration for the life of the Grand Coulee facility.

Mr. Speaker, when the Federal Government built water and power projects in the West two critical interests were often not considered, the rights and welfare of Native Americans and the need to protect environmental values. These two neglected interests often overlapped, as they did at Grand Coulee where the prolific salmon fishery

that the Colvilee Tribes depended upon was destroyed.

The tragic story of the Colville Tribes and the Grand Coulee Dam is only one chapter in a very long book of injustices committed as our Nation worked to make the great rivers of the West engines of economic development. As a Nation we now have an obligation to right these wrongs so that dams such as Grand Coulee serve the interests of all citizens, including Native Americans. H.R. 4757 is a small but important acknowledgment of our nation's responsibilities. I urge Members to support this important legislation.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4757, which provides for the settlement of the Colville Tribe's claim against the United States for the inundation of the tribe's land when the United States built Grand Coulee Dam.

The minority on the Natural Resource Committee endorses the notion of keeping our commitments to the Colville Tribe, particularly when the Federal Government broke their promises years ago.

Despite the injustice that has occurred, this bill is going to be an expensive proposition. After enactment the tribe will receive a lump sum payment of $53 million from the Justice Department resettlement fund. The Bonneville Power Administration will also be obligated to make annual payments to the tribe.

Nevertheless, this measure appears to have strong support among the Northwest delegation and I urge its adoption.

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

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Speaker, this legislation, the Colville Settlement Act, is a fair settlement for the Colville Tribes after many years of injustice, a fair deal for the U.S. taxpayer, and a fair deal for the Northwest ratepayers. I urge my colleagues to support its passage.

Mr. THOMAS of Wyoming. Mr. speaker, I urge passage of the bill, and I yield back the balance of my time.

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

Mr. Speaker, I am in the unusual position to commend the gentleman from Washington [Mr. INSLEE], who is now in the chair, for all the work he put in on this legislation to work out an agreement between all of the interests that were involved in this legislation, and I want to thank him very much for all of his work.

Mr. Speaker, I also want to thank the staff of our Committee on the Interior, Mr. Adamson, who spent a great deal of time out in the district, along with Steve Lanich, working with the irrigators and all of the rest of the people to deal with this issue.

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

The SPEAKER pro tempore (Mr. INSLEE). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 4757, as amended.

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

A motion to reconsider was laid on the table.

WATER DESALINATION ACT OF 1994

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4944

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 "Water Desalination Act of 1994".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in the United States and the world and the importance of finding new sources of supply to meet present and future water needs and to further the goals of the Colorado River Basin Salinity Control Act of 1974, the Water Resources Research Act of 1984, Public Law 95–84 (as amended), and Public Law 102–575, it is the policy of the United States to conduct and sponsor research to develop low-cost alternatives for the desalination and reuse of water or biologically impaired water and to provide for the development of practicable low-cost means of producing water of a quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses from saline or biologically impaired waters on a scale sufficient to determine the feasibility of the development of such water production and distribution on a large scale for the purpose of conserving and increasing water resources.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) DESALINATION OR DESALTING.—The terms "desalination" or "desalting" mean the use of any process or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processes.

(2) SALINE WATER.—The term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water.

(3) UNITED STATES.—The term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(4) USABLE WATER.—The term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. AUTHORIZATION OF RESEARCH AND STUDIES.

(a) IN GENERAL.—In order to determine the most cost-effective and technologically efficient means by which usable water can be produced from saline water or water otherwise impaired or contaminated, the Secretary is authorized to award grants and to enter into contracts, to the extent provided in advance in appropriation Acts, to conduct, encourage, and assist in the financing of research to develop processes for converting saline water or water otherwise impaired or contaminated into water suitable for beneficial uses. Awards of research grants and contracts under this section shall be made on the basis of a competitive, merit-reviewed process. Research and study topics authorized by this section include—

(1) investigating desalination processes;

(2) ascertaining the optimum mix of investment and operating costs;

(3) determining the best designs for different conditions of operation;

(4) investigating methods of increasing the economic efficiency of desalination processes through dual-purpose co-facilities with other processes involving the use of water;

(5) conducting or contracting for technical work, including the design, construction, and testing of pilot systems and test beds, to develop desalting processes and concepts; and

(6) studying methods for the recovery of by-products resulting from the desalination of water to offset the costs of treatment and to reduce environmental impacts from those byproducts.

(b) PROJECT RECOMMENDATIONS AND REPORTS TO THE CONGRESS.—As soon as practicable and within three years after the date of enactment of this Act, the Secretary shall recommend to Congress desalination demonstration projects or full-scale desalination projects to carry out the purposes of this Act and to further evaluate and implement the results of research and studies conducted under the authority of this section. Recommendations for projects shall be accompanied by reports on the engineering and economic feasibility of proposed projects and their environmental impacts.

(c) AUTHORITY TO ENGAGE OTHERS.—In carrying out research and studies authorized in this section, the Secretary may engage the necessary personnel, industrial or engineering firms, Federal laboratories, water resources research and technology institutes, other facilities, and educational institutions suitable to conduct investigations and studies authorized under this section.

(d) DESALINATION CONFERENCE.—Within 12 months following the date of enactment of this Act, the Secretary, in coordination with the United States Agency for International Development, will plan and host a desalination conference, to include officials and desalination experts from academia, private industry, financial institutions, and government in the United States and other nations that use or conduct research on desalination. The conference shall explore promising technologies and methods for near-term development of affordable desalination and shall propose a research agenda and a plan of action to guide longer-term desalination development activities.

SEC. 5. DESALINATION DEMONSTRATION AND DEVELOPMENT.

(a) IN GENERAL.—In order to further demonstrate the feasibility of desalination processes

investigated either independently or in research conducted pursuant to section 4, the Secretary shall administer and conduct a demonstration and development program for water desalination and related activities, including the following:

(1) DESALINATION PLANTS AND MODULES.—Conduct or contract for technical work, including the design, construction, and testing of plants and modules to develop desalination processes and concepts.

(2) BYPRODUCTS.—Study methods for the marketing of byproducts resulting from the desalting of water to offset the costs of treatment and to reduce environmental impacts of those byproducts.

(3) ECONOMIC SURVEYS.—Conduct economic studies and surveys to determine present and prospective costs of producing water for beneficial purposes in various locations by desalination processes compared to other methods.

(b) COOPERATIVE AGREEMENTS.—Federal participation in desalination activities may be conducted through cooperative agreements, including cost-sharing agreements, with non-Federal public utilities and State and local governmental agencies and other entities, in order to develop recommendations for Federal participation in processes and plants utilizing desalting technologies for the production of water.

SEC. 6. PARTICIPATION BY AGENCIES AND INTERESTED PERSONS.

(a) COORDINATION WITH OTHER AGENCIES.—Activities undertaken by the Secretary pursuant to this Act may be coordinated or conducted jointly, as appropriate, with the National Science Foundation, Department of Defense, United States Army Corps of Engineers, National Aeronautics and Space Administration, and Environmental Protection Agency, and other Federal agencies, States, local government agencies, water resources research and technology institutes, and private entities.

(b) AVAILABILITY OF INFORMATION.—All information from studies sponsored or funded under authority of this Act shall be considered public information.

SEC. 7. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

The Secretary may—

(1) accept technical and administrative assistance from States and public or private agencies in connection with studies, surveys, location, construction, operation, and other work relating to the desalting of water, and

(2) enter into contracts or agreements stating the purposes for which the assistance is contributed and providing for the sharing of costs between the Secretary and any such agency.

SEC. 8. COST SHARING.

The Federal share of the cost of a research, study, or demonstration project or a desalination development project or activity carried out under this Act shall not exceed 50 percent of the total cost of the project or research or study activity. The Secretary shall prescribe appropriate procedures to implement the provisions of this section. Costs of operation, maintenance, repair, and rehabilitation of facilities funded under the authority of this Act shall be non-Federal responsibilities.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTION 4.—There are authorized to be appropriated to carry out section 4 of this Act $5,000,000 for fiscal year 1995 and $10,000,000 per year for fiscal years 1996 through 1999. Of these amounts, up to $1,000,000 in each fiscal year may be awarded to institutions of higher education for research grants without any cost-sharing requirement.

(b) SECTION 5.—There are authorized to be appropriated to carry out section 5 of this Act $50,000,000 for fiscal years 1996 through 1999.

SEC. 10. DROUGHT RELIEF FOR MADERA-CHOWCHILLA POWER AUTHORITY HYDROELECTRIC PROJECTS.

Section 103 of the Reclamation States Emergency Drought Relief Act of 1991 (106 Stat. 55; 43 U.S.C. 2213) is amended—

(1) by inserting in the first sentence after "resulting from drought conditions." the following: "The Secretary is further authorized to make a loan to the Madera-Chowchilla Power Authority to assist in the repayment of financial obligations associated with hydroelectric facilities that have been adversely affected by drought conditions."; and

(2) by striking "loan." at the end of the second proviso and inserting "loan, except that loans specifically for the Madera-Chowchilla Power Authority associated with hydroelectric facilities impacted by drought shall be under such terms and conditions as the Secretary deems appropriate.".

SEC. 11. AMENDMENT TO THE RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992.

Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) is amended by adding the following section:

"SEC. 1618. ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.

"(a) The Secretary is authorized to participate with the Orange County Water District in the State of California, and other appropriate authorities, in the planning, design and construction of water reclamation projects to treat up to 100,000 acre feet per year of wastewater effluent from the county of Orange, in order to provide new water supplies for ground water replenishment, industrial applications and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into the ocean near Huntington Beach.

"(b) The Secretary's share of costs associated with the project described in section (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

"(c) There are authorized to be appropriated not more than $250,000 for the design of projects under this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I man consume.

Mr. Speaker, the purpose of H.R. 4944, as amended, is to authorize a Federal program of financial assistance to encourage new research and development of methods and techniques for water desalination. The bill would authorize the Secretary of the Interior, in cooperation with other agencies, to award and oversee contracts for studies regarding the desalination of water and water reuse. Demonstration projects for desalination facilities are also authorized. H.R. 4494 also authorizes the Secretary of the Interior to make a loan to the Madera-Chowchilla Power Authority for the purpose of assisting in the repayment of financial obligations associated with hydroelectric power facilities that have been adversely affected by drought conditions. Finally, studies for desalination projects in Orange County, CA are authorized by this legislation.

As many of my colleagues know, we often must rely on advanced technology to solve problems of water shortages and contamination. For example, desalting of chemically and biologically impaired water can often be useful in solving problems of drought, contamination, and over-appropriation of supplies.

The United States was once the leader in desalination technology. But severe budget cuts since 1981 have all but eliminated funds for desalination research.

H.R. 4944 is intended to renew the leadership of the United States in desalination research and development. The bill authorizes the Secretary of the Interior to conduct studies to determine the best and most economical processes for converting saline water into water suitable for beneficial uses, and authorizes demonstration projects and construction of facilities for desalination, in cooperation with Federal, State, and local governments.

H.R. 4944 was referred jointly to the Committee on Natural Resources and the Committee on Science, Space and Technology. I would like to thank Chairman GEORGE BROWN of the Science Committee for his cooperation and for the assistance of his staff, in agreeing to consider this bill today. At the conclusion of my statement I will include a letter from Chairman BROWN for the RECORD.

I would also like to thank the ranking minority Member of the Committee on Natural Resources, Mr. YOUNG, for his cooperation and the assistance of his staff.

Enactment of H.R. 4944 will once again allow the United States to pursue water desalination as a means of reducing stress on our limited water supplies. I urge my colleagues to join me in support of this legislation.

Mr. Speaker, I include for the RECORD a letter from the chairman of the Committee on Science, Space, and Technology:

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, September 30, 1994.

Hon. GEORGE MILLER,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 4944, the Water Desalination Act of 1994, which has been referred to the Committees on Natural Resources and Science, Space, and Technology.

I have reviewed the bill, which authorizes a program of scientific research into desalination processes and the recovery of byproducts resulting from the desalination of water. To expedite consideration of H.R. 4944 by the whole House, the Committee on Science, Space, and Technology will waive its right to consideration of this legislation, without prejudice to its jurisdiction on these matters.

I would appreciate your including this letter as a part of the Floor debate on H.R. 4944,

and I deeply appreciate the cooperation and courtesy that you and your committee have extended to the Committee on Science, Space, and Technology. I look forward to working with you in the future on matters of mutual concern.

Sincerely,

GEORGE E. BROWN, Jr.
Chairman.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 4944, Congressman MILLER's legislation to authorize studies of the desalination of water.

For decades, desalting ocean water has been the dream solution for the lack of water, particularly in California. However, many believe it is still too expensive to be a viable alternative.

H.R. 4944 will authorize a grant program for desalination projects in the United States. Some Members on this side of the aisle believe that as water from other sources gets increasingly scarce and expensive, desalting is expected to become more attractive, even hundreds of miles from the sea.

Perhaps this legislation will allow us to speed up the technology needed to have a cost-effective desalination program in the United States.

I urge adoption of this measure.

Mr. KIM. Mr. Speaker, I rise in support of this legislation which will benefit not only California, but all of our country by studying new ways to desalinate water.

As a former environmental engineer, I recognize the importance of this task and therefore strongly believe that the United States should develop desalination technology to help reduce critical water shortages that many parts of our Nation face.

For example, southern California's fast growing population is overwhelming our natural groundwater resources and outstripping our capability to import water. Thus, we must look for new sources of water, such as from the sea or through recycling.

Given the high costs associated with imported water, I believe that these new sources will not only be cost competitive, but will help protect our Nation's wetlands by preserving more water for environmental purposes.

I urge adoption of H.R. 4944 by the full House.

Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 4944, the Water Desalination Act of 1994. This legislation addresses a pressing need to find new, cost-effective ways to purify water for drinking and industrial purposes by establishing a program for desalination research and demonstration projects in the Department of the Interior.

I want to congratulate the chairman of the Committee on Natural Resources, Mr. MILLER, for his leadership in bringing this bill to the Floor.

The need to develop new cost-effective methods for water treatment to meet ever-increasing demands on our Nation's water supply is well established. Hearings held before the Committee on Science, Space, and Technology and in the Senate in recent years have documented increased demands on our water supply in virtually all regions of this country.

Over the past two decades, water usage has outstripped limited freshwater supplies, leading municipalities and industries to search for new sources of water. The 1992 drought in the southwestern United States put even more stress on traditional water resources, emphasizing the need to develop new sources of water. Brackish groundwater, and even seawater, are being considered as supplements for traditional freshwater supplies. Treatment of brackish and saline water supplies is most effectively accomplished through desalination.

In 1992, the Science Committee reported legislation, which was enacted into law, to authorize a program of desalination research in the National Science Foundation. That program funds research aimed at improving membrance-based desalination processes, and next year the Foundation plans to leverage it own funds through a jointly funded desalination research program with the National Water Resources Board, a private nonprofit foundation based in California.

While I am pleased that the National Science Foundation plans to expand its support of research on desalination, there is still a considerable unmet need for research and development, as well as for small-scale project to demonstrate the technical and commercial viability of improved desalination processes. The legislation before us will help to address these issues.

Mr. Speaker, H.R. 4944 addresses a long-neglected, but nonetheless pressing need to develop cost-effective new sources of water to meet new demands, and to find means to return that water safely to the environment. I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 4944, as amended.

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

A motion to reconsider was laid on the table.

YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1146) to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes as amended.

The Clerk read as follows:

S. 1146

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

TITLE I—YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994".

SEC. 102. CONGRESSIONAL FINDINGS AND DECLARATIONS.

(a) FINDINGS.—The Congress finds that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to the Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) quantification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation economies, particularly in arid western States;

(4) on June 7, 1935, and by actions subsequent thereto, the United States established a reservation for the Yavapai-Prescott Indian Tribe in Arizona adjacent to the city of Prescott;

(5) proceedings to determine the full extent of Yavapai-Prescott Tribe's water rights are currently pending before the Superior Court of the State of Arizona in and for Maricopa County, as part of the general adjudication of the Gila River system and source;

(6) recognizing that final resolution of the general adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the full extent of the Yavapai-Prescott Tribe's entitlement to water and the availability of water supplies to fulfill that entitlement, and impair orderly planning and development by the Tribe and the city of Prescott; the Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States have sought to settle all claims to water between and among them;

(7) representatives of the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States have negotiated a Settlement Agreement to resolve all water rights claims between and among them, and to provide the Tribe with long term, reliable water supplies for the orderly development and maintenance of the Tribe's reservation;

(8) pursuant to the Settlement Agreement and the Water Service Agreement, the quantity of water made available to the Yavapai-Prescott Tribe by the city of Prescott and the Chino Valley Irrigation District will be secured, such Agreements will be continued in perpetuity, and the Tribe's continued on-reservation use of water for municipal and industrial, recreational and agricultural purposes will be provided for;

(9) to advance the goals of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and assist in firming up the long-term water supplies of the city of Prescott and the Yavapai-Prescott Tribe so as to enable the Tribe to utilize fully its water entitlements in developing a diverse, efficient reservation economy; and

(10) the assignment of the CAP contract of the Yavapai-Prescott Tribe and the CAP subcontract of the city of Prescott is a cost-effective means to ensure reliable, long-term water supplies for the Yavapai-Prescott Tribe and to promote efficient, environmentally sound use of available water supplies in the Verde River basin.

(b) DECLARATION OF PURPOSES.—The Congress declares that the purposes of this title are—

(1) to approve, ratify and confirm the Settlement Agreement among the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement;

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Yavapai-Prescott Tribe as provided in the Settlement Agreement and this title;

(4) to require that expenditures of funds obtained through the assignment of CAP contract entitlements by the Yavapai-Prescott Tribe and Prescott for the acquisition or development of replacement water supplies in the Verde River basin shall not be inconsistent with the goals of the Prescott Active Management Area, preservation of riparian habitat, flows and biota of the Verde River and its tributaries; and

(5) to repeal section 406(k) of Public Law 101-628 which authorizes $30,000,000 in appropriations for the acquisition of land and water resources in the Verde River basin and for the development thereof as an alternative source of water for the Fort McDowell Indian Community.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) The term "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(2) The term "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 1, 1988, for the delivery of water and repayment of costs of the Central Arizona Project.

(3) The term "CVID" means the Chino Valley Irrigation District, an irrigation district organized under the laws of the State of Arizona.

(4) The term "Prescott AMA" means the Active Management Area, established pursuant to Arizona law and encompassing the Prescott ground water basin, wherein the primary goal is to achieve balance between annual ground water withdrawals and natural and artificial recharge by the year 2025.

(5) The term "Prescott" means the city of Prescott, an Arizona municipal corporation.

(6) The term "Reservation" means the reservation established by the Act of June 7, 1935 (49 Stat. 332) and the Act of May 18, 1956 (70 Stat. 157) for the Yavapai-Prescott Tribe of Indians.

(7) The term "Secretary" means the Secretary of the United States Department of the Interior.

(8) The term "Settlement Agreement" means that agreement entered into by the city of Prescott, the Chino Valley Irrigation District, the Yavapai-Prescott Indian Tribe, the State of Arizona, and the United States, providing for the settlement of all water claims between and among them.

(9) The term "Tribe" means the Yavapai-Prescott Indian Tribe, a tribe of Yavapai Indians duly recognized by the Secretary.

(10) The term "Water Service Agreement" means that agreement between the Yavapai-Prescott Indian Tribe and the city of Prescott, as approved by the Secretary, providing for water, sewer, and effluent service from the city of Prescott to the Yavapai-Prescott Tribe.

SEC. 104. RATIFICATION OF SETTLEMENT AGREEMENT.

(a) APPROVAL OF SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this title, such Agreement is approved, ratified and confirmed. The Secretary shall execute and perform such Agreement, and shall execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(b) PERPETUITY.—The Settlement Agreement and Water Service Agreement shall include provisions which will ensure that the benefits to the Tribe thereunder shall be secure in perpetuity. Notwithstanding the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81) relating to the term of the Agreement, the Secretary is authorized and directed to approve the Water Service Agreement with a perpetual term.

SEC. 105. ASSIGNMENT OF CAP WATER.

The Secretary is authorized and directed to arrange for the assignment of, or to purchase, the CAP contract of the Tribe and the CAP subcontract of the city of Prescott to provide funds for deposit into the Verde River Basin Water Fund established pursuant to section 106.

SEC. 106. REPLACEMENT WATER FUND; CONTRACTS.

(a) FUND.—The Secretary shall establish a fund to be known as the "Verde River Basin Water Fund" (hereinafter called the "Fund") to provide replacement water for the CAP water relinquished by the Tribe and by Prescott. Moneys in the Fund shall be available without fiscal year limitations.

(b) CONTENT OF FUND.—The Fund shall consist of moneys obtained through the assignment or purchase of the contract and subcontract referenced in section 105, appropriations as authorized in section 109, and any moneys returned to the Fund pursuant to subsection (d) of this section.

(c) PAYMENTS FROM FUND.—The Secretary shall, subsequent to the publication of a statement of findings as provided in section 112(a), promptly cause to be paid from the Fund to the Tribe the amounts deposited to the Fund from the assignment or purchase of the Tribe's CAP contract, and, to the city of Prescott, the amounts deposited to the Fund from the assignment or purchase of the city's CAP subcontract.

(d) CONTRACTS.—The Secretary shall require, as a condition precedent to the payment of any moneys pursuant to subsection (c), that the Tribe and Prescott agree, by contract with the Secretary, to establish trust accounts into which the payments would be deposited and administered, to use such moneys consistent with the purpose and intent of section 107, to provide for audits of such accounts, and for the repayment to the Fund, with interest, any amount determined by the Secretary not to have been used within the purpose and intent of section 107.

SEC. 107. EXPENDITURES OF FUNDS.

(a) BY THE CITY.—All moneys paid to Prescott for relinquishing its CAP subcontract and deposited into a trust account pursuant to section 106(d), shall be used for the purposes of defraying expenses associated with the investigation, acquisition or development of alternative sources of water to replace the CAP water relinquished under this title. Alternative sources shall be understood to include, but not be limited to, retirement of agricultural land and acquisition of associated water rights, development of ground water resources outside the Prescott Active Management Area established pursuant to the laws of the State of Arizona, and artificial recharge; except that none of the moneys paid to Prescott may be used for construction or renovation of the city's existing waterworks or water delivery system.

(b) BY THE TRIBE.—All funds paid to the Tribe for relinquishing its CAP contract and deposited into a trust account pursuant to section 106(d), shall be used to defray its water service costs under the Water Service Agreement or to develop and maintain facilities for on-reservation water or effluent use.

(c) NO PER CAPITA PAYMENTS.—No amount of the Tribe's portion of the Fund may be used to make per capita payments to any member of the Tribe, nor may any amount of any payment made pursuant to section 106(c) be distributed as a dividend or per capita payment to any constituent, member, shareholder, director or employee of Prescott.

(d) DISCLAIMER.—Effective with the payment of funds pursuant to section 106(c), the United States shall not be liable for any claim or cause of action arising from the use of such funds by the Tribe or by Prescott.

SEC. 108. ENVIRONMENTAL COMPLIANCE.

The Secretary, the Tribe and Prescott shall comply with all applicable Federal environmental and State environmental and water laws in developing alternative water sources pursuant to section 107(a). Development of such alternative water sources shall not be inconsistent with the goals of the Prescott Active Management Area, preservation of the riparian habitat, flows and biota of the Verde River and its tributaries.

SEC. 109. APPROPRIATIONS AUTHORIZATION AND REPEAL.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Fund established pursuant to section 106(a):

(1) Such sums as may be necessary, but not to exceed $200,000, to the Secretary for the Tribe's costs associated with judicial confirmation of the settlement.

(2) Such sums as may be necessary to establish, maintain and operate the gauging station required under section 111(e).

(b) STATE CONTRIBUTION.—The State of Arizona shall contribute $200,000 to the trust account established by the Tribe pursuant to the Settlement Agreement and section 106(d) for uses consistent with section 107(b).

(c) REPEAL.—Subsection 406(k) of the Act of November 28, 1990 (Public Law 101-628; 104 Stat. 4487) is repealed.

SEC. 110. SATISFACTION OF CLAIMS.

(a) WAIVER.—The benefits realized by the Tribe or any of its members under the Settlement Agreement and this title shall constitute full and complete satisfaction of all claims by the Tribe and all members' claims for water rights or injuries to water rights under Federal and State laws (including claims for water rights in ground water, surface water and effluent) from time immemorial to the effective date of this title, and for any and all future claims of water rights (including claims for water rights in ground water, surface water, and effluent) from and after the effective date of this title. Nothing in this title shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's reservation.

(b) WAIVER AND RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, are authorized and required, as a condition to the implementation of this title, to execute a waiver and release, except as provided in subsection (d) and the Settlement Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this title, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona.

(c) WAIVER BY UNITED STATES.—Except as provided in subsection (d) and the Settlement Agreement, the United States, in its own right or on behalf of the Tribe, shall not assert any claim against the State of Arizona or any political subdivision thereof, or against any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona based upon water rights or injuries to water rights of the Tribe and its members or based upon water rights or injuries to water rights held by the United States on behalf of the Tribe and its members.

(d) RIGHTS RETAINED.—In the event the waivers of claims authorized in subsection (b) of this section do not become effective pursuant to section 112(a), the Tribe, and the United States on behalf of the Tribe, shall retain the right to assert past and future water rights claims as to all reservation lands.

(e) JURISDICTION.—The United States District Court for the District of Arizona shall have original jurisdiction of all actions arising under this title, the Settlement Agreement and the Water Service Agreement, including review pursuant to title 9, United States Code, of any arbitration and award under the Water Service Agreement.

(f) CLAIMS.—Nothing in this title shall be deemed to prohibit the Tribe, or the United States on behalf of the Tribe, from asserting or maintaining any claims for the breach or enforcement of the Settlement Agreement or the Water Service Agreement.

(g) DISCLAIMER.—Nothing in this title shall affect the water rights or claims related to any trust allotment located outside the exterior boundaries of the reservation of any member of the Tribe.

(h) FULL SATISFACTION OF CLAIMS.—Payments made to Prescott under this title shall be in full satisfaction for any claim that Prescott might have against the Secretary or the United States related to the allocation, reallocation, relinquishment or delivery of CAP water.

SEC. 111. MISCELLANEOUS PROVISIONS.

(a) JOINING OF PARTIES.—In the event any party to the Settlement Agreement should file a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of the Settlement Agreement or this title, naming the United States of America or the Tribe as parties, authorization is hereby granted to join the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived. In the event Prescott submits a dispute under the Water Service Agreement to arbitration or seeks review by the United States District Court for the District of Arizona of an arbitration award under the Water Service Agreement, any claim by the Tribe to sovereign immunity from such arbitration or review is hereby waived.

(b) NO REIMBURSEMENT.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of the Settlement Agreement or this title against any lands within the Yavapai-Prescott Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) WATER MANAGEMENT.—The Tribe shall establish a ground water management plan for the Reservation which, except to be consistent with the Water Service Agreement, the Settlement Agreement and this title, will be compatible with the ground water management plan in effect for the Prescott Active Management Area and will include an annual information exchange with the Arizona Department of Water Resources. In establishing a ground water management plan pursuant to this section, the Tribe may enter into a Memorandum of Understanding with the Arizona Department of Water Resources for consultation. Notwithstanding any other law, the Tribe may establish a tribal water code, consistent with the above-described water management plan, under which the Tribe will manage, regulate, and control the water resources granted it in the Settlement Act, the Settlement Agreement, and the Water Service Agreement, except that such management, regulation and control shall not authorize any action inconsistent with the trust ownership of the Tribe's water resources.

(d) GAUGING STATION.—The Secretary, acting through the Geological Survey, shall establish, maintain and operate a gauging station at the State Highway 89 bridge across Granite Creek adjacent to the reservation to assist the Tribe and the CVID in allocating the surface flows from Granite Creek as provided in the Settlement Agreement.

SEC. 112. EFFECTIVE DATE.

(a) WAIVERS AND RELEASES.—The waivers and releases required by section 110(b) of this title shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1)(A) the Secretary has determined that an acceptable party, or parties, have executed contracts for the assignments of the Tribe's CAP contract and the city of Prescott's CAP subcontract, and the proceeds from the assignments have been deposited into the Fund as provided in section 106(d); or,

(B) the Secretary has executed contracts for the acquisition of the Tribe's CAP contract and the city of Prescott's CAP subcontract as provided in section 106(d);

(2) the stipulation which is attached to the Settlement Agreement as exhibit 9.5, has been approved in substantially the form of such exhibit no later than December 31, 1995;

(3) the Settlement Agreement has been modified to the extent it is in conflict with this title and has been executed by the Secretary; and

(4) the State of Arizona has appropriated and deposited into the Tribe's trust account $200,000 as required by the Settlement Agreement.

(b) DEADLINE.—If the actions described in paragraphs (1), (2), (3), and (4) of subsection (a) have not occurred by December 31, 1995, any contract between Prescott and the United States entered into pursuant to section 106(d) shall not thereafter be effective, and any funds appropriated by the State of Arizona pursuant to the Settlement Agreement shall be returned by the Tribe to the State of Arizona.

SEC. 113. OTHER CLAIMS.

(a) OTHER TRIBES.—Nothing in the Settlement Agreement or this title shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims or entitlements to water of any Arizona Indian tribe, band or community, other than the Tribe.

(b) FEDERAL AGENCIES.—Nothing in this title shall be construed to affect the water rights or the water rights claims of any Federal agency, other than the Bureau of Indian Affairs on behalf of the Tribe.

TITLE II—AUBURN INDIAN RESORATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Auburn Indian Restoration Act".

SEC. 202. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Notwithstanding any other provision of law, Federal recognition is hereby extended to the Tribe. Except as otherwise provided in this title, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this title shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of enactment of this title.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this title, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this title shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this title, nothing in this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 203. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution as provided in section 107, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) RESTRICTIONS.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a)

shall be consistent with the requirements of section 104.

SEC. 204. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Placer County, California, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(b) FORMER TRUST LANDS OF THE AUBURN RANCHERIA.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include fee land held by the White Oak Ridge Association, Indian owned fee land held communally pursuant to the distribution plan prepared and approved by the Bureau of Indian Affairs on August 13, 1959, and Indian owned fee land held by persons listed as distributees or dependent members in such distribution plan or such distributees' or dependent members' Indian heirs or successors in interest.

(c) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe or, as applicable, an individual member of the Tribe, and shall be part of the Tribe's reservation.

SEC. 205. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Within 1 year after the date of the enactment of this title, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal constitution is adopted pursuant to section 207, an individual shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized Indian tribe, is of United Auburn Indian Community ancestry, possesses at least one-eighth or more of Indian blood quantum, and if—

(A) the individual's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671;

(B) the individual was not listed on, but met the requirements that had to be met to be listed on, the Auburn Indian Rancheria distribution list compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671; or

(C) the individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A) or (B).

(2) After adoption of a tribal constitution pursuant to section 207, such tribal constitution shall govern membership in the Tribe, except that in addition to meeting any other criteria imposed in such tribal constitution, any person added to the membership roll shall be of United Auburn Indian Community ancestry and shall not be an enrolled member of another federally recognized Indian tribe.

(c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN COMMUNITY ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing United Auburn Indian Community ancestry. The Secretary shall accept as conclusive evidence of United Auburn Indian Community ancestry information contained in the Auburn Indian Rancheria distribution list compiled by the Bureau of Indian Affairs on August 13, 1959.

SEC. 206. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 207, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on the date of the enactment of this title, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991, as long as such constitution is not contrary to Federal law. Any new members filling vacancies on the Interim council shall meet the enrollment criteria set forth in section 205(b) and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

SEC. 207. TRIBAL CONSTITUTION.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll under section 205(a) and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), except that absentee balloting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

SEC. 208. DEFINITIONS.

For purposes of this title:

(1) The term "Tribe" means the United Auburn Indian Community of the Auburn Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the governing body of the Tribe specified in section 206.

(4) The term "member" means those persons meeting the enrollment criteria under section 205(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe pursuant to section 204.

(7) The term "service area" means the counties of Placer, Nevada, Yuba, Sutter, El Dorado, and Sacramento, in the State of California.

SEC. 209. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this title.

TITLE III—CENTRAL UTAH PROJECT

SEC. 301. APPLICATION OF THE WARREN ACT.

(a) AUTHORITY.—The Secretary of the Interior may—

(1) enter into contracts with private entities pursuant to the Act of February 21, 1911 (commonly known as the "Warren Act") (36 Stat. 925 et seq., chapter 141; 43 U.S.C. 523 et seq.), for the impounding, storage, and carriage of nonproject water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes, using any facilities associated with the Central Utah Project, Utah; and

(2) enter into agreements, under terms and conditions authorized for contracts under such Act, with appropriate officials of other Federal agencies, municipalities, public water districts and agencies, and States for impounding, storage, and carriage of nonproject water for purposes described in paragraph (1) using facilities referred to in such paragraph.

(b) NONPROJECT WATER DEFINED.—In subsection (a), the term "nonproject water" means water that is not from a Federal Reclamation project.

SEC. 302. UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

Section 301(d) of Public Law 102-575 (106 Stat. 4626) is amended by adding the following new paragraph at the end:

"(8) Any employee of the District or member of the Board of Directors of the District may serve as a member of the Commission.".

TITLE IV—MOUNTAIN PARK PROJECT

SEC. 401. SHORT TITLE.

This title may be cited as the "Mountain Park Project Act of 1994".

SEC. 402. MODIFICATION OF MOUNTAIN PARK PROJECT.

(a) IN GENERAL.—The first section of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes" (Public Law 90-503; 82 Stat. 853) is amended by striking out "and controlling floods." and inserting in lieu thereof "controlling floods, and environmental quality activities. As used in this Act, the term 'environmental quality activity' means any activity that primarily benefits the quality of natural environmental resources.".

(b) REALLOCATION OF PROJECT COSTS.—Such Act is further amended by adding at the end the following new section:

"SEC. 7. (a)(1) Not later than 180 days after the date of enactment of the Mountain Park Project Act of 1994, the Secretary of the Interior (referred to in this section as the 'Secretary') shall—

"(A) conduct appropriate investigations to determine environmental quality activities that could be carried out for the Mountain Park project; and

"(B) on the basis of the determination made under subparagraph (A), make an appropriate reallocation of the costs of the project under sections 2 and 3 (referred to in this section as 'project costs') to accommodate the environmental quality activities that the Secretary authorizes pursuant to this subsection.

"(2) In conducting investigations under this subsection, the Secretary shall examine the benefits to natural environmental resources achievable from an environmental quality activity that requires reallocating water or using facilities or land of the Mountain Park project, including any of the following activities:

"(A) Developing in-stream flows.

"(B) Developing wetland habitat.

"(C) Any other environmental quality activity that the Secretary determines to be appropriate to benefit the overall quality of the environment.

"(b)(1) Upon completion of the investigations under subsection (a)(2), the Secretary shall carry out the following:

"(A) The preparation of a proposed reallocation of project costs in conformance with subsection (a)(1)(B).

"(B) Negotiations with the Mountain Park Master Conservancy District (referred to in this section as the 'District') to amend the contract executed by the District pursuant to this Act to adjust the obligation of the District to repay project costs, as described in section 2, to reflect the reallocation of nonreimbursable project costs.

"(2) For the purposes of paragraph (1), project costs associated with an environmental quality activity specified by the Secretary pursuant to subsection (a)(2) shall be nonreimbursable project costs.

"(c)(1) Notwithstanding any other provision of this Act, the Secretary is authorized to accept prepayment of the repayment obligation of the District for the reimbursable construction costs of the project allocated to municipal and industrial water supply for the city of Altus, Oklahoma, the city of Frederick, Oklahoma, or the city of Snyder, Oklahoma (or any combination thereof), and, upon receipt of such prepayment, the District's obligation to the United States shall be reduced by the amount of such costs, and any security held therefor, shall be released by the Secretary.

"(2) Any prepayment made pursuant to subsection (c)(1) shall realize to the United States an amount calculated by discounting the remaining repayment obligation by the interest rate determined in accordance with subsection (d).

"(d)(1) The Secretary of the Treasury shall determine the interest rate in accordance with the guidelines set forth in Circular A-129 issued by the Office of Management and Budget and the Department of Treasury Financial Manual. In determining the interest rate, the Secretary shall consider the price of the District's obligation if it were to be sold on the open market to a third party.

"(2) If the District uses tax-exempt financing to finance a prepayment under subsection (c)(1), then the interest rate by which the Secretary discounts the remaining payments due on the District's obligation shall be adjusted by an amount that compensates the United States for the direct or indirect loss of future tax revenues.

"(e) Notwithstanding any payment made by the District pursuant to this section or pursuant to any contract with the Secretary, title to the project facilities shall remain with the United States.".

(c) REPEAL.—Section 3101 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4698) is repealed.

TITLE V—SAN ANGELO FEDERAL RECLAMATION PROJECT

SEC. 501. INCREASE IN IRRIGABLE ACREAGE.

(a) IN GENERAL.—The first section of the Act entitled "An Act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes", approved August 16, 1957 (71 Stat. 372), is amended by striking "ten thousand acres" and inserting "fifteen thousand acres".

(b) AMENDMENT TO CONTRACT.—The Secretary of the Interior is authorized to amend contract numbered 14-06-500-369 to reflect the amendment made by subsection (a), except that such amendment shall not be construed to require a change in the proportionate amount of all remaining payments due and payable to the United States by Tom Green County Water Control Improvement District No. 1.

TITLE VI—SHOSHONE FEDERAL RECLAMATION PROJECT

SEC. 601. CONVEYANCE TO THE BIG HORN COUNTY SCHOOL DISTRICT.

The Secretary of the Interior shall convey, by quit claim deed, to the Big Horn County School District, Wyoming, all right, title, and interest of the United States in and to the following described lands in Big Horn County, Wyoming: Lot 18 of Block 22, Lots 1-6 of Block 25, all of Block 21, and all within the town of Frannie, Wyoming, in the S½NW¼NW¼ and N½SW¼NW¼ of T. 58N., R. 97 W., Big Horn County.

TITLE VII—LAKE POWELL

SEC. 701. ELIMINATION OF 24-HOUR RESTRICTION.

The second sentence of section 104(c) of the Reclamation Development Act of 1974 (Public Law 93-493; 88 Stat. 1488) is amended by striking "or three million gallons of water in any twenty-four-hour period,".

TITLE VIII—MNI WICONI RURAL WATER SUPPLY PROJECT

SEC. 801. SHORT TITLE.

This title may be cited as the "Mni Wiconi Act Amendments of 1994".

SEC. 802. REFERENCE.

Whenever in this title a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Mni Wiconi Project Act of 1988 (102 Stat. 2566).

SEC. 803. FINDINGS AND PURPOSES.

(a) FINDINGS.—Subsection (a) of section 2 (102 Stat. 2566) is amended—

(1) in paragraph (1), by striking "Reservation" and inserting "Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation";

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) the lack of water supplies on the Rosebud Reservation and Lower Brule Reservation restrict efforts to promote economic development on those reservations;";

(3) in paragraph (5), as redesignated by paragraph (2) of this subsection, by striking "Reservation;" and inserting "Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation;"; and

(4) in paragraph (6), as redesignated by paragraph (2) of this subsection, by inserting "Rosebud Indian Reservation and Lower Brule Indian Reservation," after "Reservation,".

(b) PURPOSE.—Subsection (b) of section 2 (102 Stat. 2566) is amended by inserting ", Rosebud Indian Reservation, and Lower Brule Indian Reservation" after "Reservation" each place it appears.

SEC. 804. OGLALA SIOUX RURAL WATER SUPPLY SYSTEM.

(a) AUTHORIZATION.—Subsection (a) of section 3 (102 Stat. 2567) is amended—

(1) in the matter preceding paragraph (1), by striking "1988." and inserting "1988, and as more specifically described in the Final Engineering Report dated May, 1993."; and

(2) by amending paragraph (3) to read as follows:

"(3) facilities to allow for interconnections with the West River Rural Water System, Lyman-Jones Rural Water System, Rosebud Sioux Rural Water System, and Lower Brule Sioux Rural Water System;".

(b) CONSTRUCTION REQUIREMENTS.—Subsection (d) of such section (102 Stat. 2568) is amended—

(1) by striking "West River Rural Water System, and the Lyman-Jones Rural Water System,"; and by inserting "West River Rural Water System, the Lyman-Jones Rural Water System, the Rosebud Sioux Rural Water System, and the Lower Brule Sioux Rural Water System,"; and

(2) by striking "three systems" and inserting "five systems authorized under this Act".

(c) TITLE TO SYSTEM.—Subsection (e) of such section (102 Stat. 2568) is amended by inserting "or encumbered" after "transferred".

SEC. 805. WEST RIVER RURAL WATER SYSTEM AND LYMAN-JONES RURAL WATER SYSTEM.

Section 4(a) of the Act is amended—

(1) in paragraph (2), by striking out "65 per centum" and inserting in lieu thereof "80 percent"; and

(2) in paragraph (3), by striking out "35 per centum" and inserting in lieu thereof "20 percent".

SEC. 806. ROSEBUD SIOUX RURAL WATER SYSTEM AND LOWER BRULE SIOUX RURAL WATER SYSTEM.

The Act is amended by inserting after section 3 the following:

"SEC. 3A. ROSEBUD SIOUX RURAL WATER SYSTEM.

"(a) AUTHORIZATION.—The Secretary is authorized and directed to plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the Rosebud Sioux Rural Water System, as generally described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, and the Final Engineering Report for the Mni Wiconi Rural Water Supply Project dated May, 1993. The Rosebud Sioux Rural Water system shall consist of—

"(1) necessary pumping and treatment facilities;

"(2) pipelines extending from the points of interconnections with the Oglala Sioux Rural Water System to the Rosebud Indian Reservation;

"(3) facilities to allow for interconnections with the Lyman-Jones Rural Water Supply System;

"(4) distribution and treatment facilities to serve the needs of the Rosebud Indian Reservation, and other areas described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, including (but not limited to) the purchase, improvement and repair of existing water systems, including systems owned by individual tribal members and other residents of the Rosebud Indian Reservation;

"(5) appurtenant buildings and property rights;

"(6) necessary property and property rights;

"(7) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

"(8) such other pipelines, pumping plants, and facilities as the Secretary deems necessary and appropriate to meet the water supply, economic, public health, and environmental needs of the reservation, including (but not limited to) water storage tanks, water lines, and other facilities for the Rosebud Sioux Tribe and reservation villages, towns, and municipalities.

"(b) AGREEMENT WITH NON-FEDERAL ENTITY TO PLAN, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE ROSEBUD SIOUX RURAL WATER SUPPLY SYSTEM.—

"(1) In carrying out subsection (a), the Secretary, with the concurrence of the Rosebud

Sioux Tribal Council, shall enter into cooperative agreements with the appropriate non-Federal entity or entities for planning, designing, constructing, operating, maintaining, and replacing the Rosebud Sioux Rural Water System.

"(2) Such cooperative agreements shall set forth, in a manner acceptable to the Secretary—

"(A) the responsibilities of the parties for needs assessment, feasibility, and environmental studies; engineering and design; construction; water conservation measures; and administration of any contracts with respect to this subparagraph;

"(B) the procedures and requirements for approval and acceptance of such design and construction; and

"(C) the rights, responsibilities, and liabilities of each party to the agreement.

"(3) Such cooperative agreements may include purchase, improvement, and repair of existing water systems, including systems owned by individual tribal members and other residents located on the Rosebud Indian Reservation.

"(4) The Secretary may unilaterally terminate any cooperative agreement entered into pursuant to this section if the Secretary determines that the quality of construction does not meet all standards established for similar facilities constructed by the Secretary or that the operation and maintenance of the system does not meet conditions acceptable to the Secretary for fulfilling the obligations of the United States to the Rosebud Sioux Tribe.

"(5) Upon execution of any cooperative agreement authorized under this section, the Secretary is authorized to transfer to the appropriate non-Federal entity, on a nonreimbursable basis, the funds authorized to be appropriated by section 10(a) for the Rosebud Sioux Rural Water System.

"(c) SERVICE AREA.—The service area of the Rosebud Sioux Rural Water System shall extend to all of Todd County, South Dakota, and to all other territory and lands generally described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993 and the Final Engineering Report for the Mni Wiconi Rural Water Supply Project dated May 1993.

"(d) CONSTRUCTION REQUIREMENTS.—The pumping plants, pipelines, treatment facilities, and other appurtenant facilities for the Rosebud Sioux Rural Water System shall be planned and constructed to a size sufficient to meet the municipal, rural and industrial water supply requirements of the Rosebud Sioux Tribe and the Lyman-Jones Rural Water System, as generally described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, and the Final Engineering Report for the Mni Wiconi Rural Water Supply Project dated May, 1993, taking into account the effects of the conservation plans described in section 5. The Rosebud Rural Water System and Lyman-Jones Rural Water System may be interconnected and provided with water service from common facilities. Any joint costs associated with common facilities shall be allocated to the Rosebud Sioux Rural Water System.

"(e) TITLE TO SYSTEM.—Title to the Rosebud Sioux Rural Water System shall be held in trust for the Rosebud Sioux Tribe by the United States and shall not be transferred or encumbered without a subsequent Act of Congress.

"(f) TECHNICAL ASSISTANCE.—The Secretary is authorized and directed to provide such technical assistance as may be necessary to the Rosebud Sioux Tribe to plan, develop, construct, operate, maintain, and replace the Rosebud Sioux Rural Water System, including (but not limited to) operation and management training.

"(g) APPLICATION OF THE INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, and operation of the Rosebud Sioux Rural Water System shall be subject to the provisions of the Indian Self-Determination Act (Public Law 93-638, 25 U.S.C. 450).

"SEC. 3B. LOWER BRULE SIOUX RURAL WATER SYSTEM.

"(a) AUTHORIZATION.—The Secretary is authorized and directed to plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the Lower Brule Sioux Rural Water System, as generally described in the Final Engineering Report for the Mni Wiconi Rural Water Supply Project, dated May 1993. The Lower Brule Sioux Rural Water System shall consist of—

"(1) necessary pumping and treatment facilities;

"(2) pipelines extending from the points of interconnections with the Oglala Sioux Rural Water Supply System to the Lower Brule Indian Reservation;

"(3) facilities to allow for interconnections with the Lyman-Jones Rural Water Supply System;

"(4) distribution and treatment facilities to serve the needs of the Lower Brule Indian Reservation, including (but not limited to) the purchase, improvement and repair of existing water systems, including systems owned by individual tribal members and other residents of the Lower Brule Indian Reservation;

"(5) appurtenant buildings and property rights;

"(6) necessary property and property rights;

"(7) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

"(8) such other pipelines, pumping plants, and facilities as the Secretary deems necessary and appropriate to meet the water supply, economic, public health, and environmental needs of the reservation, including (but not limited to) water storage tanks, water lines, and other facilities for the Lower Brule Sioux Tribe and reservation villages, towns and municipalities.

"(b) AGREEMENT WITH NON-FEDERAL ENTITY TO PLAN, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE LOWER BRULE SIOUX RURAL WATER SUPPLY SYSTEM.—

"(1) In carrying out subsection (a), the Secretary, with the concurrence of the Lower Brule Sioux Tribal Council, shall enter into cooperative agreements with the appropriate non-Federal entity or entities for planning, designing, constructing, operating, maintaining, and replacing the Lower Brule Sioux Rural Water System.

"(2) Such cooperative agreements shall set forth, in a manner acceptable to the Secretary—

"(A) the responsibilities of the parties for needs assessment, feasibility, and environmental studies; engineering and design, construction; water conservation measures; and administration of any contracts with respect to this subparagraph;

"(B) the procedures and requirements for approval and acceptance of such design and construction; and

"(C) the rights, responsibilities, and liabilities of each party to the agreement.

"(3) Such cooperative agreements may include purchase, improvement, and repair of existing water systems, including systems owned by individual tribal members and other residents located on the Lower Brule Indian Reservation.

"(4) The Secretary may unilaterally terminate any cooperative agreement entered into pursuant to this section if the Secretary determines that the quality of construction does not meet all standards established for similar facilities constructed by the Secretary or that the operation and maintenance of the system does not meet conditions acceptable to the Secretary for fulfilling the obligations of the United States to the Lower Brule Sioux Tribe.

"(5) Upon execution of any cooperative agreement authorized under this section, the Secretary is authorized to transfer to the appropriate non-Federal entity, on a nonreimbursable basis, the funds authorized to be appropriated by section 10(a) for the Lower Brule Sioux Rural Water System.

"(c) SERVICE AREA.—The service area of the Lower Brule Sioux Rural Water System shall be the boundaries of the Lower Brule Indian Reservation.

"(d) CONSTRUCTION REQUIREMENTS.—The pumping plants, pipelines, treatment facilities, and other appurtenant facilities for the Lower Brule Sioux Rural Water System shall be planned and constructed to a size sufficient to meet the municipal, rural, and industrial water supply requirements of the Lower Brule Sioux Tribe and the Lyman-Jones Rural Water System, as generally described in the Final Engineering Report of the Mni Wiconi Rural Water Supply Project, dated May 1993, taking into account the effects of the conservation plans described in section 5. The Lower Brule Sioux Rural Water System and Lyman-Jones Rural Water System may be interconnected and provided with water service from common facilities. Any joint costs associated with common facilities shall be allocated to the Lower Brule Sioux Rural Water System.

"(e) TITLE TO SYSTEM.—Title to the Lower Brule Sioux Rural Water System shall be held in trust for the Lower Brule Sioux Tribe by the United States and shall not be transferred or encumbered without a subsequent Act of Congress.

"(f) TECHNICAL ASSISTANCE.—The Secretary is authorized and directed to provide such technical assistance as may be necessary to the Lower Brule Sioux Tribe to plan, develop, construct, operate, maintain, and replace the Lower Brule Sioux Rural Water System, including (but not limited to) operation and management training.

"(g) APPLICATION OF THE INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, and operation of the Lower Brule Sioux Rural Water System shall be subject to the provisions of the Indian Self-Determination Act (Public Law 93-638, 25 U.S.C. 450).".

SEC. 807. WEST RIVER RURAL WATER SYSTEM AND LYMAN-JONES RURAL WATER SYSTEM.

(a) SERVICE AREA.—Subsection (d) of section 4 (102 Stat. 2569) is amended by striking the period at the end thereof and inserting ", and Final Engineering Report dated May 1993.".

(b) INTERCONNECTION OF FACILITIES AND WAIVER OF CHARGES.—Section 4 of the Act (102 Stat. 2568) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) INTERCONNECTION OF FACILITIES AND WAIVER OF CHARGES.—The Secretary is authorized to interconnect the Lyman-Jones

Rural Water System, and the West River Rural Water System, with each of the other systems authorized under this Act, and to provide for the delivery of water to the West River Rural Water System, and Lyman-Jones Rural Water System, without charge or cost, from the Missouri River and through common facilities of the Oglala Sioux Rural Water Supply System, Rosebud Rural Water System and Lower Brule Rural Water System.".

SEC. 808. WATER CONSERVATION.

Section 5 of the Act (102 Stat. 2570) is amended by striking "The non-Federal parties (including the Oglala Sioux Tribe)" and inserting "Each non-Federal party (including the Oglala Sioux Tribe, Rosebud Sioux Tribe, and Lower Brule Sioux Tribe)".

SEC. 809. MITIGATION OF FISH AND WILDLIFE LOSSES.

Section 6 of the Act (102 Stat. 2570) is amended—

(1) in subsection (a)—

(A) by inserting ", ROSEBUD SIOUX RURAL WATER SUPPLY SYSTEM, LOWER BRULE SIOUX RURAL WATER SUPPLY SYSTEM," after "SUPPLY SYSTEM"; and

(B) by inserting "Rosebud Sioux Rural Water Supply System, Lower Brule Sioux Rural Water Supply System," after "Supply System,"; and

(2) in subsection (b)—

(A) by inserting ", all Indian tribes residing on reservations within the State of South Dakota," after "South Dakota";

(B) by inserting "and terrestrial" after "wildlife";

(C) by striking "Such plans" and inserting "Such recommendations"; and

(D) by adding at the end the following:

"The Indian tribes shall be afforded an opportunity to review and concur within any recommendations affecting their reservations before they are submitted to Congress.".

SEC. 810. PROHIBITION OF USE OF FUNDS FOR IRRIGATION PURPOSES.

Section 7 of the Act (102 Stat. 2570) is amended by striking "Supply System," and inserting "Supply System, the Rosebud Sioux Rural Water Supply System, the Lower Brule Rural Water Supply System,".

SEC. 811. RULE OF CONSTRUCTION.

Section 8 of the Act (102 Stat. 2570) is amended—

(1) by inserting ", Rosebud Sioux Tribe, and Lower Brule Sioux Tribe" after "Tribe"; and

(2) by striking "or construct" and inserting "construct, maintain, or replace".

SEC. 812. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—Subsection (a) of section 9 (102 Stat. 2570) is amended by striking "sections 3" and inserting "sections 3, 3A, 3B,".

(b) DEFINITIONS.—Subsection (e)(1) of section 9 (102 Stat. 2571) is amended by striking "Supply System," and inserting "Supply System, the Rosebud Sioux Rural Water Supply System, the Lower Brule Sioux Rural Water Supply System,".

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act (102 Stat. 2571) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) PLANNING, DESIGN, AND CONSTRUCTION.—There are authorized to be appropriated $263,241,000 for the planning, design, and construction of the Oglala Sioux Rural Water Supply System, the Rosebud Sioux Rural Water Supply System, the Lower Brule Sioux Rural Water Supply System, the West River Rural Water Supply System, and the Lyman-Jones Rural Water Supply System described in sections 3, 3A, 3B, and 4. Such funds are authorized to be appropriated only through the end of the year 2003. The funds authorized to be appropriated by the first sentence of this section, less any amounts previously obligated for the Systems, may be increased or decreased by such amounts as may be justified by reason of ordinary fluctuations in development costs incurred after October 1, 1992, as indicated by engineering costs indices applicable for the type of construction involved.

"(b) OPERATION AND MAINTENANCE OF OGLALA SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX RURAL WATER SUPPLY SYSTEM AND LOWER BRULE SIOUX RURAL WATER SUPPLY SYSTEM.—There are authorized to be appropriated such sums as may be necessary for the operation and maintenance of the Oglala Sioux Rural Water Supply System, Rosebud Sioux Rural Water Supply System and Lower Brule Sioux Rural Water Supply System. The operation and maintenance expenses associated with water deliveries to the West River and Lyman-Jones Rural Water Systems are a non-Federal responsibility and for such deliveries the Secretary shall enter into a contract with the West River and Lyman-Jones Systems for the payment of an annual operation and maintenance fee. Such fee shall be based on the incremental operation and maintenance costs for water actually delivered each year to the West River and Lyman-Jones Rural Water Systems. Such operation and maintenance payments shall be increased or decreased by such amounts as may be justified by reason of ordinary fluctuations as indicated by indices applicable to comparable regional rural water supply systems for the type of operation and maintenance involved.

"(c) WASTE WATER DISPOSAL SYSTEMS FEASIBILITY STUDIES.—There is authorized to be appropriated such sums as may be necessary to complete the feasibility studies authorized by section 15(c).".

SEC. 814. WATER RIGHTS.

Paragraph (5) of section 11 (102 Stat. 2571) is amended—

(1) by inserting "rights, benefits, privileges or claims, including" after "affect any";

(2) by inserting "Rosebud Sioux Tribe and Lower Brule Sioux Tribe," after "Tribe," the first place it appears;

(3) by striking "the Pine Ridge Indian Reservation" and inserting "their respective reservations"; and

(4) by striking "Tribe," the second place it appears and inserting "Tribe, Rosebud Sioux Tribe, Lower Brule Sioux Tribe,".

SEC. 815. FEASIBILITY STUDIES.

(a) ALTERNATE USES.—Section 3 of Public Law 97-273, as amended by section 12(b) of Public Law 100-516 (102 Stat. 2572), is amended by striking "Dakota," and inserting "Dakota and all Indian tribes residing on reservations within the State of South Dakota,".

(b) WASTE WATER DISPOSAL SYSTEMS.—Section 12 of the Act (102 Stat. 2572) is amended by adding at the end the following:

"(c) WASTE WATER DISPOSAL SYSTEMS.—(1) The Secretary is authorized and directed, in consultation with the Oglala Sioux Tribe, Rosebud Sioux Tribe and Lower Brule Sioux Tribe, to conduct feasibility studies on the need to develop waste water disposal facilities and systems, and rehabilitate existing waste water disposal facilities and systems, on the Pine Ridge Indian Reservation, Rosebud Indian Reservation and Lower Brule Indian Reservation, and to report to the Congress the findings of such studies along with his recommendations.

"(2) The feasibility studies authorized under this subsection shall be completed and presented to Congress within one year after the date that funds are first made available by the Secretary to complete the studies.".

TITLE IX—BELLE FOURCHE IRRIGATION PROJECT

SEC. 901. EXPANSION OF BELLE FOURCHE IRRIGATION PROJECT.

(a) AUTHORIZATION OF ADDITIONAL ACTIVITIES.—The Act entitled "An Act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes." (Public Law 98-157, 97 Stat. 989) is amended in the first section—

(1) by striking "That the general" and inserting in lieu thereof, so as to appear immediately after and below the enacting clause, the following:

"SECTION 1. (a) The general plan for"; and

(2) by adding at the end the following:

"(b)(1) In addition to the activities authorized under subsection (a), the general plan for the Belle Fourche project is modified to include the following:

"(A) Rehabilitation of the following major water control structures:

"(i) The Whitewood Siphon.

"(ii) 2 Belle Fourche dam outlets.

"(B) Lining at South Canal and rehabilitation of Johnson Lateral for water conservation.

"(C) Replacement or rehabilitation of deteriorated canal bridges.

"(D) Provision of minor lateral rehabilitation and contract support work by the Belle Fourche irrigation district.

"(E) Conduct of a detailed study of project-wide water use management and implementation of improved management practices for the purpose of achieving optimal conservation of water supplies.

"(2) The Federal share of the cost of activities under this subsection may not exceed $10,500,000. The State share of those costs may not exceed $4,000,000, and shall be paid concurrently with Federal expenditures for activities under this subsection.".

(b) EXTENSION OF REPAYMENT PERIOD.—Section 2(b) of that Act is amended by striking "the year in which such amendatory repayment contract is executed" and inserting "July 1, 1995".

(c) APPLICABLE RATES OF CHARGE AND ASSESSABLE ACREAGE.—Section 2(c) of that Act is amended to read as follows:

"(c)(1) Before July 1, 1995, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented. On and after July 1, 1995, such rates of charge and assessable acreage shall, subject to subsection (d), be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

"(2) After final completion of the rehabilitation and betterment program authorized by this Act, and at intervals agreed to by the Secretary and the Belle Fourche irrigation district, the rates of charge and assessable acreage may be amended as determined necessary by the Secretary.".

(d) AUTHORIZATION OF APPROPRIATION.—Section 7 of that Act is amended—

(1) by inserting "(a)" after "SEC. 7."; and

(2) by adding at the end the following:

"(b) In addition to amounts authorized under subsection (a), for activities under section 1(b) there are authorized to be appropriated $10,500,000, plus or minus such amounts (if any) as may be justified by reason of ordinary fluctuations in construction

cost indexes applicable to types of construction conducted under that section.".

(e) AMENDMENT OF CONTRACT.—The Secretary of the Interior and the Belle Fourche irrigation district shall amend the contract numbered 5-07-60-WR170 to reflect the amendments made by this section.

TITLE X—UPPER YAMPA WATER CONSERVANCY PROJECT

SEC. 1001. SHORT TITLE.

This title may be cited as the "Stagecoach Reservoir Project Act of 1994".

SEC. 1002. SALE OF THE STAGECOACH RESERVOIR PROJECT LOAN.

(a) AGREEMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall conduct appropriate investigations regarding, and is authorized to sell, or accept prepayment on, the loan contract described in paragraph (2) to the Upper Yampa Water Conservancy District in Colorado (referred to in this title as the "District") for the Stagecoach Reservoir Project.

(2) LOAN CONTRACT.—The loan contract described in paragraph (1) is numbered 7-07-40-R0480 and was entered into pursuant to the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).

(b) PAYMENT.—Any agreement negotiated pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined pursuant to subsection (c).

(c) INTEREST RATE.—

(1) IN GENERAL.—The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A-129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(2) DETERMINATION.—In determining the interest rate, the Secretary—

(A) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party; and

(B) shall, in following the guidelines set forth in Circular A-129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(3) ADJUSTMENT.—If the borrower or purchaser of the loan has access to tax-exempt financing, including tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity, to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(4) LIMITATION.—Notwithstanding any other provision of law, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(5) APPROVAL.—The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any loan sale or prepayment made pursuant to this title.

SEC. 1003. TERMINATION AND CONVEYANCE OF RIGHTS.

Upon receipt of the payment specified in section 1002(b)—

(1) the obligation of the District under the loan contract described in section 1002(a)(2) shall terminate;

(2) the Secretary of the Interior shall convey all right and interest of the United States in the Stagecoach Reservoir Project to the District; and

(3) the District shall absolve the United States, and its officers and agents, of any liability associated with the Stagecoach Reservoir Project.

SEC. 1004. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority granted by this title to sell loans shall terminate 2 years after the date of enactment of this Act.

(b) TIME TO RESPOND TO OFFER.—The borrower shall have not less than 60 days to respond to any prepayment offer made by the Secretary.

TITLE XI—MANCOS PROJECT

SEC. 1101. SHORT TITLE.

This title may be cited as the "Mancos Project Private Power Development Authorization Act of 1994".

SEC. 1102. FINDINGS.

Congress finds that—

(a) development of hydroelectric power at the Mancos Project consistent with the Feasibility Report and Engineering and Construction Report for the Jackson Gulch Reservoir Hydroelectric Project dated April 19, 1991, and revised on May 13, 1992, and February 10, 1993, by the Mancos Water Conservancy District—

(1) will be without cost to the United States;

(2) will not impair the efficiency of the project for irrigation purposes;

(3) will not alter the volume, timing or temperatures of flows from the reservoir; and

(4) is not likely to cause any new or increased adverse impacts to any federally listed or candidate species;

(b) That the Mancos Water Conservancy District is currently operating and maintaining facilities at the Mancos Project and that the development of hydroelectric power at the Mancos Project consistent with the Feasibility Report and Engineering and Construction Report for the Jackson Gulch Reservoir Hydroelectric Project dated April 19, 1991, revised on May 13, 1992, and February 10, 1993, by the Mancos Water Conservancy District will not increase operation and maintenance costs of the Federal Government; and

(c) That any lease of power privileges issued by the Secretary pursuant to this title does not constitute a "contract" under section 202(1) of Public Law 97-293 (96 Stat. 1261; 43 U.S.C. section 390bb) and that nothing in this title is intended to make applicable any section of Public Law 97-293 (96 Stat. 1261; 43 U.S.C. section 390aa et. seq.) that would not previously apply.

SEC. 1103. AUTHORIZATION TO LEASE POWER PRIVILEGES.

Notwithstanding the provisions of the Water Conservation and Utilization Act (16 U.S.C. sections 590y-590z-11) or any relevant provision of the repayment contract Ilr-384, dated July 20, 1942, as amended December 22, 1947, the Secretary is authorized to enter into a lease of power privileges at the Mancos Project, Colorado, with the Mancos Water Conservancy District.

SEC. 1104. LEASE CONDITIONS.

Any such lease of power privileges issued pursuant to section 1103 of this title shall not exceed a period of forty years and shall be consistent with rates charged by the Federal Energy Regulatory Commission for comparable sized projects. Moneys derived from such lease shall be covered into the reclamation fund in accordance with relevant parts of Federal reclamation law, the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371).

SEC. 1105. REVENUES DERIVED FROM POWER DEVELOPMENT.

Notwithstanding the provisions of the Water Conservation and Utilization Act (16 U.S.C. sections 590y-590z-11) or any relevant provision of the repayment contract Ilr-384, dated July 20, 1942, as amended December 22, 1947, the Mancos Water Conservancy District may receive revenues from the sale of the power generated pursuant to such lease of power privilege.

TITLE XII—YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

SEC. 1201. PURPOSES.

The purposes of this title are—

(1) to protect, mitigate, and enhance fish and wildlife through improved water management; improved instream flows; improved water quality; protection, creation and enhancement of wetlands; and by other appropriate means of habitat improvement;

(2) to improve the reliability of water supply for irrigation;

(3) to authorize a Yakima River basin water conservation program that will improve the efficiency of water delivery and use; enhance basin water supplies; improve water quality; protect, create and enhance wetlands; and determine the amount of basin water needs that can be met by water conservation measures;

(4) to realize sufficient water savings from the Yakima River Basin Water Conservation Program so that not less than 40,000 acre-feet of water savings per year are achieved by the end of the fourth year of the Basin Conservation Program, and not less than 110,000 acre-feet of water savings per year are achieved by the end of the eighth year of the program, to protect and enhance fish and wildlife resources; and not less than 55,000 acre feet of water savings per year are achieved by the end of the eighth year of the program for availability for irrigation;

(5) to encourage voluntary transactions among public and private entities which result in the implementation of water conservation measures, practices, and facilities; and

(6) to provide for the implementation by the Yakama Indian Nation at its sole discretion of (A) an irrigation demonstration project on the Yakama Indian Reservation using water savings from system improvements to the Wapato Irrigation Project, and (B) a Toppenish Creek corridor enhancement project integrating agricultural, fish, wildlife, and cultural resources.

SEC. 1202. DEFINITIONS.

As used in this title:

(1) The term "Basin Conservation Plan" means a plan for implementing water conservation measures found in the various water conservation plans developed under the Basin Conservation Program.

(2) The term "Basin Conservation Program" means the Yakima River Basin Water Conservation Program established under section 1203(a).

(3) The term "comprehensive basin operating plan" means a plan that will provide guidance to the Yakima Project Superintendent for operation of the existing Yakima Project as modified by actions taken pursuant to this title.

(4) The term "Conservation Advisory Group" means the Yakima River Basin Conservation Advisory Group established under section 1203(c).

(5) The term "conserved water" means water saved and attributable to the program established under the Basin Conservation Program.

(6) The term "Irrigation Demonstration Project" means the Yakama Indian Reservation Irrigation Demonstration Project authorized in section 1204(b).

(7) The term "nonproratable water" means that portion of the total water supply available under provisions of sections 18 and 19 of Civil Action No. 21 (Federal District Court Judgment of January 31, 1945) that is not subject to proration in times of water shortage.

(8) The term "on-district storage" means small water storage facilities located within the boundaries of an irrigation entity, including reregulating reservoirs, holding ponds, or other new storage methods which allow for efficient water use.

(9) The term "proratable water" means that portion of the total water supply available under provisions of sections 18 and 19 of Civil Action No. 21 (Federal District Court Judgment of January 31, 1945) that is subject to proration in times of water shortage.

(10) The term "Secretary" means the Secretary of the Interior.

(11) The term "System Operations Advisory Committee" means a group of fishery biologists—

(A) created by the Yakima Project Superintendent in response to the supplemental instructions entitled "Supplementary Instructions to the Water Master", and dated November 28, 1980, in the case of Kittitass Reclamation District, et al. vs. the Sunnyside Valley Irrigation District, et al. (E.D. Wash., Civil No. 21.);

(B) who advise the Yakima Project Superintendent on operations of the Yakima Project for fish and wildlife purposes; and

(C) who, together with others, were identified for consultation on November 29, 1990, in the amended partial summary judgment entered in the basin adjudication (Yakima County Superior Court No. 77-2-01484-5).

(12) The term "Toppenish Enhancement Project" means the Toppenish Creek corridor enhancement project authorized by section 1204(c).

(13) The term "Yakama Indian Nation" means the Confederated Tribes and Bands of the Yakama Indian Nation as redesignated under section 1204(g).

(14) The term "Yakima Project Superintendent" means the individual designated by the Regional Director, Pacific Northwest Region, Bureau of Reclamation, to be responsible for the operation and management of the Yakima Federal Reclamation Project, Washington.

SEC. 1203. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT.—(1) The Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima Basin. The Secretary may make grants to eligible entities for the purposes of carrying out this title under such terms and conditions as the Secretary may require. Such terms and conditions shall include a requirement that all water districts, irrigation districts, individuals, or other entities eligible to participate in the Basin Conservation Program must equip all surface water delivery systems within their boundaries with volumetric water meters or equally effective water measuring methods within 5 years of the date of enactment of this Act.

(2) Conserved water resulting in whole or in part from the expenditure of Federal funds shall not be used to expand irrigation in the Yakima Basin, except as specifically provided in section 1204(a)(3) on the Yakama Indian Reservation.

(3) The provisions of this section shall not apply to the Yakama Indian Nation except as to any funds specifically applied for from the Basin Conservation Program.

(b) FOUR PHASES OF PROGRAM.—The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(1) The development of water conservation plans, consistent with applicable water conservation guidelines of the Secretary, by irrigation districts, conservation districts, water purveyors, other areawide entities, and individuals not included within an areawide entity.

(2) The investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(3) The implementation of measures that have been identified in conservation plans and have been determined to be feasible.

(4) Post implementation monitoring and evaluation of implemented measures.

(c) CONSERVATION ADVISORY GROUP.—(1) Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish the Yakima River Basin Conservation Advisory Group.

(2) Members of the Conservation Advisory Group shall be appointed by the Secretary and shall be comprised of—

(A) one representative of the Yakima River basin nonproratable irrigators,

(B) one representative of the Yakima River basin proratable irrigators,

(C) one representative of the Yakama Indian Nation,

(D) one representative of environmental interests,

(E) one representative of the Washington State University Agricultural Extension Service,

(F) one representative of the Department of Wildlife of the State of Washington, and

(G) one individual who shall serve as the facilitator.

(3) The Conservation Advisory Group shall—

(A) provide recommendations to the Secretary and to the State of Washington regarding the structure and implementation of the Basin Conservation Program,

(B) provide recommendations to the Secretary and to the State of Washington regarding the establishment of a permanent program for the measurement and reporting of all natural flow and contract diversions within the basin.

(C) structure a process to prepare a basin conservation plan as specified in subsection (f),

(D) provide annual review of the implementation of the applicable water conservation guidelines of the Secretary, and

(E) provide recommendations consistent with statutes of the State of Washington on rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

(4) The facilitator shall arrange for meetings of the Conservation Advisory Group, provide logistical support, and serve as moderator for the meetings.

(5) The Conservation Advisory Group shall consult an irrigation district when considering actions specifically affecting that district. For the purposes of this paragraph, an irrigation district includes the Yakima Reservation Irrigation District.

(6) The Conservation Advisory Group shall be nonvoting, seeking consensus whenever possible. If disagreement occurs, any member may submit independent comments to the Secretary. The Conservation Advisory Group shall terminate 5 years after the date of its establishment unless extended by the Secretary.

(d) COST SHARING.—(1) Except as otherwise provided by this title, costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

Program Phase	Non-Federal		Federal Grant
	State Grant	Local	
1. Development of water conservation plans	50% but not more than $200,000 per recipient	(Residual amount if any)	50%
2. Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4. Implementation and post implementation monitoring and evaluation	17.5%	17.5%	65.0%

(2) The Yakima River Basin Water Enhancement Project is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Yakima River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the Pacific Northwest Electric Power Planning and Conservation Act of 1989 (94 Stat. 2697) and independent water-related improvements of the State of Washington and other public and private entities to improve irrigation water use, water supply, and water quality, shall be treated as non-Federal cost share expenditures and shall be consolidated in any final calculation of required cost sharing. Within one year of the date of enactment of this Act, the Secretary shall enter into a binding cost sharing agreement with the State of Washington. The agreement shall describe the terms and conditions of specific contributions and other activities that may,

subject to approval by the Secretary, qualify as non-Federal cost share expenditures.

(3) Costs of the Basin Conservation Program related to projects on the Yakama Indian Reservation are a Federal responsibility and shall be nonreimbursable and not subject to the cost-sharing provisions of this subsection.

(e) ENTITY WATER CONSERVATION PLANS.—To participate in the Conservation Basin Program an entity must submit a proposed water conservation plan to the Secretary. The Secretary shall approve a water conservation plan submitted under this subsection if the Secretary determines that the plan meets the applicable water conservation guidelines of the Secretary.

(f) BASIN CONSERVATION PLAN.—The Conservation Advisory Group shall, within 2½ years after the date of enactment of this Act, submit a draft basin conservation plan to the Secretary.

(g) PUBLIC COMMENT.—The Secretary shall distribute the draft basin conservation plan and the entity water conservation plans submitted under subsections (e) and (f), respectively, for public comment for a 60-day period.

(h) PUBLICATION OF BASIN CONSERVATION PLAN.—Within 60 days after the close of the comment period under subsection (g), the Secretary shall publish the Basin Conservation Plan which plan will provide the basis—

(1) for prioritizing and allocating funds to implement conservation measures under this title; and

(2) for preparing an interim comprehensive basin operating plan under section 1210 of this title as provided for in Public Law 96-162 (93 Stat. 1241).

(i) CONSERVATION MEASURES.—(1) Measures considered for implementation in the Basin Conservation Program may include, among others, conveyance and distribution system monitoring, automation of water conveyance systems, water measuring or metering devices and equipment, lining and piping of water conveyance and distribution systems, on-district storage, electrification of hydraulic turbines, tail-water recycling, consolidation of irrigation systems, irrigation scheduling, and improvement of on-farm water application systems. Basin Conservation Program funds may also be used throughout all four phases of the Basin Conservation Program to mitigate for adverse impacts of program measures.

(2) In addition to implementing existing technologies, the Secretary shall encourage the testing of innovative water conservation measures. The Secretary shall, to the maximum extent possible under applicable Federal, State, and tribal law, cooperate with the State of Washington to facilitate water and water right transfers, water banking, dry year options, the sale and leasing of water, and other innovative allocation tools used to maximize the utility of existing Yakima River basin water supplies.

(3) The Secretary may, consistent with applicable law, use funds appropriated to carry out this section for the purchase or lease of land, water, or water rights from any entity or individual willing to limit or forego water use on a temporary or permanent basis. Funds used for purchase or lease under this paragraph are not subject to the cost sharing provisions of subsection (d). Efforts to acquire water should be made immediately upon availability of funds to meet the three-year goal specified in section 1205(a)(4) to provide water to be used by the Yakima Project Superintendent under the advisement of the System Operations Advisory Committee for instream flow purposes. The use of Basin Conservation Program funds under this paragraph are in addition to those specifically authorized to be appropriated by subsection (j)(4).

(4) On-farm water management improvements shall be coordinated with programs administered by the Secretary of Agriculture and State conservation districts.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary, at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, the following amounts for the Basin Conservation Program:

(1) $1,000,000 for the development of water conservation plans.

(2) $4,000,000 for investigation of specific potential water conservation measures identified in conservation plans for consideration for implementing through the Basin Conservation Program.

(3) Up to $67,500,000 for design, implementation, post-implementation monitoring and evaluation of measures, and addressing environmental impacts.

(4) Up to $10,000,000 for the initial acquisition of water from willing sellers or lessors specifically to provide instream flows for interim periods to facilitate the outward migration of anadromous fish flushing flows. Such funds shall not be subject to the cost sharing provisions of subsection (d).

(5) $100,000 annually for the establishment and support of the Conservation Advisory Group during its duration. Such funds shall be available for travel and per diem, rental of meeting rooms, typing, printing and mailing, and associated administrative needs. The Secretary and the State of Washington shall provide appropriate staff support to the Conservation Advisory Group.

SEC. 1204. YAKAMA INDIAN NATION.

(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS AND APPROPRIATIONS.—(1) The Yakama Indian Nation's proposed system improvements to the Wapato Irrigation Project, as well as the design, construction, operation, and maintenance of the Irrigation Demonstration Project and the Toppenish Creek corridor enhancement project, pursuant to this title shall be coordinated with the Bureau of Indian Affairs.

(2) There is authorized to be appropriated to the Secretary not more than $23,000,000 for the preparation of plans, investigation of measures, and following the Secretary's certification that such measures are consistent with the water conservation objectives of this title, the implementation of system improvements to the Wapato Irrigation Project. Funding for further improvements within the Wapato Irrigation Project may be acquired under the Basin Conservation Program or other sources identified by the Yakama Indian Nation.

(3) Water savings resulting from irrigation system improvements shall be available for the use of the Yakama Indian Nation for irrigation and other purposes on the reservation and for protection and enhancement of fish and wildlife within the Yakima River basin. The conveyance of such water through irrigation facilities other than the Wapato Irrigation Project shall be on a voluntary basis and shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration.

(b) IRRIGATION DEMONSTRATION PROJECT APPROPRIATIONS.—(1)(A) There is hereby authorized to be appropriated to the Secretary—

(i) at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, $8,500,000 for the design and construction of the Yakama Indian Reservation Irrigation Demonstration Project; and

(ii) such sums as may be necessary for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies for the period specified by the Secretary, which sums are in addition to operation and maintenance funds for wildlife and cultural purposes appropriated to the Secretary under other authorization.

(B) Funds may not be made available under this subsection until the Yakama Indian Nation obtains the concurrence of the Secretary in the construction, management, and administrative aspects of the Irrigation Demonstration Project.

(C) After the end of the period specified under subparagraph (A)(ii), costs for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies referred to in that subparagraph, shall be borne exclusively by the lands directly benefitting from the Irrigation Demonstration Project.

(2) The Irrigation Demonstration Project shall provide for the construction of distribution and on-farm irrigation facilities to use all or a portion of the water savings, as determined by the Yakama Indian Nation, resulting from the Wapato Irrigation Project system improvements for—

(A) demonstrating cost-effective state of the art irrigation water management and conservation,

(B) the training of tribal members in irrigation methods, operation, and management, and

(C) upgrading existing hydroelectric facilities and construction of additional hydroelectric facilities on the reservation to meet irrigation pumping power needs.

(c) TOPPENISH CREEK CORRIDOR ENHANCEMENT PROJECT APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary $1,500,000 for the further investigation by the Yakama Indian Nation of measures to develop a Toppenish Creek corridor enhancement project to demonstrate integration of management of agricultural, fish, wildlife, and cultural resources to meet tribal objectives and such amount as the Secretary subsequently determines is necessary for implementation. There is also authorized to be appropriated to the Secretary such sums as may be necessary for the operation and maintenance of the Toppenish Enhancement Project.

(d) REPORT.—Within 5 years of the implementation of the Irrigation Demonstration Project and the Toppenish Enhancement Project, the Secretary, in consultation with the Yakama Indian Nation, shall report to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington on the effectiveness of the conservation, training, mitigation, and other measures implemented.

(e) STATUS OF IMPROVEMENTS AND FACILITIES.—The Wapato Irrigation Project system improvements and any specific irrigation facility of the Irrigation Demonstration Project (excluding on-farm irrigation facilities) and the Toppenish Enhancement Project shall become features of the Wapato Irrigation Project.

(f) TREATMENT OF CERTAIN COSTS.—Costs related to Wapato Irrigation Project improvements, the Irrigation Demonstration

Project, and the Toppenish Enhancement Project shall be a Federal responsibility and are nonreimbursable and nonreturnable.

(g) REDESIGNATION OF YAKIMA INDIAN NATION TO YAKAMA INDIAN NATION.—

(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakima Indian Nation shall be known and designated as the "Confederated Tribes and Bands of the Yakama Indian Nation".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Confederated Tribes and Bands of the Yakima Indian Nation referred to in subsection (a) shall be deemed to be a reference to the "Confederated Tribes and Bands of the Yakama Indian Nation".

SEC. 1205. OPERATION OF YAKIMA BASIN PROJECTS.

(a) WATER SAVINGS FROM BASIN CONSERVATION PROGRAM.—(1) The Basin Conservation Program is intended to result in reductions in water diversions allowing for changes in the present operation of the Yakima Project to improve stream flow conditions in the Yakima River basin. Except as provided by paragraph (5) of this subsection and section 1209, commencing with the enactment of this title, and notwithstanding that anticipated water savings are yet to be realized, the Secretary, upon the enactment of this title and acting through the Yakima Project Superintendent, shall (A) continue to estimate the water supply which is anticipated to be available to meet water entitlements; and (B) provide instream flows in accordance with the following criteria:

Water Supply Estimate for Period (million acre feet):				Target Flow from Date of Estimate thru October Downstream of (cubic feet per second):	
April thru September	May thru September	June thru September	July thru September	Sunnyside Diversion Dam	Prosser Diversion Dam
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300

(2) The initial target flows represent target flows at the respective points. Reasonable fluctuations from these target flows are anticipated in the operation of the Yakima Project, except that for any period exceeding 24 hours—

(A) actual flows at the Sunnyside Diversion Dam may not decrease to less than 65 percent of the target flow at the Sunnyside Diversion Dam; and

(B) actual flows at the Prosser Diversion Dam may not decrease by more than 50 cubic feet per second from the target flow.

(3) The instream flows shall be increased for interim periods during any month of April through October to facilitate when necessary the outward migration of anadromous fish. Increased instream flows for such interim periods shall be obtained through voluntary sale and leasing of water or water rights or from conservation measures taken under this title.

(4)(A)(i) Within the three-year period beginning when appropriations are first provided to carry out the Basin Conservation Program, the instream flow goal in the Yakima River is as follows: to secure water which is to be used for instream flows to facilitate meeting recommendations of the System Operations Advisory Committee for flushing flows or other instream uses.

(ii) In addition to any other authority of the Secretary to provide water for flushing flows, the water required to meet the goal specified in clause (i) shall be acquired through the voluntary purchase or lease of land, water, or water rights and from the development of additional storage capability at Lake Cle Elum provided for in section 1206(a).

(iii) In addition to water required to meet the instream flow goal specified in clause (i), the System Operations Advisory Committee may recommend additional water to meet instream flow goals pursuant to judicial actions.

(B) After the period referred to in subparagraph (A), such instream flow goal is modified as follows:

(i) The goal increases so that the instream target flows specified in the table in paragraph (1) increase by 50 cubic feet per second for each 27,000 acre-feet of reduced annual water diversions achieved through implementation of measures under the Basin Conservation Program. Such increases do not apply to actions taken pursuant to section 1204. Such increases shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration.

(ii) The goal changes directly with the availability of water resulting from Federal expenditures under this title for purchase or lease of water under this title.

(C) The Yakima Project Superintendent shall maintain an account of funded and completed conservation measures taken under the Basin Conservation Program.

(D) No later than March 31 of each calendar year, the Yakima Project Superintendent shall meet with the State of Washington, Yakama Indian Nation, and Yakima River basin irrigators to mutually determine total diversion reductions and respective adjustments to the target flows referred to in this subsection. The Yakima Project Superintendent shall announce such adjustments with the announcements of Total Water Supply Available. For the purposes of this subparagraph, conserved water will be considered available for adjusting target flows in the first year following completion of a measure or following a result from the post implementation monitoring and evaluation program, as the case may be.

(5) Operational procedures and processes in the Yakima River basin which have or may be implemented through judicial actions shall not be impacted by this title.

(6)(A) Within three years after the date of enactment of this Act, the Secretary shall conduct a study and submit a report with recommendations to the appropriate committees of the Congress on whether the water supply available for irrigation is adequate to sustain the agricultural economy of the Yakima River basin.

(B) The target flows provided for under this subsection shall be evaluated within three years after the date of enactment of this Act by the Systems Operations Advisory Committee for the purpose of making a report with recommendations to the Secretary and the Congress evaluating what is necessary to have biologically-based target flows.

(C) The recommendations and reports under subparagraphs (A) and (B) shall provide a basis for the third phase of the Yakima River Basin Water Enhancement Project.

(b) WATER FROM LAKE CLE ELUM.—Water accruing from the development of additional storage capacity at Lake Cle Elum, made available pursuant to the modifications authorized in section 1206(a), shall not be part of the Yakima River basin's water supply as provided in subsection (a)(1). Water obtained from such development is exclusively dedicated to instream flows for use by the Yakima Project Superintendent as flushing flows or as otherwise advised by the System Operations Advisory Committee. Water may be carried over from year-to-year in the additional capacity to the extent that there is space available. Releases may be made from other Yakima Project storage facilities to most effectively utilize this additional water, except that water deliveries to holders of existing water rights shall not be impaired.

(c) STATUS OF BASIN CONSERVATION PROGRAM FACILITIES.—Measures of the Basin Conservation Program which are implemented on facilities currently under the administrative jurisdiction of the Secretary, except as provided in section 1204, shall be considered features of the Yakima River Basin Water Enhancement Project, and their operation and maintenance shall be integrated and coordinated with other features of the existing Yakima Project. The responsibility for operation and maintenance and the related costs shall remain with the current operating entity. As appropriate, the Secretary shall incorporate the operation and maintenance of such facilities into existing agreements. The Secretary shall assure that such facilities are operated in a manner consistent with Federal and State law and in accordance with water rights recognized pursuant to State and Federal law.

(d) WATER ACQUIRED BY PURCHASE AND LEASE.—Water acquired from voluntary sellers and lessors shall be administered as a block of water separate from the Total Water Supply Available, in accordance with applicable Federal and State law.

(e) YAKIMA PROJECT PURPOSE.—(1) An additional purpose of the Yakima Project shall be for fish, wildlife, and recreation.

(2) The existing storage rights of the Yakima Project shall include storage for the purposes of fish, wildlife, and recreation.

(3) The purposes specified in paragraphs (1) and (2) shall not impair the operation of the Yakima Project to provide water for irrigation purposes nor impact existing contracts.

SEC. 1206. LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.

(a) MODIFICATIONS AND IMPROVEMENTS.—There is hereby authorized to be appropriated to the Secretary—

(1) at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuation of applicable indexes, $2,934,000 to—

(A) modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum,

(B) provide for shoreline protection of Lake Cle Elum, and

(C) construct juvenile fish passage facilities at Cle Elum Dam, plus

(2) such additional amounts as may be necessary which may be required for environmental mitigation.

(b) OPERATION AND MAINTENANCE APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary such sums as may be necessary for that portion of the operation and maintenance of Cle Elum Dam determined by the Secretary to be a Federal responsibility.

SEC. 1207. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS.—The following shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries of the Yakima River basin:

(1) An enhancement program authorized by this section undertaken in any tributary shall be contingent upon the agreement of appropriate water right owners to participate.

(2) The enhancement program authorized by this section shall not be construed to affect (A) the water rights of any water right owners in the tributary or other water delivering entities; (B) the capability of tributary water users to divert, convey, and apply water; and (C) existing water and land uses within the tributary area.

(3) The water supply for tributary enhancement shall be administered in accordance with applicable State and Federal laws.

(4) Any enhancement program authorized by this section shall be predicated upon the availability of a dependable water supply.

(b) STUDY.—(1) The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakama Indian Nation, and agreement of appropriate water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including (but not limited to)—

(A) water use efficiency improvements;

(B) the conveyance of water from the Yakima Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;

(C) the construction, operation, and maintenance of ground water withdrawal facilities;

(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;

(E) purchase of water rights from willing sellers; and

(F) other measures compatible with the purposes of this title, including restoration of stream habitats.

(2) In conducting the Taneum Creek study, the Secretary shall consider—

(A) the hydrologic and environmental characteristics;

(B) the engineering and economic factors relating to each measure; and

(C) the potential impacts upon the operations of present water users in the tributary and measures to alleviate such impacts.

(3) The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study. The Secretary shall consider and include any comment made in developing a final report. The Secretary's final report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington, and made available to the public.

(c) IMPLEMENTATION OF NONSTORAGE MEASURES.—After securing the necessary permits the Secretary may, in cooperation with the Department of Ecology of the State of Washington and in accordance with the laws of the State of Washington, implement nonstorage measures identified in the final report under subsection (b) upon fulfillment of the following conditions:

(1) The Secretary shall enter into an agreement with the appropriate water right owners who are willing to participate, the State of Washington, and the Yakama Indian Nation, for the use and management of the water supply to be provided by proposed tributary measures pursuant to this section.

(2) The Secretary and the State of Washington find that the implementation of the proposed tributary measures will not impair the water rights of any person or entity in the affected tributary.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES.—Enhancement programs similar to the enhancement program authorized by this section may be investigated and implemented by the Secretary in other tributaries contingent upon the agreement of the appropriate tributary water right owners to participate. The provisions set forth in this section shall be applicable to such programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated to the Secretary $500,000 for the study of the Taneum Creek Project and such amount as the Secretary subsequently determines is necessary for implementation of tributary measures pursuant to this section.

(2) There is also authorized to be appropriated to the Secretary such funds as are necessary for the investigation of enhancement programs similar to the enhancement program authorized by this section in other Yakima River basin tributaries contingent upon the agreement of the appropriate water right owners to participate. Funds for the implementation of any such similar enhancement program may not be appropriated until after the Secretary submits an investigation report to the appropriate congressional committees.

SEC. 1208. CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ELECTRIFICATION.—In order to provide for electrification to enhance instream flows by eliminating the need to divert water to operate the hydraulic turbines which pump water to the Kennewick Irrigation District, there is authorized to be appropriated—

(1) $50,000 to conduct an assessment of opportunities for alternative pumping plant locations;

(2) $4,000,000 for construction; and

(3) such sums as may be necessary for the prorata share of the operation and maintenance allocated to fish and wildlife as determined by the Secretary.

(b) POWER FOR PROJECT PUMPING.—(1) The Administrator of the Bonneville Power Administration shall provide for project power needed to effect the electrification as provided in subsection (a).

(2)(A) There is authorized to be appropriated for the Bureau of Reclamation for each fiscal year in which the Administrator provides power under this subsection an amount equal to the cost to the Bonneville Power Administration of providing power under this subsection during such fiscal year. The rate to be utilized by the Administrator in determining the cost of power under this paragraph in a fiscal year shall be the rate for priority firm power charged by the Bonneville Power Administration in that fiscal year under section 7(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(b)).

(B) The Bureau of Reclamation shall, using funds appropriated pursuant to the authorization of appropriations in subparagraph (A), reimburse the Bonneville Power Administration for the costs of the project power provided under this subsection. Such funds shall be available for such purpose without fiscal year limitation.

(c) SUBORDINATION.—Any diversions for hydropower generation at the Chandler Powerplant shall be subordinated to meet the flow targets determined under subsection (f).

(d) WATER SUPPLY FOR KENNEWICK IRRIGATION DISTRICT.—The Secretary shall ensure that the irrigation water supply for the Kennewick Irrigation District shall not be affected by conservation, electrification, or subordination pursuant to this title and any reduction in its irrigation water supply resulting from conservation measures adopted or implemented by other entities pursuant to this title shall be replaced by water developed through subordination, electrification, or a combination of the two.

(e) TREATMENT OF CERTAIN FUNDS.—Funds appropriated and project power provided pursuant to this section shall be nonreimbursable since such funds are used for fish and wildlife purposes and such funds are not subject to cost share under section 1203(d).

(f) TARGET FLOWS.—Target flows measured at appropriate biological and hydrological location or locations shall be determined by the Yakima Project Superintendent in consultation with the System Operations Advisory Committee.

SEC. 1209. AUGMENTATION OF KACHESS RESERVOIR STORED WATER.

(a) AUTHORIZATION OF APPROPRIATIONS.—In order to augment Kachess Reservoir stored water supplies from flows of Cabin Creek and Silver Creek which are excess to system demands, there is authorized to be appropriated—

(1) such sums as may be necessary to carry out a feasibility study, including the benefits, costs, and environmental aspects, of the facility described in paragraph (2);

(2) for the construction of facilities to convey such flows to Kachess Reservoir, $20,000,000; and

(3) such sums as may be necessary for the pro rata share of the operation and maintenance allocated to fish and wildlife determined by the Secretary.

(b) LIMITATION.—Construction of the facilities described in subsection (a)(1) is contingent on the completion of the feasibility study referred to in subsection (a)(2).

(c) USE OF ADDITIONAL WATER.—The stored water supply resulting from the construction

of facilities under this section shall be used by the Secretary to—

(1) enhance the water supply available to the Kittitas Reclamation District and the Roza Irrigation District in years of proration; and

(2) facilitate reservoir operations in the Easton Dam to Keechelus Dam reach of the Yakima River for the propagation of anadromous fish.

(d) TREATMENT OF COSTS.—The construction and operation and maintenance costs of the facilities under this section shall be allocated to irrigation and fishery enhancement, as follows:

(1) The portion of such costs allocated to irrigation is reimbursable, with the construction costs to be paid prior to initiation of construction by the Kittitas Reclamation District and the Roza Irrigation District.

(2) The portion of such costs allocated to fishery enhancement is nonreimbursable.

(e) KACHESS DAM MODIFICATIONS.—There is authorized to be appropriated $2,000,000 for the modification of the discharge facilities of Kachess Dam to improve reservoir operations for anadromous fish enhancement. Amounts appropriated under this subsection are nonreimbursable.

SEC. 1210. INTERIM COMPREHENSIVE BASIN OPERATING PLAN.

(a) DEVELOPMENT.—The Secretary shall, in consultation with the State of Washington, Yakama Indian Nation, Yakima River Basin irrigation districts, Bonneville Power Administration, and other entities as determined by the Secretary, develop an interim comprehensive operating plan for providing a general framework within which the Yakima Project Superintendent operates the Yakima Project, including measures implemented under the Yakima River Basin Water Enhancement Project, including (but not limited to)—

(1) operating capability and constraints of the system;

(2) information on water supply calculations an water needs;

(3) system operations and stream flow objectives; and

(4) the System Operations Advisory Committee activities.

(b) PROCESS REQUIREMENTS.—A draft of the interim comprehensive basin operating plan shall be completed within 18 months after the completion of the Basin Conservation Plan under section 1203(f) and, upon completion, published for a 90-day public review period. The Secretary shall complete and publish the final interim comprehensive operating plan within 90 days after the close of the public review period. The Secretary shall update the plan as needed to respond to decisions from water adjudications relating to the Yakima River basin.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000 to carry out this section.

SEC. 1211. ENVIRONMENTAL COMPLIANCE.

There are hereby authorized to be appropriated to the Secretary $2,000,000 for environmental compliance activities including the conduct, in cooperation with the State of Washington, of an inventory of wildlife and wetland resources in the Yakima River basin and an investigation of measures, including "wetland banking", which could be implemented to address potential impacts which could result from the activities taken under this title.

SEC. 1212. SAVINGS AND CONTINGENCIES.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) affect or modify any treaty or other right of the Yakama Indian Nation;

(2) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakama Indian Nation, or any other entity or individual;

(3) impair the rights or jurisdictions of the United States, the States, the Yakama Indian Nation, or other entities over waters of any river or stream or over any ground water resource;

(4) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(5) alter, establish, or impair the respective rights of States, the United States, the Yakama Indian Nation, or any other entity or individual with respect to any water or water-related right;

(6) alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, the Yakama Indian Nation, or other entity, public or private;

(7) affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(8) affect or modify the settlement agreement between the United States and the State of Washington filed in Yakima County Superior Court with regard to Federal reserved water rights other than those rights reserved by the United States for the benefit of the Yakama Indian Nation and its members;

(9) affect or modify the rights of any Federal, State, or local agency, the Yakama Indian Nation, or any other entity, public or private with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including State against Acquavella, or constitute evidence in any such proceeding in which any water or water related right is adjudicated; or

(10) preclude other planning studies and projects to accomplish the purposes of this title by other means: funded publicly, privately, or by a combination of public and private funding.

(b) CONTINGENCY BASED ON APPROPRIATIONS.—The performance of any activity under this title which requires accomplishment within a specified period that may require appropriation of money by Congress or the allotment of funds shall be contingent upon such appropriation or allotment being made.

TITLE XIII. LIMITATION ON APPLICATION OF REQUIREMENT FOR ACQUISITIONS BY UNITED STATES UNDER MIGRATORY BIRD CONSERVATION ACT.

Section 7 of the Migratory Bird Conservation Act (16 U.S.C. 715f) is amended by inserting "in fee" after "conveyance".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

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

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

Mr. Speaker, S. 1146 incorporates a number of important provisions affecting water resource allocation and water development in the Western United States.

The bill is in 11 titles.

Title 1 provides for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe, Arizona, by ratifying and otherwise providing for the implementation of a settlement agreement negotiated by the Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States.

Title 2 extends Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California.

Title 3 authorizes the Central Utah Water Conservancy District to enter into water storage and carriage agreements to move non-project water through Central Utah Project [CUP] facilities under the provisions of the Warren Act, and to clarify the qualifications of individuals that may be nominated to serve as members of the Utah Reclamation Mitigation and Conservation Commission.

Title 4 amends Public Law 102–575 to allow the Secretary of the Interior to accept a prepayment equal to the fair market value of the Mountain Park Master Conservancy District's (District) obligation. In addition, the bill authorizes investigations and the reallocation of project water, facilities, and land for environental purposes, such as instream flows, in exchange for adjusting the project's cost.

Title 5 increases the amount of land that legally can be irrigated with water from the San Angelo Project, from 10,000 acres to 15,000 acres. The bill also authorizes the Secretary of the Interior to negotiate an amendment to the repayment contract to reflect the increased acreage.

Title 6 provides for the transfer of certain lands of the Shoshone Federal reclamation project, Wyoming, to the Big Horn County School District, Wyoming.

Title 7 would eliminate a maximum daily diversion restriction with respect to the pumping of water from Lake Powell to serve municipal water needs in Page, AZ.

Title 8 will expand the Mni Wiconi Rural Water Supply System, South Dakota. The Mni Wiconi Project was originally authorized by the Mni Wiconi Project Act of 1988 (102 Stat. 2566). The expanded project would meet fully the water needs of people living within the Pine Ridge Indian Reservation and the Lyman-Jones/West River Service Areas, and would include systems to meet water needs of the Rosebud and Lower Brule Sioux Indian Tribes. H.R. 3954 also authorizes feasibility studies on the need to develop or rehabilitate waste water systems on the three Indian Reservations.

Title 9 authorizes an increase in the appropriations ceiling of $14,500,000 (indexed to 1981 prices) to allow the Belle Fourche Irrigation Project to continue making improvements in the Project for water reliability, water conservation, operational efficiency, safety, and fish and wildlife mitigation and enhancement.

Title 10 authorizes the Secretary of the Interior to negotiate pursuant to specific terms the prepayment of a Small Reclamation Projects Act loan held by the Upper Yampa Water Conservancy District, Colorado.

Title 11 would permit the Mancos Water Conservancy District to construct facilities to generate hydroelectric power at the Mancos Irrigation Project in southwestern Colorado and to receive the revenues from the sale of the power generated.

Title 12 would enhance the available water supply in the Yakima River Basin, Washington, by providing a funding source to implement a voluntary water conservation program in the basin. Improvements to existing irrigation systems and their operation will reduce the amount of water that needs to be diverted from the Yakima River to maintain full crop production. This will reduce demand on the total water supply available, and thereby improve the reliability of the water supply for streamflows and irrigation. Those participating in the basin water conservation program must agree to reduce diversions from present levels. Provisions are also included in the bill for improving operation of the Wapato Irrigation Project.

Mr. Speaker, S. 1146 will assist in resolving many critical issues of water supply and water use in the Western States served by Bureau of Reclamation Projects. I thank my colleagues on the committee for their cooperation in considering these measures, and I urge my colleagues to support S. 1146.

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

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Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I rise in support of this legislation. The bill before us contains several important reclamation-related proposals that deserve our support. I will mention a few of them briefly.

This package includes my legislation directing the Interior Secretary to convey a small parcel of the Shoshone Reclamation Project to the Big Horn School District in Wyoming. The legislation was necessary because the school district owns a number of homes on reclamation land that they want to sell. I want to thank Chairman MILLER for considering this important proposal.

Mr. STUMP of Arizona has two bills in this package today. The first, S. 1146, ratifies the Yavapai-Prescott Indian water rights settlement. The second, H.R. 5025, will allow the city of Page, AZ, to meet water needs during peak use periods in the summer months by removing a pumping limitation. I have a statement from Congressman STUMP that I would like inserted in the RECORD.

Congressman MCINNIS of Colorado also has two proposals in this legislation. They include H.R. 4525, which authorizes the early payout of the Stagecoach Reservoir project and H.R. 4523, which will allow for private power development at the Mancos project. Mr. MCINNIS deserves credit for his hard work on both of these measures.

I also want to give credit to Congressman LAMAR SMITH for his hard work in passing H.R. 1474, which increases the acreage limitation at the San Angelo project in Texas.

Finally, I rise in strong support of H.R. 4615, which our friend, JIM HANSEN of Utah has worked hard to pass. This bill will enhance the ability of the Central Utah project to implement its water conservation programs throughout the 13 county area this project serves.

This will be done by authorizing the Central Utah Water Conservancy District to enter into water storage and carriage agreements to move nonproject water through CUP facilities.

The Utah delegation has also worked to clarify the original legislative intent of the CUP Completion Act. Under this act, employees and board members of the Central Utah Water Conservancy District were to serve as members of the Utah Reclamation Mitigation and Conservation Commission. The district has nominated its general manager to serve as its representative on the commission. Passage of this legislation would allow this to happen.

I would like to urge passage of this measure and thank the chairman for his assistance in moving this bill through the House.

Mr. STUMP. Mr. Speaker, I rise in strong support of S. 1146, the Yavapai-Prescott Indian water rights settlement. S. 1146, which ratifies a negotiated settlement to all claims to water between and among the Yavapai-Prescott Indian Tribe, the city of Prescott, AZ, the Chino Valley—Arizona—Irrigation District, the State of Arizona, and the United States, is a companion to H.R. 2514, which I introduced last year.

The agreement, which is both a noncontroversial and cost-effective settlement, fulfills the United States' trust obligation to secure long-term water supplies for the Yavapai-Prescott Indian Tribe. The key to the agreement is the city of Prescott's commitment to provide water to the tribe in perpetuity. The city enhances its ability to fulfill that commitment by acquiring additional water supplies with funds obtained from assigning its rights to water from the Central Arizona project—CAP—to third parties. The development of those additional water supplies cannot adversely affect the riparian habitat or species of the Verde River.

In anticipation of the enactment of the settlement this year, the administration requested the $300,000 cost of the settlement to taxpayers in the fiscal year 1995 budget request and the funds were included in the Interior Appropriations bill. For the settlement to become final, the State of Arizona must contribute $200,000 to a tribal trust fund and a State court will have to accept the settlement. The provisions of the bill do not involve the CAP issue currently under negotiations between the Interior Department and the Central Arizona Water Conservation District.

Many have worked long hours to reach what I believe to be a good settlement, and in particular, the tribe, the city of Prescott, the Chino Valley Irrigation District, my colleague in the Senate, Mr. MCCAIN, and his staff, are to all be commended for their efforts in reaching this settlement.

Mr. Chairman, I urge favorable consideration of S. 1146.

Mr. ORTON. Mr. Speaker, I rise today in support of H.R. 4615, a bill that I introduced earlier this year. H.R. 4615 is intended to allow private entities, in this case the city of Provo, UT, to contract for use of the Central Utah Project [CUP] for the delivery, storage and impounding of Provo City water through CUP facilities.

This legislation will allow the Central Utah Project to carry both its own water and nonproject water to maximize the CUP's efficiency. This legislation will also allow the city of Provo to avoid having to duplicate many of the same, and very expensive, kinds of storage and delivery facilities that the CUP has already constructed. It is rare indeed when a situation such as this comes along when it is an absolute win-win situation for everyone involved, from the city of Provo, to the Central Utah Water Conservancy District [CUWCD], to all of the taxpayers in Utah who would have contributed to separate and duplicative projects. In the long run, this legislation will also have the positive effect of improving the long-range health of the Provo River.

As the distinguished chairman knows, water from the city of Provo is already being distributed through the Central Utah Water Conservancy District system, but questions have arisen recently as to whether the district has the authority to move such non-project water. This legislation is clearly intended to clarify this technicality.

In addition, an amendment was added to this legislation designed to clarify original congressional intent that employees and board members of the Central Utah Water Conservancy District [CUWCD] are eligible to serve as members of the Utah Reclamation Mitigation and Conservation Commission if they are duly appointed by the President under the provisions of the act. The original statute specifically provides that the district may submit a nominee to serve as a member of the Commission. This provision placed no limitation on whom the district could nominate. The CUWCD's board has nominated its general manager to serve in this capacity but his appointment has been held up for over 2 years pending clarification that a district employee or board member is eligible to serve on the Commission. Attempts through correspondence from the committee chairman and ranking member have failed to resolve the issue therefore this amendment is offered to provide the necessary clarification.

In closing, I would just like to thank the distinguished chairman of the Natural Resources Committee for all of his and his staff's hard work on this much needed legislation that will

end up saving the taxpayers money and allow the most efficient use of already established facilities.

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

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

The SPEAKER pro tempore (Mr. INSLEE). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the Senate bill, S. 1146 as amended.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5044, AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-806) on the resolution (H. Res. 562) providing for consideration of the bill (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

YAKIMA RIVER CONSERVATION ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5148) to authorize certain elements of the Yakima River basin water enhancement project, and for other purposes.

The Clerk read as follows:

H.R. 5148

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

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to protect, mitigate, and enhance fish and wildlife through improved water management; improved instream flows; improved water quality; protection, creation and enhancement of wetlands; and by other appropriate means of habitat improvement;

(2) to improve the reliability of water supply for irrigation;

(3) to authorize a Yakima River basin water conservation program that will improve the efficiency of water delivery and use; enhance basin water supplies; improve water quality; protect, create and enhance wetlands; and determine the amount of basin water needs that can be met by water conservation measures;

(4) to realize sufficient water savings from the Yakima River Basin Water Conservation Program so that not less than 40,000 acre-feet of water savings per year are achieved by the end of the fourth year of the Basin Conservation Program, and not less than 110,000 acre-feet of water savings per year are achieved by the end of the eighth year of the program, to protect and enhance fish and wildlife resources; and not less than 55,000 acre feet of water savings per year are achieved by the end of the eighth year of the program for availability for irrigation;

(5) to encourage voluntary transactions among public and private entities which result in the implementation of water conservation measures, practices, and facilities; and

(6) to provide for the implementation by the Yakama Indian Nation at its sole discretion of (A) an irrigation demonstration project on the Yakama Indian Reservation using water savings from system improvements to the Wapato Irrigation Project, and (B) a Toppenish Creek corridor enhancement project integrating agricultural, fish, wildlife, and cultural resources.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Basin Conservation Plan" means a plan for implementing water conservation measures found in the various water conservation plans developed under the Basin Conservation Program.

(2) The term "Basin Conservation Program" means the Yakima River Basin Water Conservation Program established under section 3(a).

(3) The term "comprehensive basin operating plan" means a plan that will provide guidance to the Yakima Project Superintendent for operation of the existing Yakima Project as modified by actions taken pursuant to this Act.

(4) The term "Conservation Advisory Group" means the Yakima River Basin Conservation Advisory Group established under section 3(c).

(5) The term "conserved water" means water saved and attributable to the program established under the Basin Conservation Program.

(6) The term "Irrigation Demonstration Project" means the Yakama Indian Reservation Irrigation Demonstration Project authorized in section 4(b).

(7) The term "nonproratable water" means that portion of the total water supply available under provisions of sections 18 and 19 of Civil Action No. 21 (Federal District Court Judgment of January 31, 1945) that is not subject to proration in times of water shortage.

(8) The term "on-district storage" means small water storage facilities located within the boundaries of an irrigation entity, including reregulating reservoirs, holding ponds, or other new storage methods which allow for efficient water use.

(9) The term "proratable water" means that portion of the total water supply available under provisions of sections 18 and 19 of Civil Action No. 21 (Federal District Court Judgment of January 31, 1945) that is subject to proration in times of water shortage.

(10) The term "Secretary" means the Secretary of the Interior.

(11) The term "System Operations Advisory Committee" means a group of fishery biologists—

(A) created by the Yakima Project Superintendent in response to the supplemental instructions entitled "Supplementary Instructions to the Water Master", and dated November 28, 1980, in the case of Kittitass Reclamation District, et al. vs. the Sunnyside Valley Irrigation District, et al. (E.D. Wash., Civil No. 21.);

(B) who advise the Yakima Project Superintendent on operations of the Yakima Project for fish and wildlife purposes; and

(C) who, together with others, were identified for consultation on November 29, 1990, in the amended partial summary judgment entered in the basin adjudication (Yakima County Superior Court No. 77-2-01484-5).

(12) The term "Toppenish Enhancement Project" means the Toppenish Creek corridor enhancement project authorized by section 4(c).

(13) The term "Yakama Indian Nation" means the Confederated Tribes and Bands of the Yakama Indian Nation as redesignated under section 4(g).

(14) The term "Yakima Project Superintendent" means the individual designated by the Regional Director, Pacific Northwest Region, Bureau of Reclamation, to be responsible for the operation and management of the Yakima Federal Reclamation Project, Washington.

SEC. 3. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT.—(1) The Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima Basin. The Secretary may make grants to eligible entities for the purposes of carrying out this Act under such terms and conditions as the Secretary may require. Such terms and conditions shall include a requirement that all water districts, irrigation districts, individuals, or other entities eligible to participate in the Basin Conservation Program must equip all surface water delivery systems within their boundaries with volumetric water meters or equally effective water measuring methods within 5 years of the date of enactment of this Act.

(2) Conserved water resulting in whole or in part from the expenditure of Federal funds shall not be used to expand irrigation in the Yakima Basin, except as specifically provided in section 4(a)(3) on the Yakama Indian Reservation.

(3) The provisions of this section shall not apply to the Yakama Indian Nation except as to any funds specifically applied for from the Basin Conservation Program.

(b) FOUR PHASES OF PROGRAM.—The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(1) The development of water conservation plans, consistent with applicable water conservation guidelines of the Secretary, by irrigation districts, conservation districts, water purveyors, other areawide entities, and individuals not included within an areawide entity.

(2) The investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(3) The implementation of measures that have been identified in conservation plans and have been determined to be feasible.

(4) Post implementation monitoring and evaluation of implemented measures.

(c) CONSERVATION ADVISORY GROUP.—(1) Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish the Yakima River Basin Conservation Advisory Group.

(2) Members of the Conservation Advisory Group shall be appointed by the Secretary and shall be comprised of—

(A) one representative of the Yakima River basin nonproratable irrigators,

(B) one representative of the Yakima River basin proratable irrigators,

(C) one representative of the Yakama Indian Nation,

(D) one representative of environmental interests,

(E) one representative of the Washington State University Agricultural Extension Service,

(F) one representative of the Department of Wildlife of the State of Washington, and

(G) one individual who shall serve as the facilitator.

(3) The Conservation Advisory Group shall—

(A) provide recommendations to the Secretary and to the State of Washington regarding the structure and implementation of the Basin Conservation Program,

(B) provide recommendations to the Secretary and to the State of Washington regarding the establishment of a permanent program for the measurement and reporting of all natural flow and contract diversions within the basin.

(C) structure a process to prepare a basin conservation plan as specified in subsection (f),

(D) provide annual review of the implementation of the applicable water conservation guidelines of the Secretary, and

(E) provide recommendations consistent with statutes of the State of Washington on rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

(4) The facilitator shall arrange for meetings of the Conservation Advisory Group, provide logistical support, and serve as moderator for the meetings.

(5) The Conservation Advisory Group shall consult an irrigation district when considering actions specifically affecting that district. For the purposes of this paragraph, an irrigation district includes the Yakima Reservation Irrigation District.

(6) The Conservation Advisory Group shall be nonvoting, seeking consensus whenever possible. If disagreement occurs, any member may submit independent comments to the Secretary. The Conservation Advisory Group shall terminate 5 years after the date of its establishment unless extended by the Secretary.

(d) COST SHARING.—(1) Except as otherwise provided by this Act, costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

Program Phase	Non-Federal		Federal Grant
	State Grant	Local	
1. Development of water conservation plans	50% but not more than $200,000 per recipient	(Residual amount if any)	50%
2. Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4. Implementation and post implementation monitoring and evaluation	17.5%	17.5%	65.0%

(2) The Yakima River Basin Water Enhancement Project is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Yakima River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the Pacific Northwest Electric Power Planning and Conservation Act of 1989 (94 Stat. 2697) and independent water-related improvements of the State of Washington and other public and private entities to improve irrigation water use, water supply, and water quality, shall be treated as non-Federal cost share expenditures and shall be consolidated in any final calculation of required cost sharing. Within one year of the date of enactment of this Act, the Secretary shall enter into a binding cost sharing agreement with the State of Washington. The agreement shall describe the terms and conditions of specific contributions and other activities that may, subject to approval by the Secretary, qualify as non-Federal cost share expenditures.

(3) Costs of the Basin Conservation Program related to projects on the Yakama Indian Reservation are a Federal responsibility and shall be nonreimbursable and not subject to the cost-sharing provisions of this subsection.

(e) ENTITY WATER CONSERVATION PLANS.—To participate in the Conservation Basin Program an entity must submit a proposed water conservation plan to the Secretary. The Secretary shall approve a water conservation plan submitted under this subsection if the Secretary determines that the plan meets the applicable water conservation guidelines of the Secretary.

(f) BASIN CONSERVATION PLAN.—The Conservation Advisory Group shall, within 2½ years after the date of enactment of this Act, submit a draft basin conservation plan to the Secretary.

(g) PUBLIC COMMENT.—The Secretary shall distribute the draft basin conservation plan and the entity water conservation plans submitted under subsections (e) and (f), respectively, for public comment for a 60-day period.

(h) PUBLICATION OF BASIN CONSERVATION PLAN.—Within 60 days after the close of the comment period under subsection (g), the Secretary shall publish the Basin Conservation Plan which plan will provide the basis—

(1) for prioritizing and allocating funds to implement conservation measures under this Act; and

(2) for preparing an interim comprehensive basin operating plan under section 10 of this Act as provided for in Public Law 96-162 (93 Stat. 1241).

(i) CONSERVATION MEASURES.—(1) Measures considered for implementation in the Basin Conservation Program may include, among others, conveyance and distribution system monitoring, automation of water conveyance systems, water measuring or metering devices and equipment, lining and piping of water conveyance and distribution systems, on-district storage, electrification of hydraulic turbines, tail-water recycling, consolidation of irrigation systems, irrigation scheduling, and improvement of on-farm water application systems. Basin Conservation Program funds may also be used throughout all four phases of the Basin Conservation Program to mitigate for adverse impacts of program measures.

(2) In addition to implementing existing technologies, the Secretary shall encourage the testing of innovative water conservation measures. The Secretary shall, to the maximum extent possible under applicable Federal, State, and tribal law, cooperate with the State of Washington to facilitate water and water right transfers, water banking, dry year options, the sale and leasing of water, and other innovative allocation tools used to maximize the utility of existing Yakima River basin water supplies.

(3) The Secretary may, consistent with applicable law, use funds appropriated to carry out this section for the purchase or lease of land, water, or water rights from any entity or individual willing to limit or forego water use on a temporary or permanent basis. Funds used for purchase or lease under this paragraph are not subject to the cost sharing provisions of subsection (d). Efforts to acquire water should be made immediately upon availability of funds to meet the three-year goal specified in section 5(a)(4) to provide water to be used by the Yakima Project Superintendent under the advisement of the System Operations Advisory Committee for instream flow purposes. The use of Basin Conservation Program funds under this paragraph are in addition to those specifically authorized to be appropriated by subsection (j)(4).

(4) On-farm water management improvements shall be coordinated with programs administered by the Secretary of Agriculture and State conservation districts.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary, at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, the following amounts for the Basin Conservation Program:

(1) $1,000,000 for the development of water conservation plans.

(2) $4,000,000 for investigation of specific potential water conservation measures identified in conservation plans for consideration for implementing through the Basin Conservation Program.

(3) Up to $67,500,000 for design, implementation, post-implementation monitoring and evaluation of measures, and addressing environmental impacts.

(4) Up to $10,000,000 for the initial acquisition of water from willing sellers or lessors specifically to provide instream flows for interim periods to facilitate the outward migration of anadromous fish flushing flows. Such funds shall not be subject to the cost sharing provisions of subsection (d).

(5) $100,000 annually for the establishment and support of the Conservation Advisory Group during its duration. Such funds shall be available for travel and per diem, rental of meeting rooms, typing, printing and mailing, and associated administrative needs. The Secretary and the State of Washington shall provide appropriate staff support to the Conservation Advisory Group.

SEC. 4. YAKAMA INDIAN NATION.

(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS AND APPROPRIATIONS.—(1) The Yakama Indian Nation's proposed system improvements to the Wapato Irrigation Project, as well as the design, construction,

operation, and maintenance of the Irrigation Demonstration Project and the Toppenish Creek corridor enhancement project, pursuant to this Act shall be coordinated with the Bureau of Indian Affairs.

(2) There is authorized to be appropriated to the Secretary not more than $23,000,000 for the preparation of plans, investigation of measures, and following the Secretary's certification that such measures are consistent with the water conservation objectives of this Act, the implementation of system improvements to the Wapato Irrigation Project. Funding for further improvements within the Wapato Irrigation Project may be acquired under the Basin Conservation Program or other sources identified by the Yakama Indian Nation.

(3) Water savings resulting from irrigation system improvements shall be available for the use of the Yakama Indian Nation for irrigation and other purposes on the reservation and for protection and enhancement of fish and wildlife within the Yakima River basin. The conveyance of such water through irrigation facilities other than the Wapato Irrigation Project shall be on a voluntary basis and shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration.

(b) IRRIGATION DEMONSTRATION PROJECT APPROPRIATIONS.—(1)(A) There is hereby authorized to be appropriated to the Secretary—

(i) at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, $8,500,000 for the design and construction of the Yakama Indian Reservation Irrigation Demonstration Project; and

(ii) such sums as may be necessary for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies for the period specified by the Secretary, which sums are in addition to operation and maintenance funds for wildlife and cultural purposes appropriated to the Secretary under other authorization.

(B) Funds may not be made available under this subsection until the Yakama Indian Nation obtains the concurrence of the Secretary in the construction, management, and administrative aspects of the Irrigation Demonstration Project.

(C) After the end of the period specified under subparagraph (A)(ii), costs for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies referred to in that subparagraph, shall be borne exclusively by the lands directly benefitting from the Irrigation Demonstration Project.

(2) The Irrigation Demonstration Project shall provide for the construction of distribution and on-farm irrigation facilities to use all or a portion of the water savings, as determined by the Yakama Indian Nation, resulting from the Wapato Irrigation Project system improvements for—

(A) demonstrating cost-effective state of the art irrigation water management and conservation,

(B) the training of tribal members in irrigation methods, operation, and management, and

(C) upgrading existing hydroelectric facilities and construction of additional hydroelectric facilities on the reservation to meet irrigation pumping power needs.

(c) TOPPENISH CREEK CORRIDOR ENHANCEMENT PROJECT APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary $1,500,000 for the further investigation by the Yakama Indian Nation of measures to develop a Toppenish Creek corridor enhancement project to demonstrate integration of management of agricultural, fish, wildlife, and cultural resources to meet tribal objectives and such amount as the Secretary subsequently determines is necessary for implementation. There is also authorized to be appropriated to the Secretary such sums as may be necessary for the operation and maintenance of the Toppenish Enhancement Project.

(d) REPORT.—Within 5 years of the implementation of the Irrigation Demonstration Project and the Toppenish Enhancement Project, the Secretary, in consultation with the Yakama Indian Nation, shall report to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington on the effectiveness of the conservation, training, mitigation, and other measures implemented.

(e) STATUS OF IMPROVEMENTS AND FACILITIES.—The Wapato Irrigation Project system improvements and any specific irrigation facility of the Irrigation Demonstration Project (excluding on-farm irrigation facilities) and the Toppenish Enhancement Project shall become features of the Wapato Irrigation Project.

(f) TREATMENT OF CERTAIN COSTS.—Costs related to Wapato Irrigation Project improvements, the Irrigation Demonstration Project, and the Toppenish Enhancement Project shall be a Federal responsibility and are nonreimbursable and nonreturnable.

(g) REDESIGNATION OF YAKIMA INDIAN NATION TO YAKAMA INDIAN NATION.—

(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakima Indian Nation shall be known and designated as the "Confederated Tribes and Bands of the Yakama Indian Nation".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Confederated Tribes and Bands of the Yakima Indian Nation referred to in subsection (a) shall be deemed to be a reference to the "Confederated Tribes and Bands of the Yakama Indian Nation".

SEC. 5. OPERATION OF YAKIMA BASIN PROJECTS.

(a) WATER SAVINGS FROM BASIN CONSERVATION PROGRAM.—(1) The Basin Conservation Program is intended to result in reductions in water diversions allowing for changes in the present operation of the Yakima Project to improve stream flow conditions in the Yakima River basin. Except as provided by paragraph (5) of this subsection and section 9, commencing with the enactment of this Act, and notwithstanding that anticipated water savings are yet to be realized, the Secretary, upon the enactment of this Act and acting through the Yakima Project Superintendent, shall (A) continue to estimate the water supply which is anticipated to be available to meet water entitlements; and (B) provide instream flows in accordance with the following criteria:

Water Supply Estimate for Period (million acre feet):				Target Flow from Date of Estimate thru October Downstream of (cubic feet per second):	
April thru September	May thru September	June thru September	July thru September	Sunnyside Diversion Dam	Prosser Diversion Dam
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300

(2) The initial target flows represent target flows at the respective points. Reasonable fluctuations from these target flows are anticipated in the operation of the Yakima Project, except that for any period exceeding 24 hours—

(A) actual flows at the Sunnyside Diversion Dam may not decrease to less than 65 percent of the target flow at the Sunnyside Diversion Dam; and

(B) actual flows at the Prosser Diversion Dam may not decrease by more than 50 cubic feet per second from the target flow.

(3) The instream flows shall be increased for interim periods during any month of April through October to facilitate when necessary the outward migration of anadromous fish. Increased instream flows for such interim periods shall be obtained through voluntary sale and leasing of water or water rights or from conservation measures taken under this Act.

(4)(A)(i) Within the three-year period beginning when appropriations are first provided to carry out the Basin Conservation Program, the instream flow goal in the Yakima River is as follows: to secure water which is to be used for instream flows to facilitate meeting recommendations of the System Operations Advisory Committee for flushing flows or other instream uses.

(ii) In addition to any other authority of the Secretary to provide water for flushing flows, the water required to meet the goal

specified in clause (i) shall be acquired through the voluntary purchase or lease of land, water, or water rights and from the development of additional storage capability at Lake Cle Elum provided for in section 6(a).

(iii) In addition to water required to meet the instream flow goal specified in clause (i), the System Operations Advisory Committee may recommend additional water to meet instream flow goals pursuant to judicial actions.

(B) After the period referred to in subparagraph (A), such instream flow goal is modified as follows:

(i) The goal increases so that the instream target flows specified in the table in paragraph (1) increase by 50 cubic feet per second for each 27,000 acre-feet of reduced annual water diversions achieved through implementation of measures under the Basin Conservation Program. Such increases do not apply to actions taken pursuant to section 4. Such increases shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration.

(ii) The goal changes directly with the availability of water resulting from Federal expenditures under this Act for purchase or lease of water under this Act.

(C) The Yakima Project Superintendent shall maintain an account of funded and completed conservation measures taken under the Basin Conservation Program.

(D) No later than March 31 of each calendar year, the Yakima Project Superintendent shall meet with the State of Washington, Yakama Indian Nation, and Yakima River basin irrigators to mutually determine total diversion reductions and respective adjustments to the target flows referred to in this subsection. The Yakima Project Superintendent shall announce such adjustments with the announcements of Total Water Supply Available. For the purposes of this subparagraph, conserved water will be considered available for adjusting target flows in the first year following completion of a measure or following a result from the post implementation monitoring and evaluation program, as the case may be.

(5) Operational procedures and processes in the Yakima River basin which have or may be implemented through judicial actions shall not be impacted by this Act.

(6)(A) Within three years after the date of enactment of this Act, the Secretary shall conduct a study and submit a report with recommendations to the appropriate committees of the Congress on whether the water supply available for irrigation is adequate to sustain the agricultural economy of the Yakima River basin.

(B) The target flows provided for under this subsection shall be evaluated within three years after the date of enactment of this Act by the Systems Operations Advisory Committee for the purpose of making a report with recommendations to the Secretary and the Congress evaluating what is necessary to have biologically-based target flows.

(C) The recommendations and reports under subparagraphs (A) and (B) shall provide a basis for the third phase of the Yakima River Basin Water Enhancement Project.

(b) WATER FROM LAKE CLE ELUM.—Water accruing from the development of additional storage capacity at Lake Cle Elum, made available pursuant to the modifications authorized in section 6(a), shall not be part of the Yakima River basin's water supply as provided in subsection (a)(1). Water obtained from such development is exclusively dedicated to instream flows for use by the Yakima Project Superintendent as flushing flows or as otherwise advised by the System Operations Advisory Committee. Water may be carried over from year-to-year in the additional capacity to the extent that there is space available. Releases may be made from other Yakima Project storage facilities to most effectively utilize this additional water, except that water deliveries to holders of existing water rights shall not be impaired.

(c) STATUS OF BASIN CONSERVATION PROGRAM FACILITIES.—Measures of the Basin Conservation Program which are implemented on facilities currently under the administrative jurisdiction of the Secretary, except as provided in section 4, shall be considered features of the Yakima River Basin Water Enhancement Project, and their operation and maintenance shall be integrated and coordinated with other features of the existing Yakima Project. The responsibility for operation and maintenance and the related costs shall remain with the current operating entity. As appropriate, the Secretary shall incorporate the operation and maintenance of such facilities into existing agreements. The Secretary shall assure that such facilities are operated in a manner consistent with Federal and State law and in accordance with water rights recognized pursuant to State and Federal law.

(d) WATER ACQUIRED BY PURCHASE AND LEASE.—Water acquired from voluntary sellers and lessors shall be administered as a block of water separate from the Total Water Supply Available, in accordance with applicable Federal and State law.

(e) YAKIMA PROJECT PURPOSE.—(1) An additional purpose of the Yakima Project shall be for fish, wildlife, and recreation.

(2) The existing storage rights of the Yakima Project shall include storage for the purposes of fish, wildlife, and recreation.

(3) The purposes specified in paragraphs (1) and (2) shall not impair the operation of the Yakima Project to provide water for irrigation purposes nor impact existing contracts.

SEC. 6. LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.

(a) MODIFICATIONS AND IMPROVEMENTS.—There is hereby authorized to be appropriated to the Secretary—

(1) at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuation of applicable indexes, $2,934,000 to—

(A) modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum,

(B) provide for shoreline protection of Lake Cle Elum, and

(C) construct juvenile fish passage facilities at Cle Elum Dam, plus

(2) such additional amounts as may be necessary which may be required for environmental mitigation.

(b) OPERATION AND MAINTENANCE APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary such sums as may be necessary for that portion of the operation and maintenance of Cle Elum Dam determined by the Secretary to be a Federal responsibility.

SEC. 7. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS.—The following shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries of the Yakima River basin:

(1) An enhancement program authorized by this section undertaken in any tributary shall be contingent upon the agreement of appropriate water right owners to participate.

(2) The enhancement program authorized by this section shall not be construed to affect (A) the water rights of any water right owners in the tributary or other water delivering entities; (B) the capability of tributary water users to divert, convey, and apply water; and (C) existing water and land uses within the tributary area.

(3) The water supply for tributary enhancement shall be administered in accordance with applicable State and Federal laws.

(4) Any enhancement program authorized by this section shall be predicated upon the availability of a dependable water supply.

(b) STUDY.—(1) The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakama Indian Nation, and agreement of appropriate water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including (but not limited to)—

(A) water use efficiency improvements;

(B) the conveyance of water from the Yakima Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;

(C) the construction, operation, and maintenance of ground water withdrawal facilities;

(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;

(E) purchase of water rights from willing sellers; and

(F) other measures compatible with the purposes of this Act, including restoration of stream habitats.

(2) In conducting the Taneum Creek study, the Secretary shall consider—

(A) the hydrologic and environmental characteristics;

(B) the engineering and economic factors relating to each measure; and

(C) the potential impacts upon the operations of present water users in the tributary and measures to alleviate such impacts.

(3) The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study. The Secretary shall consider and include any comment made in developing a final report. The Secretary's final report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington, and made available to the public.

(c) IMPLEMENTATION OF NONSTORAGE MEASURES.—After securing the necessary permits the Secretary may, in cooperation with the Department of Ecology of the State of Washington and in accordance with the laws of the State of Washington, implement nonstorage measures identified in the final report under subsection (b) upon fulfillment of the following conditions:

(1) The Secretary shall enter into an agreement with the appropriate water right owners who are willing to participate, the State of Washington, and the Yakama Indian Nation, for the use and management of the

water supply to be provided by proposed tributary measures pursuant to this section.

(2) The Secretary and the State of Washington find that the implementation of the proposed tributary measures will not impair the water rights of any person or entity in the affected tributary.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES.—Enhancement programs similar to the enhancement program authorized by this section may be investigated and implemented by the Secretary in other tributaries contingent upon the agreement of the appropriate tributary water right owners to participate. The provisions set forth in this section shall be applicable to such programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated to the Secretary $500,000 for the study of the Taneum Creek Project and such amount as the Secretary subsequently determines is necessary for implementation of tributary measures pursuant to this section.

(2) There is also authorized to be appropriated to the Secretary such funds as are necessary for the investigation of enhancement programs similar to the enhancement program authorized by this section in other Yakima River basin tributaries contingent upon the agreement of the appropriate water right owners to participate. Funds for the implementation of any such similar enhancement program may not be appropriated until after the Secretary submits an investigation report to the appropriate congressional committees.

SEC. 8. CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ELECTRIFICATION.—In order to provide for electrification to enhance instream flows by eliminating the need to divert water to operate the hydraulic turbines which pump water to the Kennewick Irrigation District, there is authorized to be appropriated—

(1) $50,000 to conduct an assessment of opportunities for alternative pumping plant locations;

(2) $4,000,000 for construction; and

(3) such sums as may be necessary for the prorata share of the operation and maintenance allocated to fish and wildlife as determined by the Secretary.

(b) POWER FOR PROJECT PUMPING.—(1) The Administrator of the Bonneville Power Administration shall provide for project power needed to effect the electrification as provided in subsection (a).

(2)(A) There is authorized to be appropriated for the Bureau of Reclamation for each fiscal year in which the Administrator provides power under this subsection an amount equal to the cost to the Bonneville Power Administration of providing power under this subsection during such fiscal year. The rate to be utilized by the Administrator in determining the cost of power under this paragraph in a fiscal year shall be the rate for priority firm power charged by the Bonneville Power Administration in that fiscal year under section 7(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(b)).

(B) The Bureau of Reclamation shall, using funds appropriated pursuant to the authorization of appropriations in subparagraph (A), reimburse the Bonneville Power Administration for the costs of the project power provided under this subsection. Such funds shall be available for such purpose without fiscal year limitation.

(c) SUBORDINATION.—Any diversions for hydropower generation at the Chandler Powerplant shall be subordinated to meet the flow targets determined under subsection (f).

(d) WATER SUPPLY FOR KENNEWICK IRRIGATION DISTRICT.—The Secretary shall ensure that the irrigation water supply for the Kennewick Irrigation District shall not be affected by conservation, electrification, or subordination pursuant to this Act and any reduction in its irrigation water supply resulting from conservation measures adopted or implemented by other entities pursuant to this Act shall be replaced by water developed through subordination, electrification, or a combination of the two.

(e) TREATMENT OF CERTAIN FUNDS.—Funds appropriated and project power provided pursuant to this section shall be nonreimbursable since such funds are used for fish and wildlife purposes and such funds are not subject to cost share under section 3(d).

(f) TARGET FLOWS.—Target flows measured at appropriate biological and hydrological location or locations shall be determined by the Yakima Project Superintendent in consultation with the System Operations Advisory Committee.

SEC. 9. AUGMENTATION OF KACHESS RESERVOIR STORED WATER.

(a) AUTHORIZATION OF APPROPRIATIONS.—In order to augment Kachess Reservoir stored water supplies from flows of Cabin Creek and Silver Creek which are excess to system demands, there is authorized to be appropriated—

(1) such sums as may be necessary to carry out a feasibility study, including the benefits, costs, and environmental aspects, of the facility described in paragraph (2);

(2) for the construction of facilities to convey such flows to Kachess Reservoir, $20,000,000; and

(3) such sums as may be necessary for the pro rata share of the operation and maintenance allocated to fish and wildlife determined by the Secretary.

(b) LIMITATION.—Construction of the facilities described in subsection (a)(1) is contingent on the completion of the feasibility study referred to in subsection (a)(2).

(c) USE OF ADDITIONAL WATER.—The stored water supply resulting from the construction of facilities under this section shall be used by the Secretary to—

(1) enhance the water supply available to the Kittitas Reclamation District and the Roza Irrigation District in years of proration; and

(2) facilitate reservoir operations in the Easton Dam to Keechelus Dam reach of the Yakima River for the propagation of anadromous fish.

(d) TREATMENT OF COSTS.—The construction and operation and maintenance costs of the facilities under this section shall be allocated to irrigation and fishery enhancement, as follows:

(1) The portion of such costs allocated to irrigation is reimbursable, with the construction costs to be paid prior to initiation of construction by the Kittitas Reclamation District and the Roza Irrigation District.

(2) The portion of such costs allocated to fishery enhancement is nonreimbursable.

(e) KACHESS DAM MODIFICATIONS.—There is authorized to be appropriated $2,000,000 for the modification of the discharge facilities of Kachess Dam to improve reservoir operations for anadromous fish enhancement. Amounts appropriated under this subsection are nonreimbursable.

SEC. 10. INTERIM COMPREHENSIVE BASIN OPERATING PLAN.

(a) DEVELOPMENT.—The Secretary shall, in consultation with the State of Washington, Yakama Indian Nation, Yakima River Basin irrigation districts, Bonneville Power Administration, and other entities as determined by the Secretary, develop an interim comprehensive operating plan for providing a general framework within which the Yakima Project Superintendent operates the Yakima Project, including measures implemented under the Yakima River Basin Water Enhancement Project, including (but not limited to)—

(1) operating capability and constraints of the system;

(2) information on water supply calculations an water needs;

(3) system operations and stream flow objectives; and

(4) the System Operations Advisory Committee activities.

(b) PROCESS REQUIREMENTS.—A draft of the interim comprehensive basin operating plan shall be completed within 18 months after the completion of the Basin Conservation Plan under section 3(f) and, upon completion, published for a 90-day public review period. The Secretary shall complete and publish the final interim comprehensive operating plan within 90 days after the close of the public review period. The Secretary shall update the plan as needed to respond to decisions from water adjudications relating to the Yakima River basin.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000 to carry out this section.

SEC. 11. ENVIRONMENTAL COMPLIANCE.

There are hereby authorized to be appropriated to the Secretary $2,000,000 for environmental compliance activities including the conduct, in cooperation with the State of Washington, of an inventory of wildlife and wetland resources in the Yakima River basin and an investigation of measures, including "wetland banking", which could be implemented to address potential impacts which could result from the activities taken under this Act.

SEC. 12. SAVINGS AND CONTINGENCIES.

(a) IN GENERAL.—Nothing in this Act shall be construed to—

(1) affect or modify any treaty or other right of the Yakama Indian Nation;

(2) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakama Indian Nation, or any other entity or individual;

(3) impair the rights or jurisdictions of the United States, the States, the Yakama Indian Nation, or other entities over waters of any river or stream or over any ground water resource;

(4) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(5) alter, establish, or impair the respective rights of States, the United States, the Yakama Indian Nation, or any other entity or individual with respect to any water or water-related right;

(6) alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, the Yakama Indian Nation, or other entity, public or private;

(7) affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(8) affect or modify the settlement agreement between the United States and the State of Washington filed in Yakima County Superior Court with regard to Federal reserved water rights other than those rights

reserved by the United States for the benefit of the Yakama Indian Nation and its members;

(9) affect or modify the rights of any Federal, State, or local agency, the Yakama Indian Nation, or any other entity, public or private with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including State against Acquavella, or constitute evidence in any such proceeding in which any water or water related right is adjudicated; or

(10) preclude other planning studies and projects to accomplish the purposes of this Act by other means: funded publicly, privately, or by a combination of public and private funding.

(b) CONTINGENCY BASED ON APPROPRIATIONS.—The performance of any activity under this Act which requires accomplishment within a specified period that may require appropriation of money by Congress or the allotment of funds shall be contingent upon such appropriation or allotment being made.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 5148 seeks to enhance the available water supply in the Yakima River basin, Washington, by providing a funding source to implement a voluntary water conservation program in the basin. Improvements to existing irrigation systems and their operation will reduce the amount of water that needs to be diverted from the Yakima River to maintain full crop production. This will reduce demand on the total water supply available, and thereby improve the reliability of the water supply for streamflows and irrigation. Those participating in the basin water conservation program must agree to reduce diversions from present levels. Provisions are also included in the bill for improving operation of the Wapato irrigation project.

Similar legislation was approved by the House in July as H.R. 1690.

H.R. 5148 incorporates many strict provisions that will reduce water use in the Yakima Basin. I believe the Yakima legislation offers practical solutions to water allocation problems in the basin, and I urge my colleagues to join me in support of H.R. 5148.

Mr. Speaker, again I would like to commend the gentleman from Washington [Mr. INSLEE], who happens to be in the chair at this very moment, for his untiring effort to bring a very diverse group of water users together along with the environmental community and the irrigation community and people concerned with the future of this basin to agree to this legislation. I want to thank him for all of that effort and all of the work on behalf of this legislation.

Mr. Speaker, again I also want to thank the Members of both sides of the aisle and the committee who have worked on this legislation and to Steve Lanich of our subcommittee on Oversight and Investigations for the time that he spent out in the basin working with the parties to this agreement.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have no objection on this side to this legislation, but we have already passed this legislation in August and it was also a part of S. 1146. So we are a little perplexed why we need to pass this bill three times.

The normal procedure is to pass the bill out of the House and then wait for the Senate to take action. Passing the bill out of the House three times is simply not a good use of our limited time.

I urge adoption of this measure, but we may not be as accommodating the fourth time around.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 5148.

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

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5148, YAKIMA RIVER CONSERVATION ACT

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the clerk be authorized to make technical and conforming changes in the engrossment of H.R. 5148, the bill just passed.

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

There was no objection.

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3612) to amend the Alaska Native Claims Settlement Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3612

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

SECTION 1. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the three parties are hereby adopted and ratified as a matter of Federal law. These conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to the receipt of any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any other effect upon section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be the basis for any claim to land or money by Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO ALASKA REGIONAL CORPORATION.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

"(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of the enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g) of this Act, shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings which would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made to the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in the place of the United States. All contest proceedings and appeals by the mining claimants of adverse decisions made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim or claims so conveyed.".

SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

"SEC. 40. (a) As used in this section:

"(1) The term 'contaminant' means hazardous substances harmful to public health or the environment, including asbestos.

"(2) The term 'lands' means real property transferred to an Alaska Native Corporation pursuant to this Act.

"(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of hazardous substances on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

"(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

"(2) existing information identifying the existence and availability of potentially responsible parties for the removal or amelioration of the effects of such contaminants;

"(3) identification of existing remedies; and

"(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on such lands.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

"There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.".

SEC. 5. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

"(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under section 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.".

SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKAN VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than six months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (Chapter 2469; 34 Stat. 197), as such Act was in effect before December 18, 1971;

(2) an assessment of the potential impacts of additional allotments on conservation system units as such term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375); and

(3) recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 7. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—Cook Inlet Region, Incorporated, is authorized to transfer to the United States and the General Services Administration shall accept an approximately 10-acre site of the Wrangell Institute in Wrangell, Alaska, and the structures contained thereon.

(b) RESTORATION OF PROPERTY CREDITS.—

(1) IN GENERAL.—In exchange for the land and structures transferred under subsection (a), property bidding credits in the total amount of $382,305, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94-204; 43 U.S.C. 1611 note), referred to in such section as the "Cook Inlet Region, Incorporated, property account". Such property bidding credits shall be used in the same fiscal year as received by Cook Inlet Region, Incorporated.

(2) HOLD HARMLESS.—The United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from Federal or Cook Inlet Region, Incorporated, ownership of the land and structures prior to their return to the United States.

SEC. 8. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Secretary is authorized to reacquire the interests originally conveyed pursuant to Patent No. 1240529, and, notwithstanding any other provision of law, the Secretary shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shismaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the clean up of hazardous or solid wastes on the property, nor shall the United States or Shismaref Native Corporation become liable for the clean up of the property solely by virtue of acquiring title from the State or from the United States.

SEC. 9. PURCHASE OF SETTLEMENT COMMON STOCK OF COOK INLET REGION.

(a) IN GENERAL.—Section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) is amended by adding at the end the following new paragraph:

"(4)(A) As used in this paragraph, the term 'Cook Inlet Regional Corporation' means Cook Inlet Region, Incorporated.

"(B) The Cook Inlet Regional Corporation may, by an amendment to its articles of incorporation made in accordance with the voting standards under section 36(d)(1), purchase Settlement Common Stock of the Cook Inlet Regional Corporation and all rights associated with the stock from the shareholders of Cook Inlet Regional Corporation in accordance with any provisions included in the amendment that relate to the terms, procedures, number of offers to purchase, and timing of offers to purchase.

"(C) Subject to subparagraph (D), and notwithstanding paragraph (1)(B), the shareholders of Cook Inlet Regional Corporation may, in accordance with an amendment made pursuant to subparagraph (B), sell the Settlement Common Stock of the Cook Inlet Regional Corporation to itself.

"(D) No sale or purchase may be made pursuant to this paragraph without the prior approval of the board of directors of Cook Inlet Regional Corporation. Except as provided in subparagraph (E), each sale and purchase made under this paragraph shall be made pursuant to an offer made on the same terms to all holders of Settlement Common Stock of the Cook Inlet Regional Corporation.

"(E) To recognize the different rights that accrue to any class or series of shares of Settlement Common Stock owned by stockholders who are not residents of a Native village (referred to in this paragraph as 'non-village shares'), an amendment made pursuant to subparagraph (B) shall authorize the board of directors (at the option of the board) to offer to purchase—

"(i) the non-village shares, including the right to share in distributions made to shareholders pursuant to subsections (j) and (m) (referred to in this paragraph as 'nonresident distribution rights'), at a price that includes a premium, in addition to the amount that is offered for the purchase of other village shares of Settlement Common Stock of the Cook Inlet Regional Corporation, that reflects the value of the nonresident distribution rights; or

"(ii) non-village shares without the nonresident distribution rights associated with the shares.

"(F) Any shareholder who accepts an offer made by the board of directors pursuant to subparagraph (E)(ii) shall receive, with respect to each non-village share sold by the shareholder to the Cook Inlet Regional Corporation—

"(i) the consideration for a share of Settlement Common Stock offered to shareholders of village shares; and

"(ii) a security for only the nonresident rights that attach to such share that does not have attached voting rights (referred to in this paragraph as 'non-voting security').

"(G) An amendment made pursuant to subparagraph (B) shall authorize the issuance of a non-voting security that—

"(i) shall, for purposes of subsections (j) and (m), be treated as a non-village share with respect to—

"(I) computing distributions under such subsections; and

"(I) entitling the holder of the share to the proportional share of the distributions made under such subsections;

"(ii) may be sold to Cook Inlet Region, Inc.; and

"(iii) shall otherwise be subject to the restrictions under paragraph (1)(B).

"(H) Any shares of Settlement Common Stock purchased pursuant to this paragraph shall be canceled on the conditions that—

"(i) non-village shares with the nonresident rights that attach to such shares that are purchased pursuant to this paragraph shall be considered to be—

"(I) outstanding shares; and

"(II) for the purposes of subsection (m), shares of stock registered on the books of the Cook Inlet Regional Corporation in the names of nonresidents of villages; and

"(ii) any amount of funds that would be distributable with respect to non-village shares or non-voting securities pursuant to subsection (j) or (m) shall be distributed by Cook Inlet Regional Corporation to itself; and

"(iii) village shares that are purchased pursuant to this paragraph shall be considered to be—

"(I) outstanding shares, and

"(II) for the purposes of subsection (k) shares of stock registered on the books of the Cook Inlet Regional Corporation in the names of the residents of villages.

"(I) Any offer to purchase Settlement Common Stock made pursuant to this paragraph shall exclude from the offer—

"(i) any share of Settlement Common Stock held, at the time the offer is made, by an officer (including a member of the board of directors) of Cook Inlet Regional Corporation or a member of the immediate family of the officer; and

"(ii) any share of Settlement Common Stock held by any custodian, guardian, trustee, or attorney representing a shareholder of Cook Inlet Regional Corporation in fact or law, or any other similar person, entity, or representative.

"(J)(i) The board of directors of Cook Inlet Regional Corporation, in determining the terms of an offer to purchase made under this paragraph, including the amount of any premium paid with respect to a non-village share, may rely upon the good faith opinion of a recognized firm of investment bankers or valuation experts.

"(ii) Notwithstanding any other provision of law, Cook Inlet Regional Corporation, a member of the board of directors of Cook Inlet Regional Corporation, and any firm or member of a firm of investment bankers or valuation experts who assists in a determination made under this subparagraph shall not be liable for damages resulting from terms made in an offer made in connection with any purchase of Settlement Common Stock if the offer was made—

"(I) in good faith;

"(II) in reliance on a determination made pursuant to clause (i); and

"(II) otherwise in accordance with this paragraph.

"(K) The consideration given for the purchase of Settlement Common Stock made pursuant to an offer to purchase that provides for such consideration may be in the form of cash, securities, or a combination of cash and securities, as determined by the board of directors of Cook Inlet Regional Corporation, in a manner consistent with an amendment made pursuant to subparagraph (B).

"(L) Sale of Settlement Common Stock in accordance with this paragraph shall not diminish a shareholder's status as an Alaska Native or descendant of a Native for the purpose of qualifying for those programs, benefits and services or other rights or privileges set out for the benefit of Alaska Natives and Native Americans. Proceeds from the sale of Settlement Common Stock shall not be excluded in determining eligibility for any needs-based programs that may be provided by Federal, State or local agencies.".

(b) CONFORMING AMENDMENT.—Section 8(c) of such Act (43 U.S.C. 1607(c)) is amended by striking "(h)" and inserting "(h) (other than paragraph (4))".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 3612, a bill introduced by the gentleman from Alaska to resolve certain land management issues that have arisen in the implementation of the Alaska Native Claims Settlement Act. We have included an amendment to the bill adding the provisions of H.R. 4665 to provide an option for Cook Inlet Region, Inc. to offer a stock purchase plan to its shareholders.

H.R. 3612 contains eight land management provisions that were developed in close cooperation with the Alaska Native community, Administration, State of Alaska and other parties in Alaska. While the legislation makes primarily minor or technical changes to existing statutes, its provisions are significant for the affected individuals and entities, especially Alaska Natives.

Section 9 of the bill incorporates the text of H.R. 4665 to allow Cook Inlet Region, Inc. [CIRI], by amendment of its articles of incorporation, to offer a plan to its shareholders to purchase and cancel settlement common stock in the corporation.

This legislation was requested by CIRI with the support of the Alaska Federation of Natives and received no objection by the administration or the State of Alaska. It applies only to CIRI and to no other native corporation.

When Congress passed the 1987 amendments to ANCSA, it set out in section 2(7), the policy of granting shareholders of each corporation certain options to structure the further implementation of ANCSA. In doing so, Congress is not expressing an opinion on the manner in which shareholders in any corporation choose to balance individual rights and group rights.

Congress, in this legislation, offers an additional stock purchase option to CIRI. In order to exercise this option, the Board of Directors must put the amendment before the shareholders and it must be approved by a majority vote—50 percent plus one of all outstanding stock. There is nothing in this legislation which requires the CIRI Board to exercise this option if it is approved by the shareholders.

The sale of stock by a shareholder to the corporation would be strictly voluntary and could not be compelled by any party under any circumstances. The decision by a shareholder to sell stock can only be made after a fair valuation of CIRI assets and through consideration of the implications of terminating participation in the lands claims settlement. If a native shareholder sells stock to the corporation, it would not affect in any way the native status of that individual. Proceeds from the sale of stock, however, would be considered as an asset for any needs-based program.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3612, a bill to amend the Alaska Native Claims Settlement Act. This bill is the result of a year and a half effort of the Alaska Federation of Natives [AFN], the State of Alaska, the administration, Chairman MILLER and the staff from both the majority and minority of the Natural Resources Committee.

I want to especially thank Julie Kitka and Nelson Angapak of AFN, Paul Kirton and Deborah Williams of the Interior Department, the State of Alaska, Mr. Miller and Committee staff for their efforts to bring forth a noncontroversial bill to amend the Alaska Native Claims Settlement Act.

H.R. 3612 makes a number of technical changes to the Alaska Native Claims Settlement Act of 1971 [ANCSA] and the Alaska National Interests Land Conservation Act [ANILCA]. This bill has nine provisions which would resolve some of the technical issues with regard to ANCSA and ANILCA not envisioned at time of passage. For instance, section 1 would ratify an agreement reached between the Cook Inlet Region, Incorporated and Caswell and Montana Creek Native Associations with regard to land conveyances.

Section 3 would direct the Secretary of Interior to submit a report, within 18 months of enactment, to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee, addressing the issue of hazardous substances on lands conveyed to native corporations.

Another would authorize such sums as may be necessary to provide technical assistance to Alaska Native Village Corporations to fulfill the requirements of 14(c) of ANCSA.

Section 6 would direct the Secretary of Interior, in consultation with the Secretary of Agriculture, to submit a

report to Congress within 6 months of enactment, of all those Vietnam era veterans who were eligible but did not receive an allotment under the Native Allotment Act of May 17, 1906 as such act was in effect before December 18, 1971. Mr. Speaker, I feel very strongly about this provision and hope that with this report, Congress will be able to enact additional legislation on behalf of these Alaska Native veterans affected and to allow them to apply for their native allotments. Many of these veterans were called to serve during the Vietnam war and I do not believe they should be penalized for fulfilling their patriotic duty. Many were unreachable, as you can well imagine, and could not submit an application for their native allotment. This section would start the process to correct a great injustice to my Alaska Native veterans.

H.R. 4665, as originally introduced, is now incorporated into this bill as section 9. This section would allow Cook Inlet Region, Incorporated [CIRI], by amendment to its articles of incorporation, to offer a plan to its shareholders to purchase and cancel settlement common stock in the corporation. This section was approved by CIRI after extensive survey of its shareholders. This section would authorize CIRI, and only CIRI, to purchase and cancel stock from its shareholders on a voluntary basis only.

Mr. Speaker, this bill is purely a noncontroversial technical bill which addresses some of the unresolved land issues which have arisen since the passage of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act. I introduced this bill on November 21, 1993, the Subcommittee on Oversight and Investigation held a hearing on September 22, 1994 and the Committee on Natural Resources favorably ordered the bill reported with amendments on September 27, 1994 by a voice vote. This bill is noncontroversial and I urge this body vote for passage of H.R. 3612, with one technical amendment at the desk. I thank the gentleman for the time to clarify some of the major provisions of this bill, and I urge its adoption.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 3612, as amended.

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

A motion to reconsider was laid on the table.

KENAI NATIVES ASSOCIATION EQUITY ACT OF 1994

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3613) entitled the "Kenai Natives Association Equity Act," as amended.

The Clerk read as follows:

H.R. 3613

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 "Kenai Natives Association Equity Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service and Kenai Natives Association, Inc. (KNA), have agreed to an exchange and acquisition program pursuant to Public Law 102–458, of lands and interests in lands in and near the Kenai National Wildlife Refuge (Refuge);

(2) this acquisition of and exchange of lands will significantly enhance the ability of the Service to conserve fish and wildlife populations and habitats, fulfill migratory bird treaties, ensure water quality and quantity, provide opportunities for environmental research and education, improve access to fish and wildlife oriented recreation, and further enhance the Refuge management objectives;

(3) the amount to be paid for the Swanson River Road West Tract, the sole issue upon which the Service and KNA could not agree, is established by Congress at $7,500,000; and

(4) it is in the public interest to complete this exchange, and to provide for the economic and beneficial use of lands conveyed to KNA in fulfillment of the purpose of the Alaska Native Claims Settlement Act of 1971, as amended (43 U.S.C. 1601 et seq.) (Settlement Act).

(b) PURPOSE.—The purpose of this Act is to authorize and direct the Secretary to complete an exchange and acquisition as provided by Public Law 102–458 of lands owned by KNA that will provide for and enhance the management opportunities and objectives of the Refuge, and assist KNA in achieving economic viability and use of its retained lands in furtherance of the Settlement Act.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) "ANILCA" means the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.);

(2) "conservation system unit" has the same meaning as in ANILCA;

(3) "KNA" means the Kenai Natives Association, Inc., an urban corporation incorporated in the State of Alaska pursuant to the terms of the Settlement Act;

(4) "lands" means both the surface and subsurface estates or any interest therein whenever both estates are owned by the United States or KNA, as applicable;

(5) "property" has the same meaning given such term by section 12(b)(7) of the Settlement Act;

(6) "refuge" means the Kenai National Wildlife Refuge;

(7) "Secretary" means the Secretary of the Interior;

(8) "Service" means the United States Fish and Wildlife Service; and

(9) "Settlement Act" means the Alaska Native Claims Settlement Act of 1971, as amended (43 U.S.C. 1601 et seq.).

SEC. 4. EXCHANGE AND ACQUISITION OF LANDS.

(a) EXCHANGE OF LANDS; ACQUISITION AND EQUALIZATION PAYMENT.—

(1) IN GENERAL.—No later than June 1, 1995, the Secretary shall offer to convey to KNA, in accordance with the provisions of the report to Congress issued pursuant to Public Law 102–458 and subject to the provisions of paragraph (3) and valid existing rights, approximately 1,831 acres of land, portions of the Federal subsurface estate underlying the same, and portions of the Federal subsurface estate underlying another 3,238 acres, all as identified in subsection (b)(2), in exchange for approximately 14,338 acres of KNA land, and the relinquishment by KNA of its unpatented selections and all entitlement to selections under the Settlement Act, consisting of approximately 1,207 acres, all located within the Refuge and identified in subsection (b)(1). The Secretary shall develop the offer required by this section in consultation with KNA.

(2) LIMITATION.—The Secretary may not convey any lands or make any payment to KNA under this section unless title to the lands to be conveyed by KNA in exchange for such lands and payments is in accordance with the Department of Justice standards for preparation of title evidence in land acquisitions by the United States.

(3) SOURCES OF FUNDS.—The Secretary shall utilize any combination of Land and Water Conservation Act of 1965 funds, funds otherwise appropriated by the Congress, Exxon Valdez Oil Spill settlement funds, and lands or other Federal property within the Secretary's jurisdiction as payment to KNA to equalize the values in the exchange.

(4) INTEREST.—If a bonafide offer required by this section is not made by June 1, 1995, interest on the value of the property and interests to be conveyed to KNA shall accrue beginning October 1, 1993.

(b) EXCHANGE AND ACQUISITION LANDS.—

(1) KNA LANDS TO BE ACQUIRED.—The lands or interests to be conveyed by KNA to the United States, all situated within the existing authorized boundary of the Refuge, and identified on the map titled "Kenai Natives Association, Inc. and United States Fish and Wildlife Service Negotiated Exchange/Acquisition Package," dated October 1993, on file and available for inspection in the Office of the Secretary, generally include, subject to reservations of existing road easements—

(A) approximately 803 acres located along the Kenai River, known as the Stephanka Tract;

(B) approximately 1,243 acres located along the Moose River, known as the Moose River Patented Lands Tract;

(C) approximately 2,120 acres located along Marathon Road, known as the Beaver Creek Tract;

(D) approximately 10,172 acres located along the Swanson River Road and the Sunken Island Lake Road, known as the Swanson River Road West Tract;

(E) all of the remaining KNA selections under the Settlement Act, consisting of approximately 1,207 acres, are hereby relinquished and all remaining entitlement of KNA is hereby extinguished; and

(F) an easement for access to and use of less than one acre of land, located in the NE¼ NE¼ of section 24, T.6N., R.9W., Seward Meridian, within the Swanson River Road East Tract, for so long as the site is used by the Service as a radio communications repeater site.

(2) LANDS TO BE EXCHANGED.—The lands or interests to be conveyed by the United States to KNA, and identified (except for the parcel identified in subparagraph (A)) on the map titled "Kenai Natives Association, Inc. and United States Fish and Wildlife Service Negotiated Exchange/Acquisition package," dated October 1993, on file and available for inspection in the Office of the Secretary, generally include, subject to reservations of existing road easements—

(A) approximately five acres, located within the city of Kenai, Alaska, identified as United

States Survey 1435, and known as the old Fish and Wildlife Service Headquarters site;

(B) approximately 1,826 acres located along the Swanson River Road, known as the Swanson River Road East Tract; and

(C) the subsurface estate (less oil, coal, and gas) to approximately 5,064 acres, including approximately 1,826 acres underlying the Swanson River Road East Tract and approximately 3,238 adjacent acres underlying lands previously patented to KNA which are located east of the Swanson River Road.

(3) ACQUISITION AUTHORITY.—The lands identified for acquisition by the United States, specifically identified on the maps referenced in subsection (c) as the Stephanka Tract, the Beaver Creek Tract, and the Moose River Patented Lands Tract, collectively referred to as the "Kenai River Project", may be acquired by the United States pursuant to the Land and Water Conservation Fund Act of 1965.

(4) NATIONAL REGISTER OF HISTORIC PLACES.—Upon completion of the exchange authorized in subsection (a), the Secretary shall promptly undertake to nominate the Stephanka Tract to the National Register of Historic Places, in recognition of the archeological artifacts from the original Kenaitze Indian settlement.

(5) VALUATIONS.—This exchange and acquisition shall be accomplished utilizing the valuations established in the report to Congress issued pursuant to Public Law 102-458, with the exception of the Swanson River Road West Tract which value is established at $7,500,000.

(c) GENERAL PROVISIONS.—

(1) REMOVAL OF RESTRICTIONS.—(A) Those lands retained by KNA, and those parcels within the Refuge, including designated wilderness, conveyed to KNA pursuant to the terms of this Act, shall be removed in their entirety from inclusion within the boundaries of the Refuge by operation of this Act. Such removal from the boundaries of the Refuge shall terminate any application of Federal management and patent restrictions applicable to lands within the Refuge for which conveyance was made pursuant to the terms of the Settlement Act or any other law or regulation applicable solely to Federal lands.

(B) The Secretary shall execute and file such instruments as are necessary to convey lands and remove the restrictions referred to in this section at the time of the conveyances provided in subsection (a)(1).

(C) Any lands KNA shall receive from the United States pursuant to this Act shall be deemed to have been conveyed pursuant to the Settlement Act.

(2) MAPS AND LEGAL DESCRIPTIONS.—The maps described in this section and a legal description of the lands depicted on the maps shall be on file and available for public inspection in the appropriate offices of the United States Department of the Interior. Not later than 120 days after the day of enactment of this Act, the Secretary shall prepare a legal description of the lands depicted on the maps referred to in this section. Such maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(3) ACCEPTANCE.—KNA may accept the offer made pursuant to subsection (a) by notifying the Secretary in writing of its decision within 120 days of receipt of the offer. In the event the offer is rejected, the Secretary shall submit a report to Congress describing the reasons why agreement was not reached.

(4) FINAL MAPS.—Not later than 120 days after the conclusion of the exchange authorized by subsection (a), the Secretary shall transmit a final report and maps accurately depicting the lands transferred and conveyed pursuant to this Act and the acreage and legal descriptions of such lands to the Committee on Natural Resources and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

SEC. 5. ADJUSTMENTS TO NATIONAL WILDLIFE REFUGE SYSTEM.

(a) ADDITION TO THE KENAI NATIONAL WILDLIFE REFUGE.—The Secretary shall add the lands conveyed to the United States pursuant to subsection (a)(1) to the Refuge. The Secretary shall manage such lands in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and ANILCA.

(b) KENAI NATIONAL WILDLIFE REFUGE BOUNDARY ADJUSTMENT.—The boundaries of the Refuge as set forth in section 303(4)(A) of ANILCA are hereby adjusted to include those lands generally depicted on the map described in section 4(c)(4) entitled "Proposed Boundary Extension", dated October 1993.

(c) ADDITION TO WILDERNESS AREA.—Upon acquisition of lands by the United States pursuant to section 4(a)(1), that portion of the Stephanka Tract lying south and west of the Kenai River, consisting of approximately 592 acres and as generally depicted as "To be included in wilderness" on the map referenced in section 4(b)(1), shall be included in and managed as part of the Kenai Wilderness. Upon their inclusion into the Kenai Wilderness, such lands shall be managed in accordance with the applicable provisions of the Wilderness Act and ANILCA.

(d) REMOVAL OF CONVEYED LANDS FROM WILDERNESS AREA.—Upon conveyance to KNA of those lands under section 4(b)(2), a portion of which is currently designated wilderness, consisting of approximately 623.5 acres and identified as "To be removed from wilderness" on the map referenced in section 4(b)(2), such lands are removed from the Kenai Wilderness and the National Wilderness Preservation System.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 7. LIMITATION ON APPLICATION OF REQUIREMENT FOR ACQUISITIONS BY UNITED STATES UNDER MIGRATORY BIRD CONSERVATION ACT.

Section 7 of the Migratory Bird Conservation Act (16 U.S.C. 715f) is amended by inserting "in fee" after "conveyance".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 3613, the Kenai Natives Association Equity Act, which was sponsored by the gentleman from Alaska.

H.R. 3613, as amended by the committee, authorizes and directs the Secretary of the Interior to complete an exchange and acquisition as provided by Public Law 102-458 that will both enhance the management objectives of the Kenai Wildlife Refuge and assist the Kenai Natives Association in use of its retained lands.

KNA is an urban corporation created pursuant to the Alaska Native Claims Settlement Act [ANCSA] which was enacted in 1971 to settle the aboriginal land claims of Alaska Natives. KNA was entitled under ANCSA to receive 23,040 acres of land, most of which had to be selected from within the boundaries of the Kenai National Wildlife Refuge subject to a development restriction under section 22(g) of ANCSA. KNA, unlike most ANCSA corporations, received no cash payment under ANCSA.

This exchange strikes a reasonable balance between the property and economic interests of KNA and the public interest in enhancing the fish and wildlife values of the Kenai Wildlife Refuge. It addresses a unique situation faced by one of four urban corporations in Alaska and is not intended to set a precedent in the resolution of 22(g) issues faced by other ANCSA corporation.

Under the terms of the exchange, the USFWS would receive 15,545 acres of KNA lands within the Refuge and entitlements. The land returning to the Refuge contains high-value riparian habitat, wetlands and forested uplands and important Kenai River watersheds which support valuable sport and commercial fisheries. Upon completion of the exchange, the Secretary is directed to nominate one of the tracts to the National Register of Historic Places in recognition of the unique archaeological artifacts that remain from the orgial Kenaitze Indian settlement.

KNA would receive 1,826 acres of Refuge lands, a 5-acre site in the town of Kenai, known as the old USFWS headquarters site, and subsurface estate, less oil, gas and coal, to the 1,826 acres of Refuge lands and to 3,233 acres of surface DNA already owns within the refuge, subject to certain rights previously granted to Cook Inlet Region, Inc. All 5,064 acres owned by DNA would be removed from the Refuge and be available to KNA to develop for economic return to the corporation.

With adjustments and additional designations, the exchange results in a net gain of 330 wilderness acres within the Refuge.

The exchange has a difference in values of $10.9 million in favor of the USFWS. To fund the exchange, H.R. 3613 provides for an equalization payment be paid to KNA by the Secretary from any combination of funds from the Land and Water Conservation Fund or other funds appropriated by Congress, Exxon *Valdez* oil spill settlement funds, and lands or other Federal property within the Secretary's jurisdiction.

The Committee intends that the Exxon *Valdez* Oil Spill Trustee Council give serious consideration to funding the acquisition of the KNA lands as part of the effort to restore and protect important Kenai River watershed habitat. The Kenai Peninsula was one of three major areas affected by the

Exxon *Valdez* oil spill and the KNA lands would make an ideal restoration in this area.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3613, and again thank the chairman of the full committee and the chairman of the subcommittee.

Mr. Speaker, I rise in strong support of H.R. 3613, the Kenai Natives Association Equity Act. The Kenai Natives Association [KNA] was one of four urban corporations formed pursuant to the Alaska Native Claims Settlement Act of 1971 [ANCSA]. As an ANCSA corporation, KNA was entitled to receive 23,040 acres of land, most of which had to be selected within the Kenai National Wildlife Refuge. The land selected within the refuge had a development restriction under section 22(g) of ANCSA.

Since 1982, KNA has sought to exchange the property within the boundaries of this refuge with the U.S. Fish and Wildlife. With the 22(g) development restriction on this property, KNA could not provide any economic opportunities for its shareholders.

Public Law 102-458, which was enacted last Congress, directed the Secretary of Interior to enter into accelerated negotiations with KNA and CIRI and submit to Congress within 6 months a settlement proposal that included land acquisitions or exchanges. Since that time, KNA has reached a tentative exchange agreement with the U.S. Fish and Wildlife on lands within this refuge. I believe that the Kenai Natives have waited long enough for ratification of the agreement reached, and believe they deserve to have this behind them. This Act will authorize and direct the Secretary to complete an exchange and acquisition of lands owned by KNA. I thank the gentleman for the time to explain this bill and I urge its adoption.

Mr. STUDDS. Mr. Speaker, H.R. 3613, the Kenai Natives Association Equity Act, promises to bring long overdue resolution to the interests of the Kenai Natives Association [KNA] in Alaska. This settlement is the product of several years of negotiation between the U.S. Fish and Wildlife Service and the Kenai Natives and is in keeping with the intent of the Alaska Native Claims Settlement Act of 1971.

Specifically, H.R. 3613 directs the Fish and Wildlife Service to acquire 14,300 acres from the KNA for inclusion in the Kenai National Wildlife Refuge, in exchange for conveying to the KNA 1,800 acres of federally owned land and an equalization payment of $7.5 million. In so doing, the land exchange will not only improve the economic viability of the Kenai Natives, but will also enhance the management and protection of fish and wildlife populations and habitat in the Kenai Refuge.

Mr. Speaker, this legislation has been reviewed by both the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources. I encourage my colleagues to support the gentleman from Alaska, Mr. YOUNG, in his efforts to bring this matter to a mutually beneficial resolution.

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

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

The SPEAKER pro tempore (Mr. INSLEE). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3613, as amended.

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

A motion to reconsider was laid on the table.

EXCHANGE OF LANDS WITHIN GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4746) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4746

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

TITLE I—ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1994".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The village of Anaktuvuk Pass, located in the highlands of the central Brooks Range, is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk Pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources.

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

SEC. 103. RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—The terms, conditions, procedures, covenants, reservations and other provisions set forth in the document entitled "Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America" (hereinafter referred to in this title as "the Agreement"), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(2) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(b) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled "Land Exchange actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 185/80,039 shall be controlling.

SEC. 104. NATIONAL PARK SYSTEM WILDERNESS.

(a) REDESIGNATION.—Section 701(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres as wilderness and the rescission of approximately 73,993 acres as wilderness, thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

(b) MAPS.—The lands redesignated in subsection (a) are depicted on a map entitled "Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

SEC. 105. NATIONAL PARK SYSTEM WILDERNESS.

(a) REDESIGNATION.—Section 201(8)(a) of the Alaska National Interest Land Conservation Act is amended by—

(1) striking "approximately six million four hundred and sixty thousand acres" and

inserting in lieu thereof "approximately 6,477,168 acres"; and

(2) inserting "and the map entitled 'Noatak National Preserve and Noatak Wilderness Addition' dated September 1994" after "July 1980".

(b) SECTION 701.—Section 701(7) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132) is amended by striking "approximately five million eight hundred thousand acres" and inserting in lieu thereof "approximately 5,817,168 acres".

SEC. 106. CONFORMANCE WITH OTHER LAW.

(a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All of the lands, or interests therein, conveyed to and received by Arctic Slope Regional Corporation or Nunamiut Corporation pursuant to the Agreement shall be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)). All of the lands or interests in lands conveyed pursuant to the Agreement shall be conveyed subject to valid existing rights.

(b) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this title or the Agreement, nothing in this title or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.).

TITLE II—WASHINGTON SQUARE

SEC. 201. RESTORATION OF WASHINGTON SQUARE.

(a) RESTORATION.—The Secretary of the Interior (acting through the Director of the National Park Service) is authorized to provide a grant to the City of Philadelphia to undertake the restoration of the area known as Washington Square, as depicted on the map numbered 391-80,016 and dated September 1994. Such grant may not be used to fund more than 66.6 percent of the costs of such restoration. The grant shall be conditioned on the conduct of such restoration in accordance with such standards as may be established by the Secretary in order to facilitate the inclusion of the square in Independence National Historical Park pursuant to section 202 of this title. Such standards shall provide for the use of the most cost-efficient design and materials that are both consistent with the historical values of the square and suitable for inclusion in Independence National Historical Park. The grant shall also be conditioned upon the entrance by the city into a memorandum of agreement (hereinafter in this title referred to as the "memorandum") with the Secretary with respect to the long-term lease and administration of the square. The terms and conditions of such memorandum of agreement shall be consistent with the terms and conditions of the document entitled "Memorandum of Agreement of July 14, 1950 Between the Department of the Interior and the City of Philadelphia Relating to the Establishment of the Independence National Historical Park at Philadelphia, Pennsylvania" (hereinafter in this title referred to as the "Memorandum of 1950").

(b) OFFSET OF FUNDING.—Any Federal funds, other than those authorized to be appropriated under this title, that are appropriated for the purpose of restoring Washington Square (as depicted on the map referred to in subsection (a)) shall be used to offset any funds made available to the National Park Service pursuant to this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the purposes of this section not more than $2,600,000.

SEC. 202. INCLUSION WITHIN INDEPENDENCE NATIONAL HISTORICAL PARK.

Upon completion of the restoration, pursuant to section 201, of Washington Square (as depicted on the map referred to in section 201), the Secretary of the Interior is authorized to do any of the following:

(1) Enter into a lease agreement with the city of Philadelphia for the lease of such area to the National Park Service under terms that are included in the memorandum and are commensurate with terms contained in the Memorandum of 1950.

(2) Acquire such area, or an interest in the area, by donation.

(3) Modify the boundaries of Independence National Historical Park to include such area within such boundaries.

(4) Provide for the administration of such area as part of such Park.

SEC. 203. ROLE OF CITY OF PHILADELPHIA.

In accordance with the terms set forth in the Memorandum of Understanding signed by the Department of the Interior, the city of Philadelphia, and the Fairmount Park Commission and dated November 25, 1991, and as a condition of receiving the grant referred to in section 201(a), the city of Philadelphia shall provide, without cost to the Federal Government, services for Washington Square (as depicted on the map referred to in section 201) with respect to electricity, natural gas, water and sewer, curbside garbage collection of bagged trash or receipt of hauled trash at a city collection point, and police services comparable to those provided in the surrounding community.

TITLE III—WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Walnut Canyon National Monument Boundary Modification Act of 1994".

SEC. 302. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinaguan culture of northern Arizona.

(2) Major cultural resources associated with the purposes of Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest. These concentrations of cultural resources, often referred to as "forts", would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this title is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this title referred to as the "national monument") to improve management of the national monument and associated resources.

SEC. 303. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona", numbered 360/80,011, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 304. ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this title) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under section 303 is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

SEC. 305. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this title and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this title.

TITLE IV—NORTH FORK PAYETTE RIVER

SEC. 401. PROTECTION OF THE NORTH FORK PAYETTE RIVER.

In order to protect for present and future generations the outstanding scenic, natural, and recreational values of the North Fork of the Payette River between Cabarton Bridge and Banks in the State of Idaho, the protections afforded by section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) for rivers designated under section 3(a) of that Act shall apply to the 25-mile segment of such river downstream of Cabarton Bridge and upstream of the confluence of the river with the South Fork of the Payette at Banks.

SEC. 402. EFFECTIVE DATE.

The provisions of this title shall remain in effect so long as there remain in effect the laws of the State of Idaho that as of the date of enactment of this Act prohibited development of hydroelectric projects (including dams, water conduits, reservoirs, powerhouses and other project works) and other water resource projects on or directly affecting the segment of the North Fork of the Payette River identified in section 401 of this title.

TITLE V—LOWER SALMON RIVER

SEC. 501. SHORT TITLE.

This title may be cited as the "Lower Salmon River Recreational and Scenic Rivers Act of 1994".

SEC. 502. RECREATIONAL AND SCENIC RIVER DESIGNATIONS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) LOWER SALMON RIVER, IDAHO.—(A)(i) The 23.7 mile segment from Long Tom Bar in the southeast quarter of section 31, township 25 north, range 5 east to the line between range 1 east and range 2 east, to be administered by the Secretaries of Agriculture and the Interior as a recreational river.

"(ii) The 35.3 mile segment from the line between range 1 east and range 2 east to the mouth of Hammer Creek in the southwest quarter of section 15, township 28 north, range 1 east, to be administered by the Secretary of the Interior as a recreational river.

"(iii) The 53 mile segment from Hammer Creek to the confluence of the Snake River, to be administered by the Secretary of the Interior as a scenic river.

"(B) Notwithstanding subsection (b), the boundaries of the public lands of the segments described in subparagraph (A) shall be the boundaries of the public lands withdrawn by the Secretary of the Interior through Public Land Order 6629, effective November 13, 1986, and Public Land Order 6670, effective April 1, 1988, and for those lands not included in Public Land Orders 6629 and 6670, the boundaries shall be the legal subdivision line nearest one-quarter mile from the mean high water line of the river.".

(b) LIMITATION.—Nothing in this title, or in the amendment to the Wild and Scenic Rivers Act made by this title, shall be construed as authorizing any acquisition of any scenic easement that without the consent of the landowner would affect any regular use of relevant lands that was exercised prior to the acquisition of such easement. Nothing in this title, or in the amendments to the Wild and Scenic Rivers Act made by this title, shall affect any existing use of the Lower Salmon River, provided that such use occurs at levels consistent with the resource management plan.

SEC. 503. PERMANENT WITHDRAWAL.

The withdrawals made by the Secretary of the Interior through Public Land Order 6629, effective November 13, 1986, and Public Land Order 6670, effective April 1, 1988, are made permanent.

SEC. 504. STUDY OF ROCK CREEK

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C.1271 and following) is amended by adding the following at the end thereof:

"( ) ROCK CREEK, MONTANA.—The segment downstream from its headwaters to its confluence with the Clark Fork, including its tributaries.".

TITLE VI—TARGHEE NATIONAL FOREST EXCHANGE

SEC. 601. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled "An Act to Consolidate National Forest Lands", approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in section 602(a) in exchange for the non-Federal lands described in section 602(b) in accordance with the provisions of this title.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this title, the land exchange required in this title shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

SEC. 602. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) FEDERAL LANDS.—The Federal lands referred to in this title are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled "Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land", dated September 1994, and are known as the North Fork Tract.

(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this title are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled "Non-Federal Land, Targhee Exchange, Idaho-Wyoming—Proposed", dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Supervisor of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

SEC. 603. EQUALIZATION OF VALUES.

Before the occurrence of the exchange authorized by section 601, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be adjacent to the lands identified on the map referred to in section 602(a).

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

SEC. 604. ACQUISITION OF SQUIRREL MEADOWS TRACT.

The Secretary shall seek to acquire any portion of the non-Federal lands that is not acquired under this title.

SEC. 605. DEFINITIONS.

For purposes of this title:

(1) The term "Federal lands" means the Federal lands described in section 602(a).

(2) The term "non-Federal lands" means the non-Federal lands described in section 602(b).

(3) The term "Secretary" means the Secretary of Agriculture.

TITLE VII—TRANSFER TO TAOS PUEBLE

SEC. 701. LAND TRANSFER.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) COMPLETION OF TRANSFER.—The Congress finds and declares that the lands to be held in trust and to become part of the Pueblo de Taos Reservation under this section complete the transfer effected by section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

TITLE VIII—WOMENS RIGHTS NATIONAL HISTORICAL PARK

SEC. 801. INCLUSION OF ADDITIONAL PROPERTIES.

Section 1601(c) of the Act of December 28, 1980 (16 U.S.C. 410 ll) is amended as follows:

(1) Strike "initially".

(2) Strike "and" at the end of paragraph (8).

(3) Strike the period at the end of paragraph (9) and insert a semicolon.

(4) Add the following at the end thereof:

"(10) not to exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;

"(11) dwelling, 1 Seneca Street, Seneca Falls;

"(12) dwelling, 10 Seneca Street, Seneca Falls;

"(13) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and

"(14) dwelling, 12 East Williams Street, Waterloo.".

SEC. 802. MISCELLANEOUS AMENDMENTS TO 1980 ACT.

Section 1601 of the Act of December 28, 1980 (16 U.S.C. 410 ll) is amended as follows:

(1) Insert "(1)" after "(i)" in subsection (i) and add at the end of such subsection (i) the following new paragraph:

"(2) In addition to those sums previously appropriated for land acquisition and development, there is hereby authorized to be appropriated for fiscal years after September 30, 1994, $2,000,000.".

(2) In subsection (c) delete paragraph (7) and renumber the remaining paragraphs accordingly.

TITLE IX—DAYTON AVIATION HERITAGE

Subtitle A—DAYTON AVIATION HERITAGE AMENDMENTS

SEC. 901. DAYTON AVIATION HERITAGE AMENDMENTS.

Section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-21(b)), is amended as follows:

(1) In paragraph (2), by striking "from recommendations" and inserting "after consideration of recommendations".

(2) In paragraph (4), by striking "from recommendations" and inserting "after consideration of recommendations".

(3) In paragraph (5), by striking "from recommendations" and inserting "after consideration of recommendations".

(4) In paragraph (6), by striking "from recommendations" and inserting "after consideration of recommendations".

(5) In paragraph (7), by striking "from recommendations" and inserting "after consideration of recommendations".

Subtitle B—MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS

SEC 911. SHORT TITLE.

This title may be cited as the "Manassas National Battlefield Park Amendments of 1994".

SEC. 912. ORDERLY RESOLUTION.

Subsection (b)(2)(C) of the first section of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties

relating to the battles of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b(b)(2)(C)), is amended by adding at the end the following new sentence: "If, pursuant to this paragraph, the United States takes property that is used for public utility purposes (including taking a property right by terminating an easement), the owner of the property or the grantee of the easement may, not later than 3 years after the date of the enactment of the Manassas National Battlefield Park Amendments of 1994, initiate a proceeding in a court of competent jurisdiction seeking a determination of just compensation with respect to the taking of the property.".

TITLE X—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Pennsylvania Avenue Development Corporation Reauthorization Act of 1994".

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

Section 17(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 885(a)) is amended by adding at the end the following new sentence: "There are further authorized to be appropriated for operating and administrative expenses of the Corporation $2,738,000 for fiscal year 1995.".

SEC. 1003. DISSOLUTION AND SUCCESSION PLAN.

(a) SUBMISSION OF PLAN.—The Board of Directors of the Pennsylvania Avenue Development Corporation shall prepare and submit to the Congress, not later than March 31, 1995, a dissolution and succession plan that provides for the timely dissolution of the Corporation and an orderly transition to such dissolution. The plan shall—

(1) set forth a proposed plan under which an existing Federal agency or agencies could meet all ongoing Federal responsibilities relating to the development plan referred to in section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874);

(2) detail the incremental steps that will accomplish the dissolution of the Corporation; and

(3) specifically address the requirements of the Federal Triangle property (as defined in section 10(5) of the Federal Triangle Development Act (40 U.S.C. 1109(5))) and describe means that will ensure appropriate construction at and post-construction development of the property.

(b) FAILURE TO SUBMIT PLAN.—If the Board of Directors of the Pennsylvania Avenue Development Corporation does not submit the dissolution and succession plan required by subsection (a) to the Congress on or before March 31, 1995, the Corporation may not obligate or expend, after March 31, 1995, funds appropriated for fiscal year 1995 under section 17(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 885(a)).

(c) APPLICATION NOTWITHSTANDING SECTION 3(b) OF PADC ACT OF 1972.—This section shall apply notwithstanding section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)).

TITLE XI—NEW BEDFORD WHALING NATIONAL HISTORICAL PARK

SEC. 1101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 1103(b) of this title, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret the resources within the areas described in section 1103(b) of this title, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this title; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

SEC. 1102. DEFINITIONS.

For the purposes of this title:

(1) The term "park" means the New Bedford Whaling National Historical Park established by section 1103.

(2) The term "Secretary" means the Secretary of the Interior.

SEC. 1103. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts, structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR-P49-80000-4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and the map referred to in this subsection, the map shall govern.

(2) In addition to the sites, areas and relics referred to in paragraph (1), the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront Park, immediately south of land adjacent to the State Pier.

(C) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

SEC. 1104. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this title and the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Funds authorized to be appropriated to the Secretary for the purposes of this subsection shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this title, any money so contributed. With the approval of the Secretary, any donation of land, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(3) Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) LIMITATION ON FUNDS.—Funds authorized to be appropriated to the Secretary for operation and maintenance of the schooner Ernestina may not exceed 50 percent of the total costs of such operation and maintenance and may not exceed $300,000 annually.

(d) ACQUISITION OF REAL PROPERTY.—The Secretary may acquire, for the purposes of the park, by donation, exchange, lease or purchase with donated or appropriated funds, lands, interests in lands, and improvements thereon within the park except that (1) lands, and interests in lands, within the boundaries of the park which are owned by the State of Massachusetts or any political subdivision thereof, may be acquired only by donation, and (2) lands, and interests in lands, within the boundaries of the park which are not owned by the State of Massachusetts or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated

funds, property, and services to carry out this title.

SEC. 1105. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)) and other applicable law.

SEC. 1106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, but not more than $10,400,000 is authorized to be appropriated for construction, acquisition, restoration, and rehabilitation of visitor and interpretative facilities.

TITLE XII—QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

SEC. 1201. SHORT TITLE.

This title may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994".

SEC. 1202. FINDINGS.

Congress finds that:

(1) The Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreage of parks and other permanent open space.

(2) The State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other northeastern States in the amount of land set-aside for public recreation.

(3) The beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States.

(4) The Quinebaug and Shetucket Rivers Valley is within a 2-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter "closer-to-home" vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant population.

(5) The existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution.

(6) The Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States.

(7) The Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the northeastern United States.

(8) The Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period. Leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence.

(9) Many local, regional and State agencies, businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 1203. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this title to provide a management framework to assist the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley in the State of Connecticut.

SEC. 1204. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The Boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this title, the Secretary of the Interior shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this title.

SEC. 1205. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established within the Department of the Interior the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission (referred to in this title as the "Commission"). The Commission shall assist appropriate Federal, State, regional planning organizations, and local authorities in the development and implementation of an integrated resource management plan for the lands and water as specified in section 1203.

(b) MEMBERSHIP.—The Commission shall be comprised of 19 members appointed not later than 6 months after the date of enactment of this title as follows:

(1) The Director of the National Park Service ex officio (or his delegate).

(2) 3 individuals appointed by the Secretary after consultation with the governor, who shall represent the interests of—

(A) the Connecticut Department of Environmental Protection,

(B) the Connecticut Historical Commission, and

(C) the Connecticut Department of Economic Development;

(3) 6 individuals representing the interests of local government or regional planning organizations from Connecticut appointed by the Secretary after consultation with the Governor, of whom, 3 shall be representatives of the 3 regional planning organizations within the Corridor region and 3 shall be local elected officials from the region; and

(4) 9 individuals from the general public, who are citizens of the State of Connecticut, appointed by the Secretary, after consultation with the Governor, representing conservation, business, tourism, and recreational interests.

A vacancy in the Commission shall be filled in the manner in which the original appointments were made.

(c) TERMS.—(1) Members of the Commission shall be appointed for terms of 3 years and may be reappointed.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United State Code.

(e) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

(f) QUORUM.—(1) 8 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairperson or 10 of its members. Meetings of the Commission shall be subject to section 552(b) of title 5, United States Code (relating to open meetings).

(h) PROXY.—Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

SEC. 1206. STAFF OF THE COMMISSION.

(a) IN GENERAL.—(1) The Commission shall have the power to appoint and fix compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the service of personnel detailed from the State, any political subdivision and regional planning organizations, and may reimburse the State, political subdivision, and regional planning organizations for those services.

SEC. 1207. POWERS OF COMMISSION.

(a) HEARINGS.—(1) The Commission may, for the purposes of carrying out this title, hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and other agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source: Provided, That such gifts are used for public purposes.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property or interest in real property in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money that was given, appropriated, or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interest in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land management agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Connecticut, with any political subdivision, or with any person or organization. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, such political subdivision, or such person which may affect implementation of the plan referred to in section 1208.

SEC. 1208. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—Within 2 years after the Commission conducts its first meeting, it shall submit to the Secretary of the Interior and the Governor of Connecticut for review and approval of Cultural Heritage and Corridor Management Plan. The Plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a unified historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural or recreational significance;

(2) recommend advisory standards and criteria applicable to the construction, preservation, restoration, alteration, and use of all properties within the Corridor;

(3) develop an historic interpretation plan to interpret the history of the Corridor;

(4) develop an inventory which includes existing and potential recreational sites which are developed or which could be developed along the Quinebaug and Shetucket Rivers and their surrounding areas;

(5) recommend policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of inter-governmental cooperative agreements to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(6) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(7) contain a program for implementation of the Plan by the State and its political subdivisions.

(b) IMPLEMENTATION OF PLAN.—After review and approval of the Plan by the Secretary and the Governor as provided in subsection (a), the Commission shall implement the Plan by taking appropriate steps to preserve and interpret the historic resources, develop the recreational resources of the Corridor and its surrounding area, and to support public and private efforts in economic revitalization, consistent with the goals of the Plan. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in establishing, and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and nonprofit organizations in the restoration of any historic building in the Corridor;

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the Plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the Plan, and to ensure appropriate use of lands and structures throughout the Corridor; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 1209. TERMINATION OF COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring 5 years after the date of enactment of this title.

(b) EXTENSION.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination referred to in subsection (a) if, not later than 180 days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purposes of this title;

(2) the Commission submits such proposed extension to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate; and

(3) the Secretary, in consultation with the Governor of Connecticut, approves such extension.

SEC. 12010. DUTIES OF THE SECRETARY.

(a) APPROVAL OF PLAN.—The Secretary of the Interior, in consultation with the Governor of Connecticut, shall approve or disapprove a Plan submitted under this title by the Commission not later than 60 days after receiving such Plan. The Secretary, in consultation with the Governor, shall approve a Plan submitted if—

(1) they find the Plan, if implemented, would adequately protect significant historical and cultural resources of the Corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor;

(2) they determine that the Commission held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the Plan; and

(3) the Secretary receives adequate assurances from appropriate State officials that the recommended implementation program identified in the Plan will be initiated within a reasonable time after date of approval of the Plan, and that such implementation program will ensure effective implementation of the State and local aspects of the Plan.

(b) DISAPPROVAL OF PLAN.—If the Secretary disapproves a Plan submitted to him by the Commission, he shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the Plan. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted to him.

(c) ASSISTANCE.—The Secretary of the Interior shall, upon request of the Commission, assist the Commission in the preparation and implementation of Plan.

SEC. 12011. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission with respect to such activities and, to the maximum extent practicable, coordinate such activities; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the Corridor.

SEC. 12012. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There is authorized to be appropriated $200,000 for fiscal year 1994 and 250,000 annually to the Commission to carry out its duties under this title except that the Federal contributions to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

(b) SECRETARY.—There are authorized to be appropriated annually to the Secretary such sums as may be necessary to carry out his duties under this title.

SEC. 12013. DEFINITIONS.

For purposes of this title—

(1) The term "Commission" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission established under section 1205.

(2) The term "State" means the State of Connecticut.

(3) The term "Corridor" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor established under section 1203.

(4) The term "Plan" means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 1208.

(5) The term "Governor" means the Governor of the State of Connecticut.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "regional planning organization" means each of the 3 regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeast Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

TITLE XIII—GREAT FALLS PRESERVATION AND REDEVELOPMENT.

SEC. 1301. SHORT TITLE.

This title may be cited as the "Great Falls Preservation and Redevelopment Act of 1994".

SEC. 1302. FINDINGS.

The Congress finds that—

(1) the Great Falls Historic District in the State of New Jersey is an area of historical significance as an early site of planned industrial development, and has remained largely intact, including architecturally significant structures;

(2) the Great Falls Historic District is listed on the National Register of Historic Places and has been designated a National Historic Landmark;

(3) the Great Falls Historic District is within a half hour drive of New York City, and within two hours of Philadelphia, Hartford, New Haven, and Wilmington;

(4) the District was originally established by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and

(5) the Great Falls Historic District has been the subject of a number of studies which have shown that the District possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

SEC. 1303. PURPOSE.

The purpose of this title is to preserve and interpret for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands, waterways and edifices of the Great Falls Historic District with emphasis on harnessing this unique urban environment for its educational and recreational value, as well as to enhance economic and cultural redevelopment within the District.

SEC. 1304. GREAT FALLS HISTORIC DISTRICT.

(a) ESTABLISHMENT.—There is hereby established in the city of Paterson in the county of Passaic in the State of New Jersey the Great Falls Historic District.

(b) BOUNDARIES.—The boundaries of the District shall be the boundaries as specified for the Great Falls Historic District listed on the National Register of Historic Places.

SEC. 1305. ADMINISTRATION.

(a) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements in accordance with this title. In expending moneys appropriated pursuant to this title, the Secretary may make grants to and enter into cooperative agreements with State or local government agencies or nonprofit entities for each of the following:

(1) The preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District. The plan shall include each of the following:

(A) An evaluation of—

(i) the existing condition of historic and architectural resources; and

(ii) the environmental and flood hazard conditions within the District.

(B) Recommendations for—

(i) rehabilitating, reconstructing, and adaptively reusing such historic and architectural resources;

(ii) preserving viewsheds, focal points, and streetscapes;

(iii) establishing gateways to the District;

(iv) establishing and maintaining parks and public spaces;

(v) restoring, improving, and developing raceways and adjacent areas;

(vi) developing public parking areas;

(vii) improving pedestrian and vehicular circulation within the District;

(viii) improving security within the District, with an emphasis on preserving historically significant structures from arson; and

(ix) establishing a visitor's center.

(2) Implementation of projects approved by the Secretary pursuant to the Plan.

(b) RESTORATION, MAINTENANCE, AND INTERPRETATION.—The Secretary may enter into cooperative agreements with the owners of properties within the District of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(c) CAPITAL PROJECTS.—(1) Application for funds for capital projects and improvements under this title shall be submitted to the Secretary and shall include a description of how the project proposed to be funded will further the purposes of the District.

(2) In making such funds available, the Secretary shall give consideration to projects which provide a greater leverage of Federal funds. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 1306. DEFINITIONS.

As used in this title—

(1) The term "District" means the Great Falls Historic District established by section 1304.

(2) The term "Secretary" means the Secretary of the Interior.

SEC. 1307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title not more than—

(1) $3,000,000 for capital projects;

(2) $250,000 for planning; and

(3) $50,000 for technical assistance.

Funds made available pursuant to paragraphs (1) and (2) shall not exceed 50 percent of the total costs of the project to be funded. The authority to expend funds under this title shall expire 5 years from the date of enactment.

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

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4746, as amended, combines several measures reported by the Committee on Natural Resources, including some that have already passed the House.

Title 1 deals with the gates of the Arctic National Park and Preserve, in Alaska. It is identical to H.R. 4746 as favorably reported by the Committee on Natural Resources, and is based on an administration legislative proposal.

The provisions of title 2 are the same as those reported by the committee in H.R. 4642, dealing with the restoration of Washington Square, in Philadelphia, and for its inclusion within Independence National Historical Park.

Title 3 is identical to H.R. 4697, a bill introduced by the gentlewoman from Arizona [Ms. ENGLISH], as reported by the Committee on Natural Resources. It would add certain lands to the Walnut Canyon National Monument, in Arizona.

Title 4 is identical to H.R. 233, introduced by the gentleman from Idaho [Mr. LAROCCO], as reported by the committee. It would provide Federal protection for a portion of the North Fork of the Payette River, in Idaho, to supplement the protection provided under State law.

Title 5 is identical to H.R. 4083, also introduced by Mr. LAROCCO, as reporter by the committee. It would designate three segments of the Lower Salmon River, in Idaho, for inclusion in the National Wild and Scenic Rivers System, and would provide for A study of Rock Creek, in Montana, for possible future designation. The Rock Creek provision was added in committee by an amendment offered by the gentleman from Montana [Mr. WILLIAMS].

Title 6 is identical to H.R. 3554, by the gentleman from Idaho, [Mr. CRAPO], as reported by the committee. It would facilitate a land exchange involving lands in the Targhee National Forest.

Title 7 is identical to H.R. 3204, by the gentleman from New Mexico [Mr. RICHARDSON], as reported by the committee. It would provide for the transfer of certain national forest lands to the Taos Pueblo.

Title 8 contains provisions of H.R. 359, introduced by the gentlewoman from New York [Ms. Slaughter], as reported from the committee. It would authorize the addition of several properties to the Women's Rights National Historical Park.

Title 9 contains provisions of H.R. 3559, by the gentleman from Ohio, [Mr. HALL], as reported by the committee, which would clarify the power of the Secretary of the Interior regarding appointments to the Dayton Aviation Historical Park Advisory Commission. This title also includes provisions that would allow for a cost-effective and cooperative resolution of the last claim resulting from the 1988 legislative taking of land for Manasssa National Battlefield Park, in Virginia.

Title 10 is identical to H.R. 5096, as reported by the committee. It would extend for 1 year only the Pennsylvania Avenue Development Corporation's [PADC] authorization for appropriations, and to require the development of a plan to phase out the corporation.

Title 11 is identical to H.R. 3898, which passed the House on August 1, 1994. It would establish the New Bedford Whaling National Historical Park in New Bedford, MA.

Title 12 is identical to H.R. 1348, by the gentleman from Connecticut [Mr. GEJDENSON], which was approved by the House of Representatives on September 13, 1993. It would establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut.

Finally, Mr. Speaker, title 13, is identical to H.R. 3498, introduced by the gentleman from New Jersey [Mr. KLEIN], which was approved by the House of Representatives on April 13, 1994. This title would establish the Great Falls Historic District.

These bills are explained at length in the reports of the committee. In addition, I am including a brief discussion of each in my statement.

TITLE I

This title would ratify and implement an agreement among the National Park Service—on behalf of the United States—two Alaska Native Corporations, and the municipal government of the village of Anaktuvuk Pass, AK. Under the agreement, the United States would transfer to the native corporations certain Federal land that are now managed as part of the Gates of the Arctic National Park and as wilderness. In exchange, the native corporations and the municipal government would transfer to the United States certain lands and interests located within the National Park.

The National Park lands involved in the exchange are also designated as wilderness, so legislation is required if they are to be transferred. Under the bill as reported, ratification of the agreement and removal of national park lands from wilderness designation is accompanied by the designation as wilderness of other lands, including both lands within the Gates of the Arctic National Park and BLM-managed public lands in the Nigu River area that would be added to the adjacent Noatak National Preserve.

The administration proposed that these BLM-managed lands instead be part of a larger block of lands in the Nigu area that would be designated as wilderness without transfer of management to the National Park Service.

However, in committee the gentleman from Alaska proposed a smaller wilderness designation and transfer of the lands from BLM. While I would have preferred the administration's proposal, I joined in accepting the amendment because it would assure that the bill will not result in a net reduction of wilderness in the National Park System, and would leave the remainder of the BLM-managed lands in the Nigu area in their current wilderness-study status. It should be noted that while the provisions of the title are similar to those in a bill reported from committee in the Senate, the boundaries of the lands added to the Naotak preserve and wilderness are not identical, although the acreage involved is the same. The boundaries provided for in this title would emphasize protection of riparian areas along the Nigu River, and were drawn with the technical assistance of the Department of the Interior.

TITLE II

Title II contains the provisions of H.R. 4642, as reported by the Committee on Natural Resources. This title provides for the restoration of Washington Square in Philadelphia and for its inclusion within Independence National Historical Park, to which it is immediately adjacent, once it is restored to National Park Service standards.

Washington Square, which is listed on the National Register of Historic Places, is one of the five great public squares of Philadelphia laid out by William Penn's chief surveyor, Capt. Thomas Holmes in 1683. Established as Southeast Square, it was designated in 1706 as a "publick burying ground."

During the Revolutionary War, approximately 2,000 unknown soldiers were buried there, the greatest number in any location in the United States. Some of those interred in Washington Square died in battle, while others died as prisoners held by British troops in what is now Independence Hall. The cemetery was made into a park in 1815 and planted with trees planted by the noted botanist Francois Andre Michaus. In 1825 the city renamed it Washington Square. In the early 20th century, the landscape architecture firm, Olmsted Brothers & Co., executed a new design for the park. In 1957, a memorial to the unknown soldiers of the Revolutionary War was dedicated at the square.

The square has fallen into disrepair in recent years. In particular, the slate walkways require extensive and expensive repairs. The city of Philadelphia has been subject to personal injury claims due to the dilapidated state of the pedestrian paths. Further, the square's function as a site commemorating war dead has been compromised as the physical state of the square has declined. The estimated cost of repair is $3.8 million.

Beginning in the 98th Congress, legislation was introduced to add Washington Square to Independence National Historical Park. Since then, the House has twice passed such bills, but the Senate has not acted on them.

In 1991, the Department of the Interior and the city of Philadelphia entered into a memorandum of understanding that would add Washington Square to Independence National Historical Park following the completion of necessary restoration and repairs. In 1993, these parties signed a supplemental agreement with the American revolution agreement with the American Revolution Patriots Fund, a nonprofit organization, to raise and manage the funds needed for this project. Few funds have been raised to date, however.

This title would not only authorize $2.6 million in matching Federal funds for the repair, but allow for the square's inclusion in the Independence Historical Park following the restoration. It requires a favorable long-term land use agreement with the city of Philadelphia commensurate with the terms of the agreement regarding Independence Square, and stipulates that

ongoing services be provided by the city.

TITLE III

This title contains the provisions of H.R. 4697, which provides for the expansion of Walnut Canyon National Monument. The bill was introduced by my colleague on the Committee, Representative ENGLISH, on June 30, 1994, and represents agreement reached among the National Park Service, the U.S. Forest Service, the residents of the Walnut Canyon area and other interested parties. Ms. ENGLISH has worked very hard to accommodate the interests of all involved while assuring the protection of a very fragile and important resource, and I commend her for the legislation we are considering today.

Walnut Canyon National Monument was established by presidential proclamation in 1915 to preserve and protect numerous sinaguan cliff dwellings and associated sites. The monument was expanded in 1938 and again in 1956, and consists of 2300 acres, approximately 238 of which are privately owned. Significant sinaguan resources remain outside the boundaries of the monument, some under private ownership and some within the boundaries of the surrounding Coconino National Forest.

Within the canyon are five areas where archeological sites are concentrated around natural promontories extending into the canyon; early archeologists referred to these as "forts". Three of the five forts are within the current boundaries; the two remaining are on forest service land adjacent to the monument. A 40-acre parcel adjacent to that land contains part of that fort as well as the Santa Fe Dam, which is listed on the National Register of Historic Places.

H.R. 4697, as introduced, modified the boundaries of Walnut Canyon National Monument pursuant to a referenced map. That boundary modification would have added approximately 1,292 aces, approximately 1,239 of which would be administratively transferred from the forest service, and 53 acres of which are privately owned. Approximately 54 acres would have been deleted from the monument and administratively transferred to the forest service. The Secretary of the Interior was authorized to acquire lands and interest in lands within the national monument, and was directed to manage the modified monument as a unit of the national park system. The legislation authorized such sums as may be necessary to carry out the purposes of the Act.

Since the hearing on this legislation on August 4, the private landowner whose property would have been included under the bill has asked to be excluded. Accordingly, Ms. ENGLISH offered an amendment in committee referencing a new map which deletes this property from the proposed boundary. While I believe the resources located on that land are significant and worthy of inclusion in the monument, I appreciate the effort Ms. ENGLISH has put forth in seeking agreement so that the boundary expansion which is so important in providing appropriate protection for other resources will not be jeopardized. Ms. ENGLISH's amendment was accepted during committee consideration of this legislation, and the legislation before us reflects that change.

Mr. Speaker, this legislation will provide for consistent and unified management of significant resources under an agency whose mission is to preserve, protect, and preserve them. The lands to be added by this legislation include important cultural resources directly related to the purpose of the monument. The protection of the monument and adjacent resources will be enhanced by this legislation.

TITLE IV

This title would apply the provisions of section 7(A) of the Wild and Scenic Rivers Act to a specified 25-mile segment of the north fork of the Payette River, in Idaho.

The north fork of the Payette River, originating in upper Payette Lake, flows south to join the main stream of the Payette River at the town of Banks, Idaho, about 40 miles north of Boise.

Much of the North fork's course is paralleled by State highway 55, which is identified on the State of Idaho's highway maps as the Payette River scenic route because of the notable scenic values of the area.

In 1992, the State of Idaho adopted a State water plan that restricts impoundments or other developments that could have an adverse impact on the free-flowing characteristics or other resource values of particular stream segments.

The north fork of the Payette River is one of the stream segments covered by the Idaho Water Plan, but State law cannot preclude the Federal Energy Regulatory Commission [FERC] from considering and acting on requests for project licensing involving this or any other stream covered by the Idaho River Protection Program.

At least one party in Idaho has indicated interest in developing a hydroelectric project on the lowest 25-mile portion of the north fork of the Payette River.

The bill would not designate any part of the Payette River as a part of the National Wild and Scenic Rivers System, but would apply to the specified 25-mile segment the protections afforded by section 7(A) of the wild and Scenic Rivers Act.

The effect would be to prohibit FERC from licensing the construction of any dam or other project facility on or directly affecting this river segment, and also to prohibit any federal agency from assisting the construction of any water-resources project that would have a direct and adverse effect on the values of the river segment.

The second section of the title provides that these Federal protections will become inoperative if the current protections afforded by Idaho State law cease to apply to this river segment.

While I do have some reservations about this approach to river protection, It is consistent with the Federal support for State decisions to protect river segments—especially in cases such as this where little Federal land is involved—that the committee and the House proposed in the last Congress in connection with the comprehensive energy legislation. I regret that those provisions were substantially weakened in conference.

TITLE V

This title would add three segments of the Lower Salmon River, in Idaho, totaling about 112 miles, to the National Wild and Scenic Rivers System. Title V encompasses the provisions of H.R. 4083, as reported by the Committee on Natural Resources.

The Salmon River, historically known as the "River of no return" because of swift currents and rough water that made upstream travel impossible, originates in the Sawtooth and Lemhi Valleys of central and eastern Idaho. It drops nearly 8,000 feet in elevation before it flows into the Snake River.

Portions of the Salmon River's middle fork and the main stem downstream from the town of North Fork to Long Tom Bar have already been included in the National Wild and Scenic Rivers System.

Most of the lands adjoining the river segments affected by H.R. 4083 are owned by the United States. They are primarily public lands managed by the Bureau of Land Management [BLM] but also include some lands managed by the Forest Service as part of the National Forest System.

A provision in the original Wild and Scenic Rivers Act required a study for possible future designation of the portion of the lower Salmon covered by this bill. In 1973, after completion of the study, this portion of the Lower Salmon was recommended for designation.

Title V would implement that recommendation by designating a segment of about 23.7 miles for cooperative management as a "recreational" river by the Bureau of Land Management [BLM], and the Forest Service. Two other segments would be designated for BLM management—a segment of about 35.3 miles as "recreational" and one of about 53 miles as "scenic."

In 1988, the BLM-managed lands adjoining the river segments covered by H.R. 4083 were withdrawn from mineral entry for 20 years by administrative action under the Federal Land Policy and Management Act [FLPMA]. Under the

bill would make these withdrawals and would make the withdrawal boundaries the boundaries of the designated river segments.

Because more than 50 percent of the land adjacent to the affected river segments is in Federal ownership, under the Wild and Scenic Rivers Act designation of these segments would preclude any U.S. condemnation of the fee estate of any other lands within the segment boundaries.

The Natural Resources Committee adopted an amendment to H.R. 4083 proposed by the gentleman from Montana [Mr. WILLIAMS]. That amendment added to the bill a provision for study of Rock Creek, a stream located in the Lolo and Deerlodge National Forests, in Montana. The study would be to assess the eligibility and suitability of later action to include Rock Creek in the National Wild and Scenic Rivers System.

TITLE VI

Title VI contains the provisions of H.R. 3554 which authorizes a land exchange between the Targhee National Forest in Idaho and Wyoming and private inholders. In exchange for lands currently under permit as summer homes, the Forest Service would acquire a portion of an undeveloped inholding known as Squirrel Meadows. This is an area of great scenic beauty and is critical grizzly bear habitat. The exchange would be done on an equal value basis.

Legislation is needed because the lands are in two States, Idaho and Wyoming. The Forest Service's Land Exchange Authority applies only to exchanges within the same State.

Squirrel Meadows would be a very valuable addition to the Targhee National Forest. The environmental community has long supported its acquisition by the Forest Service. The lands which the Forest Service would give up have lost much of their national forest character. This is an exchange that makes sense and is noncontroversial.

TITLE VII

Title VII contains the provisions of H.R. 3204, reported by the Committee on Natural Resources and sponsored by Mr. RICHARDSON of New Mexico which would transfer 764 acres of the Wheeler Peak Wilderness in the Carson National Forest to the Taos pueblo. These lands are located in New Mexico and are known as the bottleneck tract. They are surrounded on three sides by lands already owned by the pueblo. The surrounding lands are managed by the pueblo as a tribal wilderness known as Blue Lake. The bottleneck would become part of the Pueblo's blue lake wilderness. The bottleneck and blue lake are considered by the Pueblo to be sacred lands and are used for religious purposes. A sacred trail known as the trail of life crosses the bottleneck.

Transferring these lands will ensure privacy for the practice of the Pueblo's religion. In the past, the general public has been able to observe religious ceremonies at blue lake from the bottleneck, and this has been disruptive. From the perspective of protecting Native American traditions and spiritual values, this is an important legislative initiative.

TITLE VIII

This title contains the provisions of H.R. 359 as reported by the Committee on Natural Resources. The bill, introduced by the gentlewoman from New York [Ms. SLAUGHTER] amends the act of December 31, 1980, which established the Women's Rights National Historical Park. The primary purpose of the bill is to authorize the addition of several properties to the park that are necessary to protect and preserve the historical scene and to enhance park operations and visitor enjoyment.

The history of the women's rights movement in the United States and the history of its founders are recognized at the women's rights National Historical Park in Seneca Falls, NY. The park includes the homes of Elizabeth Cady Stanton and Mary Ann McClintok, the founders of the women's rights movement, as well as the wesleyan chapel and grounds, the site of the movement's first convention. In addition to the Federal Government, State and local governments have invested in preserving the historical setting of Seneca Falls. In 1982, New York designated Seneca Falls as one of only thirteen urban cultural parks in the State.

Title VIII provides for the acquisition of four critical parcels, including three properties adjacent to existing park holdings, which are needed to protect the historic integrity of the park and to provide a visitor center. The fourth parcel would be used for development of a maintenance facility. The title also provides the authorization for additional funding to carry out the purposes of the act.

Mr. Speaker, let me again emphasize that the additional properties identified in this title are necessary to protect and preserve the historical scene and to enhance park operations and visitor services.

TITLE IX

Title IX of the bill contains the provisions of H.R. 3559, as reported by the Committee on Natural Resources. That legislation makes certain technical corrections to other statutes. First, it makes clear the Secretary of the Interior's power to make appointments to the Dayton Aviation Historical Park Advisory Commission. Second, it allows for a cost-effective and cooperative resolution of the last claim resulting from the 1998 legislative taking of land for Manassas National Battlefield Park.

The advisory commission appointment procedure described in the Dayton Aviation Heritage Preservation Act of 1992, while identical to that in legislation authorizing other such commissions, has drawn criticism from the administration. The concern is that it could undercut the Secretary's appointment authority carried out pursuant to the appointments clause of the Constitution. For this reason, Congressman TONY HALL introduced H.R. 3559 to preclude any conflicts or concerns about the appointments to the commission.

The 1988 legislative taking at Manassas included the taking of a Virginia Power Easement over six-tenths of a mile of land on Stuart's Hill, on which the Second Battle of Manassas was fought.

The National Park Service and Virginia Power have since been working cooperatively to reach an agreement by which the lines would be moved from the current prominent location to a more appropriate site along the periphery. The application to the State Corporation Commission, which must approve the plan, is pending. This is an excellent example of a cooperative partnership that will preserve a resource, save the government an expensive takings judgment, and protect affected business interests.

However, the Virginia Power Company, which has declined to file a takings claim in court while negotiating with the National Park Service, faces a statute of limitations on its right to bring such a claim within 6 years following the taking, which in this case is the enactment of the bill expanding Manassas in 1988. Thus, if Virginia Power does not file suit by November 10 of this year, it permanently gives up it's legal remedies.

Congressman FRANK WOLF sponsored H.R. 4435, the legislation included in this title, to address this situation. The language would simply add, in this case only, three years to Virginia Power's statute of limitations. It allows the completion of the State Corporation Commission's permitting process for the cooperative agreement to relocate the line at far less expense than would be a takings judgment. This language is endorsed by both the National Park Service and Virginia Power.

TITLE X

Title X incorporates the provisions of H.R. 5096 that I introduced to extend for 1 year only the Pennsylvania Avenue Development Corporation's [PADC] authorization for appropriations, and to require the development of a plan to phase out the corporation. Because of a history of difficulties in obtaining information from the corporation the bill would make the funding for the second half of fiscal year 1995 contingent on the delivery to Congress of a plan for the orderly shut down of the Corporation.

Since its inception, PADC has completed almost all of what was an ambitious and commendable plan. Today,

Pennsylvania Avenue is a proud capital city corridor, brought to life by sensitive development and architectural masterpieces. On the list of PADC's accomplishments are the WILLARD HOTEL, the Canadian Embassy, Market Square, the Landsburgh Complex, Freedom Plaza, and the International Trade Center at Federal Triangle. Only one parcel on Pennsylvania Avenue remains undeveloped; three other parcels north of Pennsylvania Avenue by several blocks but included in the original master plan are also undeveloped.

At this time, with the majority of the work completed, the PADC should be moving toward a shutting down of its activities. as envisioned in the Corporation's Organic Act. Ongoing work, such as maintenance of street scapes, can be delegated to appropriate Federal and city agencies.

The intent of this title is an orderly shut-down of the corporation with no ill effects on any important work in progress. The language of this title requires the PADC to present to Congress no later than March 31, 1995, a plan that provides for such a transition. This provision reflects the fact that Congress has had to request repeatedly that PADC submit a plan for a successor entity and PADC has provided such a plan with maximum reluctance. The proposal received after lengthy delays this summer was entirely inadequate and would have, in effect, simply recreated PADC to continue on in perpetuity.

Clearly, the PADC and the administration require firm direction from Congress in order to move on to the next phase. For this reason, the legislation before the House today includes language to bring about the transition toward the shutting down of PADC.

TITLE XI

Title XI would establish the new Bedford Whaling National Historical Park in New Bedford, MA. The city of New Bedford became the center of the whaling industry at its peak between 1820 and 1860, and also represents associated whaling-related themes such as immigration, the expansion of trade and exploration as well as conservation of natural resources.

The provisions of title XI are identical to H.R. 3989, which the House of Representatives approved on August 1, 1994. The Senate has held a hearing on this legislation, but no further action has been taken. This is a new park which will preserve and interpret resources representing themes not addressed at current national park system units.

TITLE XII

Title XII would establish the Quinebaug and Shetucket Rivers Valley national heritage corridor in the State of Connecticut. The Quinebaug and Shetucket Rivers valley in northeastern Connecticut includes natural landscapes, parks, and other open spaces as well as mill villages, some native American and colonial archaeological sites, and sites associated with the "great awakening" religious revival in colonial New England.

Title XII includes the provisions of H.R. 1348, which was approved by the House of Representatives on September 13, 1993. This legislation provides for an appropriate and workable partnership between the National Park Service and State and local agencies and individuals to protect and preserve the resources in the valley corridor.

TITLE XIII

Title XIII would establish the Great Falls Historic District in Paterson, NJ. Because of the city's close proximity to the Great Falls of the Passaic River, it became one of the country's first manufacturing centers. Paterson became an early site of industrial development, generating such products as the Colt revolver, the Rogers steam locomotive, Wright aeronautic engines, and the first practical submarine.

Title XIII is identical to H.R. 3498 which was approved by the House of Representatives on April 12, 1994. In this instance, funds had already been appropriated and expended, and plans had already been drafted for further National Park Service involvement. This legislation establishes clear lines of authority and limits further funding for these areas so that the National Park Service budget does not become increasingly burdened by open-ended appropriations for areas which are not owned or operated by the National Park Service. This section provides for appropriate assistance to Paterson while limiting further National Park Service involvement.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4746.

I want to thank Mr. MILLER, chairman of the Full Committee, and the subcommittee chairman, Mr. VENTO, for their cooperation on this bill.

It is a true compromise and contains a no-net-gain of wilderness in Alaska.

The administration's bill contained 41,000 acres of wilderness and my bill contained zero, what we have agreed upon is just shy of 20,000 acres.

This bill settles a long-standing dispute between the residents of Anaktuvuk Pass and the Park Service whereby the residents can continue to use ATV's on certain park lands for subsistence purposes.

I urge support for this bill and I reserve the balance of time.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho, Mr. LAROCCO.

Mr. LAROCCO. Mr. Speaker, I appreciate the gentleman's yielding time to me.

Mr. Speaker, I thank Chairman MILLER and Chairman VENTO for their able assistance in bringing to the floor this legislative package. H.R. 4746 includes measures I introduced to protect a 25-mile stretch of the North Fork of the Payette River from hydropower development and designate the Lower Salmon River as part of the Wild and Scenic Rivers System.

NORTH FORK OF THE PAYETTE

The North Fork is considered to be one of the finest stretches of whitewater in the United States. This class five river tumbles spectacularly for many miles along Idaho's main north-south highway, and many diverse Idaho groups have endorsed keeping the North Fork in its free-flowing state.

In 1991, this stretch of river was made off limits to dams in a State water plan adopted by Idaho's legislature. Months after the plan was approved, an interest group began the process to obtain a hydropower license from the Federal Energy Regulatory Commission.

In introducing the Payette legislation, it was my intention to reinforce the authority of the State over the management of Idaho's water, and remove this segment from the threat of the Federal Energy Regulatory Commission approval of a dam or diversion against the will of the State.

In committee, I was successful in winning an amendment to provide additional assurance that the State law prohibiting dams would prevail. My amendment simply states the provisions of the act would remain in effect so long as the State of Idaho prohibits development of hydroelectric projects on this stretch of the North Fork of the Payette.

LOWER SALMON

H.R. 4746 also contains a measure to protect 112 miles of the Lower Salmon River in Idaho as part of the National Wild and Scenic River System—59 miles as recreational, 53 miles as scenic and zero as wild. The Salmon River is the longest free-flowing river in the lower 48 States and flows through the second deepest gorge on the continent.

While other segments of the river had been protected when the Wild and Scenic Rivers Act was enacted in 1968, the act called for a study of the lower part of this river for possible further designation. Now it is time to designate that remaining stretch of the Lower Salmon to its confluence with the Snake River. The Lower Salmon legislation stalled last Congress with the search for acceptable compromise language on scenic easements. I continued to explore possible solutions and found promising language in legislation enacted last year to designate the Red River in Kentucky.

The language on scenic easements in the Red River legislation was unanimously accepted in both the House and Senate as a fair compromise. It states,

"Nothing in this Act, or in the amendment to the Wild and Scenic Rivers Act made by this Act, shall be construed as authorizing any acquisition of any scenic easement that without the consent of such landowner would affect any regular use of relevant lands that was exercised prior to the acquisition of such easement."

In addition, I worked with the Northwest Powerboaters Association to include language to protect existing uses of the Lower Salmon River at levels consistent with the resource management plan.

I have also worked to assure inclusion of this part of the Lower Salmon in the National Wild and Scenic Rivers System will not restrict necessary maintenance and improvement on U.S. Highway 95, the only improved major highway between northern and southern Idaho.

As the committee report states, "because the portions of the Lower Salmon River covered by this bill were recommended for inclusion in the National Wild and Scenic Rivers System, the Bureau of Land Management and the Forest Service have been managing them in accordance with the Wild and Scenic Rivers Act for many years, and that such management has not resulted in such problems. The Committee is confident that the Federal land managers and the Idaho Department of Transportation will continue to work together in a cooperative manner to resolve any concerns on this point."

Mr. Speaker, these measures to protect Idaho's rivers are sound and enjoy wide support. Therefore, I urge my colleagues to support passage of H.R. 4746.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona [Ms. ENGLISH] who has a title in this bill, the Walnut Canyon National Monument, which she has worked long on and done an excellent job in terms of resolving this title.

Ms. ENGLISH of Arizona. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, just a quick word. An awful lot of support from a bipartisan group of people has worked a long time to resolve an issue that took about 7 or 8 years in finding realignment, and this bill has been a long way on the road. It basically includes two archaeological sites that were left out of the original park back in 1915, and I am proud to say that there is no money involved in it and everybody is in agreement. I request support, and am happy to answer any questions.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 4746, legislation making technical corrections to, among other things, the Manassas National Battlefield Park Amendments of 1988, the Dayton Aviation Heritage Preservation Act of 1992, and the Alaska National Interests Lands Conservation Act. My comments concern the title of the bill designated, the "Manassas National Battlefield Park Amendments of 1994."

The purpose of the Manassas National Battlefield Park Amendments of 1994 is to provide for the orderly termination of easements and property used for public utility purposes at the Manassas National Battlefield Park. This legislation is necessary to avert a costly and public lawsuit that Virginia Power will be forced to file should this clarification not become law.

Mr. Speaker, you may recall that in 1988 the Congress passed legislation saving the land where the Second Battle of Manassas occurred, thereby avoiding development of this historic Civil War battlefield site. In so doing, the National Park Service became the owners of an easement which Virginia Power previously owned and on which were constructed major electric power transmission lines. Because the general statute of limitations on condemnation claims expires in November, Virginia Power would be forced to file a $60 million lawsuit to compensate them for the condemned easement and transmission lines. This House is responding responsibly to this problem by extending the time for Virginia Power and the National Park Service to work together to craft an equitable, cost effective solution to this problem.

If this technical corrections bill is not passed, Virginia Power will be forced to file suit to preserve its fifth amendment takings claim. Such a costly suit would be a waste of both Federal and Virginia Power's resources. This legislation, which is similar to legislation I introduced in May (H.R. 4435), would merely clarify that proceedings seeking a determination of just compensation with respect to the taking of property used for public utility purposes must commence within 3 years after the date of enactment of the Manassas National Battlefield Park Amendments of 1994. This would allow Virginia Power and the National Park Service another 3 years to resolve Virginia Power's claim for compensation. This will save taxpayer money and save Virginia Power's ratepayers money because Virginia Power will not have to file a costly lawsuit in Federal district court.

Mr. Speaker, this House should know that passage of this legislation merely means that this body supports a 3-year extension in which Virginia Power and the Park Service can resolve this claim, thereby avoiding a costly lawsuit. I understand that the National Park Service has tentative plans to relocate the power lines and is considering three options for so doing. I would hope that the Park Service and Virginia Power will continue to work together to ensure any future relocation of the powerlines be at the lowest cost and inconvenience of the American taxpayer and Virginia Power's ratepayers as well as the neighbors of the Manassas National Battlefield Park.

Mr. Speaker, I would like to enter two letters into the record related to this matter. This first is from J.T. Rhodes, president and CEO of Virginia Power, and the second is from Robert Stanton, regional director of the National Capital Region of the National Park Service.

VIRGINIA POWER,
Richmond, VA, May 6, 1994.

Hon. FRANK R. WOLF,
House of Representatives
Washington, DC.

MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1994

DEAR CONGRESSMAN WOLF: I would like to express Virginia Power's support for your bill to provide for the orderly termination of public utility easements within the Manassas National Battlefield Park. As you know, Virginia Power and the National Park Service have been working together since 1989 to relocate the existing electric overhead transmission lines on the Manassas National Battlefield Park.

Prior to the legislative taking of 1988 (Manassas National Battlefield Park Amendments of 1988), Virginia Power owned an easement on which were constructed one 500,000 volt transmission lines and two 230,000 volt transmission lines. These lines and towers were an integral part of Virginia Power's transmission system, serving customers in Northern Virginia and south into North Carolina and interconnecting with utilities in the northeast.

Virginia Power and the National Park Service staff have concentrated over the last 18 months on a suitable route to relocate the transmission lines. This has involved preparation of an Environmental Assessment by the National Park Service, preparation of a Virginia State Corporation Commission application by Virginia Power and meetings with the public. The next step in our process is for the National Park Service to submit their Environmental Assessment for public notice and comment and for Virginia Power to file our State Corporation Commission application for public notice and any necessary public hearings.

We support the passage of your bill because it will allow Virginia Power and the Park Service the necessary time to complete the required public reviews, which could take substantial time beyond November 1994. Should the statute of limitations not be extended, I am advised by our attorneys that it will be necessary for Virginia Power to prepare and file legal action before November 10, 1994 to preserve our rights, even though Virginia Power and the National Park Service, are working together in a spirit of cooperation to find a solution that will be of least cost to the taxpayers and Virginia Power's ratepayers. Legal action would be a waste of Virginia Power and federal resources, and we would much rather see an extension of the statute of limitations which would allow us to complete this project in an orderly fashion through the federal and State processes. Thus, your bill, if enacted before the fall recess, should avoid costly litigation rather than precipitate it.

Again, Virginia Power supports this proposed legislation. If we can provide any assistance during the legislative process, please do not hesitate to call me at 804/771-3347.

Sincerely,

J. T. RHODES.
President and
Chief Executive Officer.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION,
Washington, DC, June 7, 1994.

L58(NCR-LUCE)

Hon FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: This is to provide you with a technical review of a draft

bill entitled the "Manassas National Battlefield Amendments of 1994." This bill is intended to address the orderly completion of land acquisition of the Stuart's Hill tract at Manassas National Battlefield Park (Park) as provided by the Manassas National Battlefield Park Amendments Act of 1988 (the Act), title X of P.L. 100-647 (16 U.S.C. §429b(b)).

The Act provided for the legislative taking of lands, including Virginia Power's easements, powerlines and towers on the Stuart's Hill tract at the Park. A concern has been expressed by Virginia Power that the six-year statute of limitations appearing in 28 U.S.C. §2501 may apply to the 1988 taking of its interests at the Park under the Act.

Your draft legislation would amend section 10002(b)(2)(C) of the Act to provide for a nine-year period for bringing actions for compensation with respect to the taking of private property under the Act. It appears that your proposed amendment would accomplish your purpose; that is, permit the National Park Service and Virginia Power to resolve this matter without resort to litigation.

Given the uniqueness of the legislative taking method of land acquisition, neither the National Park Service nor the Department of Justice has issued an opinion on the application of a statute of limitations to the Act. However, the Department of Justice, the National Park Service and Virginia Power have been working diligently to resolve compensation for the legislative taking in a cooperative and orderly way. A letter of agreement between the parties was executed on May 4, 1993, and each is fulfilling its commitments to the other.

The National Park Service has sought to define and analyze alternative alignments and has selected a preferred alternative which relocates the facilities to the westernmost edge of the Park. Virginia Power is amenable to utilizing the powerline routing as presented in our preferred alternative, and is also amenable to the method of compensation specified in our agreement.

The routing and method of compensation discussed above would permit relocation of lines so as to reduce their impact on the Stuart's Hill tract. The routing would also remove lines from the center of the Brawner Farm, thus enhancing that park tract, and would limit direct impacts to the community beyond the park boundary. It would also accomplish a completion of the Manassas legislative takings acquisition process. In our opinion, under this plan, this relocation would be affected at the least cost to the United States.

We have documented the impacts of the relocation of the power transmission lines, towers, and easements in an Environmental Assessment. This assessment will be released later this month for public comment. Public reaction to the proposal in our recent information workshops was supportive.

In May 1994, Virginia Power prepared and submitted to the Virginia State Corporation Commission an application to relocate the lines. Commission approval could take two years from the date of filing. The six-year statute of limitations, if applicable, runs out on November 10, 1994.

We understand that, in order to protect its rights under Federal law, if the period of time for filing an action for takings under the Act is not extended in a way such as would be provided by your draft bill, Virginia Power will file suit before the November deadline.

We believe the current negotiated course of action will resolve the relocation and compensation matter without resorting to litigation. Litigation could disrupt the cooperative efforts of the parties to settle the case, and would be an unnecessary expense to both the American taxpayers and Virginia Power's ratepayers. Amending the Act as contemplated by your draft bill would permit the parties sufficient time to close the acquisition process without the expense and distraction of litigation.

As you know, this draft legislation has not been reviewed within the Department of the Interior nor cleared by the Office of Management and Budget. We can, therefore, make no commitment at this time concerning the position of the Department on this matter.

We appreciate your interest and concern in this matter.

Sincerely,

ROBERT STANTON,
Regional Director,
National Capital Region.

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today in support of H.R. 3204, legislation I introduced to transfer a 765 care tract of land in the Wheeler Peak Wilderness to the Taos Pueblo for management as wilderness in the Blue Lake Wilderness in northern New Mexico.

This legislation completes a long and difficult struggle by the Taos Pueblo people to gain the return of one of their most sacred sites.

The 765 acre bottleneck tract has had religious significance for these people for thousands of years.

In fact, the entire Taos Pueblo was recognized by the United Nations as a World Heritage Site in 1992 in recognition of its status as one of the last remaining pre-Columbian civilizations in North America.

The transfer made possible by this legislation will restore the land to the Pueblo and enable the Pueblo to guard against the public instrusions that are presently occurring on surrounding Indian lands and sacred sites.

These intrusions have occurred during sacred religious activities and are wholly inappropriate for such an area. Unfortunately, the Pueblo is powerless to prevent such intrusions without the return of the land to their management.

Under the terms of the bill, the bottleneck lands would be used for traditional purposes only, such as religious ceremonies, hunting, fishing, and as a source of water, forage for domestic livestock, wood, timber and other natural resources.

H.R. 3204 is supported by the entire, bipartisan New Mexico congressional delegation and by a broad coalition of environmental organizations including the Wilderness Society, the Audobon Society and the Sierra Club at the local, state and national levels.

Identical legislation in the Senate has been introduced by our senior Senator, PETE DOMENICI, and cosponsored by Senator JEFF BINGAMAN of New Mexico and the Senate Minority Leader, BOB DOLE.

In conclusion, Mr. Chairman, let me say that the passage of H.R. 3204, and the other Native American bills on the schedule today should be seen as a statement by Congress that we will honor our commitments to Indian people and work cooperatively with them to address their concerns responsibly and effectively.

I would like to thank Chairman VENTO and Chairman MILLER for their cooperation in bringing this important legislation to the floor today.

I look forward to its adoption by the House and the Senate and its enactment into law as soon as possible.

Mr. WILLIAMS. Mr. Speaker, I want to thank the chairman of the subcommittee, Mr. VENTO, and the sponsor of the Salmon River bill, Mr. LAROCCO, for working with me on a provision requiring a study of Rock Creek, MT, for its suitability as a wild and scenic river, pursuant to section 5(a) of the Wild and Scenic Rivers Act.

Rock Creek runs approximately 55 miles from its headwaters in the Anaconda Pintler Wilderness to the confluence with the Clark Fork River about 15 miles southeast of Missoula. Rock Creek may have as many as 10 major tributaries which may meet the eligibility standard of the Wild and Scenic Rivers Act; the determination of which tributaries should be considered in the study is a discretionary decision for the Forest Service.

Mr. Speaker, were I, for a day, endowed with a cosmic ability to make a stream, I would use Rock Creek as the model; it is a perfect stream. I first fished Rock Creek when I was a student at the University of Montana in the 1950's, and I would say to my colleagues that those waters stay with you forever. The riffles, the deep pools, the rainbow, cutthroat, and bull trout, it all stays in your head.

Montanans have long treasured Rock Creek, one of Montana's blue ribbon trout streams. To the Montanans who regularly float and fish Rock Creek, it is simply one of our State's premier free flowing, pristine, and relatively undeveloped river systems.

Rock Creek was one of Montana's early conservation battlegrounds. In response to Forest Service plans for extensive logging in Rock Creek in the mid-1960's, local fishermen organized out of concern that roading and timber harvesting could adversely affect the water quality, and the fishery, of Rock Creek.

Out of that controversy emerged the Rock Creek Advisory Council, in which anglers and conservationists sat down with loggers, ranchers and agency people to find agreement on logging in Rock Creek. The first Rock Creek Advisory Council recommendations, adopted by the Forest Service, were for the careful design of National Forest projects to minimize damage to water quality, and to conduct careful before and after monitoring to verify that a project did not adversely affect water quality.

Since then, Montanans have greeted proposals for further mining and logging in the Rock Creek basin firmly, and consistently: The water quality of this blue ribbon trout stream is one of the Treasure State's treasures and must be protected, period.

Nonetheless, the threats to Rock Creek continue. There is renewed interest in gold mining among some of Rock Creek's historic mining districts. Modern technology enables miners to extract an ounce of gold from 100,000 tons of ore profitably, threatening broadly mineralized areas like Rock Creek. There is renewed interest in timber harvesting.

Threats of subdivision have energized local people to raise funds for conservation easements, in which landowners are compensated for committing their property to remain whole.

The Wild Scenic Rivers Act lends Federal protection and status to those free flowing rivers where outstanding natural qualities, recreational opportunities, ecological diversity, and clean water are paramount. Through the study process the U.S. Forest Service will review the public, private landowner, and local governmental concerns about Rock Creek, and make recommendations to the President and the Congress regarding its suitability for designation under the Wild and Scenic River System.

For the record, there is nothing in the study status that affects private property rights. Those who own land along Rock Creek should be assured that their prerogatives in the use of their land are unchanged as a result of this legislation.

This bill begins the process of deciding whether Rock Creek is an appropriate addition to the National Wild and Scenic River System. The National Wild and Scenic Rivers Act is, simply, the strongest statutory tool we have for the protection of natural, free flowing rivers.

Ms. ENGLISH of Arizona. Mr. Speaker, Walnut Canyon National Monument is located just outside the city of Flagstaff, AZ. It was established in 1915 to protect and preserve outstanding archeological resources.

Walnut Canyon contains over 400 archeological sites, including several cliff dwellings of the prehistoric Sinagua culture located in a spectacular, deep, narrow canyon. Some years ago, however, it was discovered that two of the most important sites lay just outside the boundaries of the monument. This bill would expand the monument to include these sites.

The expansion will complete the job begun in the early 1900's, when the ethnologic, scientific, and educational importance of these ruins was first recognized. It would simply transfer management responsibilities for 1279 acres from the U.S. Forest Service to the National Park Service. No private or State land is affected.

For the last several months, I have worked closely with area land manages, local and county officials, and community groups on this issue. This bill is the product of these extended consultations and I would like to offer a special thanks to all those who worked so hard to move this issue forward.

I'm very pleased with the strong bipartisan support this bill has received from my colleagues, both from the Arizona congressional delegation, and on the Committee of Natural Resources. The bill also enjoys broad local support and the support of both local NPS and Forest Service officials.

Finally, I would like to thank Chairman VENTO, of the Subcommittee on National Parks, Forests, and Public Lands, and Chairman MILLER of the full committee, for their help in moving forward on this bill in the waning days of this Congress.

Thank you, Mr. Speaker, and I urge my colleagues to support the Walnut Canyon National Monument Boundary Modification Act.

Ms. SLAUGHTER. Mr. Speaker, thank you for the opportunity to support legislation to reauthorize the Women's Rights National Park in Seneca Falls, NY.

A crucial chapter in the history of the American women's movement began in Seneca Falls, with the first Women's Rights Convention in 1848. More than 300 men and women gathered here to endorse a Declaration of Sentiments that espoused such radical principles as "all men and women are created equal." The declaration also called for the right of American women to vote, the right to equal education, wages and job opportunities. One hundred and forty-six years later, American women are still waiting to achieve many of these same equalities.

Today, in Seneca Falls, the Women's Rights National Historic Park stands as a testament to the struggle of the fledgling women's rights movement and its early organizers. The park was originally established by act of Congress in 1980; today it has grown to include:

The Wesleyan Methodists chapel, which opened to the public just last summer and was the site of the 1848 convention; the M'Clintock House, where the Declaration of Sentiments was written; and, the home of Elizabeth Cady Stanton.

H.R. 359 was originally introduced to improve the management of the Park's resources, and to make possible the preservation of important historic structures. In 1991 the Parks Service recommended the acquisition of four crucial parcels, including a maintenance building and three small properties adjacent to existing park land.

The legislation we are considering today would authorize the expansion of the park to include these properties. This expansion is necessary to protect the historic integrity of the park and provide a much-needed visitors center. The expansion of the Women's Rights Historical National Park has been a North Atlantic regional priority for the Parks Service for the past 3 years.

In addition to the historical exhibits, the park also offers important educational services for visitors, especially school children, who visit the park from around the country. At the Park's Women's History and Resource Center, teachers learn how to integrate women's history into their curricula. The center also provides opportunities for students to study social change, and how human rights are achieved, established and maintained. There is also a meeting center and a reference library on women's rights and history.

The story of this park is the story of a struggle for social change. The village of Seneca Falls has played an important role in the women's rights movement, as well as in the abolitionist movements of the pre-Civil War era. And Seneca Falls has continued to be a magnet for progressive movements, even into modern times. This legislation will ensure that the park can continue to play an important role in American history.

All of us who understand the value of the Women's Rights National Park want to see it continue to prosper. We must make sure the park remains as an important resource, reminding us of the ongoing struggle of American women for full civil rights and economic opportunity. I urge my colleagues to approve this authorizing legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4746, as amended.

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

A motion to reconsider was laid on the table.

RIO PUERCO WATERSHED ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1919) to improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Bio Grande though the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, as amended.

The Clerk read as follows:

S. 1919

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 "Rio Puerco Watershed Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) over time, extensive ecological changes have occurred in the *watershed of the Rio Puerco River, in New Mexico*, including—

(A) erosion of agricultural and range lands;

(B) impairment of waters due to heavy sedimentation;

(C) reduced productivity of renewable resources;

(D) loss of biological diversity;

(E) loss of functioning riparian areas; and

(F) loss of available surface water;

(2) damage to the *Rio Puerco* watershed has seriously affected the economic and cultural well-being of its inhabitants, including—

(A) loss of existing communities that were based on the land and were self-sustaining, and

(B) adverse effects on the traditions, customs, and cultures of the affected communities;

(3) a healthy and sustainable ecosystem *in the Rio Puerco watershed* is essential to the long-term economic and cultural viability of the region;

(4) the impairment of the Rio Puerco watershed has damaged the ecological and economic well-being of the area below the junction of the Rio Puerco with the Rio Grande including—

(A) disruption of ecological processes;

(B) water quality impairment;

(C) significant reduction in the water storage capacity and life expectancy of the Elephant Butte Dam and Reservoir system due to sedimentation;

(D) chronic problems of irrigation system channel maintenance; and

(E) increased risk of flooding caused by sediment accumulation;

(5) the Rio Puerco is a major tributary of the Rio Grande and the coordinated implementation of ecosystem-based best management practices for the Rio Puerco system could benefit the larger Rio Grande system;

(6) the Rio Puerco watershed has been stressed from the loss of native vegetation, introduction of exotic species, and alteration of riparian habitat which have disrupted the original dynamics of the river and disrupted natural ecological processes;

(7) the Rio Puerco watershed is a mosaic of private, Federal, tribal trust, and State land ownership with diverse, sometimes differing management objectives;

(8) development, implementation, and monitoring of an effective watershed management program for the Rio Puerco watershed is best achieved through cooperation among affected Federal, State, local, and tribal entities;

(9) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, in consultation with the entities listed in paragraph (8), and in cooperation with the Rio Puerco Watershed Committee, is best suited to coordinate management efforts in the Rio Puerco watershed; and

(10) accelerating the pace of improvement in Rio Puerco watershed on a coordinated, cooperative basis will benefit persons living in the watershed as well as downstream users on the Rio Grande.

SEC. 3. MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Land Management and in consultation with the Rio Puerco Management Committee established pursuant to section 4, shall—

(1) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994, as described in the attached map, including—

(A) current and historical natural resource conditions; and

(B) data concerning the extent and causes of watershed impairment;

(2) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994; and

(3) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(b) RIO PUERCO MANAGEMENT *REPORT*.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Rio Puerco Management Committee, shall prepare a report of appropriate alternatives for the improvement of watershed conditions in the Rio Puerco Drainage Basin. The alternatives shall—

(1) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(2) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(3) recommend voluntary implementation of appropriate best management practices on both public and private lands;

(4) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on both public and private lands;

(5) provide for the development of public participation and community outreach programs that would include proposals for—

(A) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(B) involving private citizens in restoring the watershed;

(6) provide for the development of proposals for voluntary cooperative programs among the Rio Puerco Management Committee membership to implement best management practices in a coordinated, consistent, and cost-effective manner;

(7) provide for the encouragement and support implementation of best management practices on private lands; and

(8) provide for the development of proposals for a monitoring system that—

(A) builds upon existing data available from private, Federal, and State sources;

(B) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(C) will provide information to—

(i) assess existing resource and socioeconomic conditions;

(ii) identify priority implementation actions; and

(iii) assess the effectiveness of actions taken.

SEC. 4. RIO PUERCO MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the "Committee").

(b) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management, and shall include representatives from—

(1) the Rio Puerco Watershed Committee;

(2) affected tribes and pueblos;

(3) the Forest Service of the Department of Agriculture;

(4) the Bureau of Reclamation;

(5) the Geological Survey;

(6) the Bureau of Indian Affairs;

(7) the Fish and Wildlife Service;

(8) the Army Corps of Engineers;

(9) the Soil Conservation Service of the Department of Agriculture;

(10) the State of New Mexico, including the New Mexico Environment Department and the State Engineer;

(11) affected local Soil and Water Conservation Districts;

(12) the Elephant Butte Irrigation District;

(13) private landowners; and

(14) other interested citizens.

(c) DUTIES.—The Rio Puerco Management Committee shall—

(1) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in section 3; and

(2) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in section 3.

(d) TERMINATION.—The Committee established by this subsection shall terminate on the date 10 years after the date of enactment of this Act.

SEC. 5. REPORT.

Two years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives a report containing—

(1) a summary of accomplishments as outlined in section 3; and

(2) proposals for joint implementation efforts, including funding recommendations.

SEC. 6. LOWER RIO GRANDE HABITAT STUDY.

(a) IN GENERAL.—The Secretary of the Interior *shall, in cooperation with appropriate State agencies, conduct a study of the Rio Grande from Caballo Lake at least to* Sunland Park, New Mexico. The study shall include—

(1) a survey of the current habitat conditions of the river and its riparian environment;

(2) identification of the changes in vegetation and habitat over the past 400 years and the effect of the changes on the river and riparian area; and

(3) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and restoration of habitat through reintroduction or establishment of appropriate native plant species.

(b) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall transmit the study authorized by this section to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds not exceeding $7,500,000 as may be necessary to implement sections 1 through 5 of this Act during the first 10 full fiscal years after the date of enactment of this Act.

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

The Chair recognizes the gentleman from Minnesota [Mr. VENTO]

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1919 is similar to a bill (H.R. 4010) introduced by our committee colleague from New Mexico [Mr. RICHARDSON]. It is intended to facilitate a cooperative effort to improve the management of lands in the Rio Puerco Watershed, in New Mexico.

The Rio Puerco is a major tributary of the Rio Grande, flowing into that river northwest of Albuquerque and draining a watershed of more than 7,000 square miles.

However, the Rio Puerco's contribution to the Rio Grande is primarily sediment.

Downstream, from the rivers' confluence, the Elephant Butte reservoir provides water storage for irrigated agriculture and municipalities in New Mexico and Texas. The reservoir's storage capacity and expected useful life have been significantly reduced by sedimentation. Half the sediment entering the reservoir, but less than 10

percent of the water, is from the Rio Puerco.

This condition is the result of accelerated, progressive soil erosion. Such erosion within the Rio Grande Basin, and particularly within the draining of the Rio Puerco, threatens the continued vitality of the Rio Grande's aquatic system and the productivity of lands within the entire basin.

The area drained by the Rio Puerco is a mosaic of land ownerships and Federal agency managements, with no single agency having watershed-wide responsibility or expertise.

The BLM is responsible for management of a significant part of the Federal lands involved, and since the 1960's has done work—under the so-called frail lands program that has had positive effects, but the Rio Puerco's condition remains unsatisfactory and in need of more coordinated management on an ecosystem basis.

Toward this end, this bill would direct BLM to establish a clearinghouse for research and information, and to develop a plan for restoration of the Rio Puerco watershed.

The bill would require identification of goals and objectives for landowners and land-managers and of various alternative actions to meet the goals and objectives.

The purpose of the bill is to promote cooperative efforts, including public participation and community outreach, to improve and maintain ecological, cultural, and economic conditions in the area, including a formal advisory role for committee made up of representatives of relevant Federal and State agencies, affected Indian tribes and pueblos, local soil and water conservation districts, the Elephant Butte irrigation district, private landowners, and other interested citizens.

The bill would also require the Fish and Wildlife Service, in cooperation with State agencies, to assess ways to stop habitat loss and possible reestablishment, or introduction of native plant species in the Rio Grande Valley.

While the BLM and other Federal agencies already have the authority to carry out the work envisioned in the bill, enactment of the bill is intended to give a higher profile of that work, and to encourage greater cooperation and coordination in carrying it out.

In committee, S. 1919 was amended to provide for "sunsetting" the bill's advisory committee, to make clear that the bill will not restrict the authority of the Fish and Wildlife Service to study additional parts of the Rio Grande Valley, and to place a cap on the bill's authorization of appropriations.

With these amendments, S. 1919 was approved by the committee without controversy. I urge its passage by the House.

□ 2030

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in committee there were concerns raised about the need for enacting S. 1919, which would establish a clearing house for research and information regarding the Rio Puerco River. The Bureau of Land Management testified that this bill does not give them any new authority and that the Bureau is already completing most of this work.

The siltation problem in the Rio Puerco River has existed for hundreds of years. This is not a man-made problem and the fear is that we are throwing money at a problem only mother nature can fix. I support the Chairman's amendment to sunset the program after 10 years and to cap the authorization limits.

Mr. RICHARDSON. Mr. Speaker, I rise today in strong support of S. 1919, the Rio Puerco Watershed Act of 1994. This legislation, which was introduced by Senator JEFF BINGAMAN of New Mexico, is identical to my bill, H.R. 4010.

I would like to thank Chairmen VENTO and MILLER for their willingness to move on this important legislation as quickly as possible.

In addition, Chairman STUDDS deserves special praise for allowing this bill to move forward from his committee as well.

The Rio Puerco watershed in northern New Mexico is severely threatened by a combination of factors such as loss of native vegetation, introduction of exotic species, alteration of riparian habitat, and excessive sedimentation in the river. Extensive ecological changes have occurred in the watershed including erosion of the agricultural and range lands and loss of biological diversity and available surface water.

Unfortunately, these problems have been complicated by the interlocking land ownership of the area which includes private, Federal, tribal trust, and State ownership.

To address the many conflicting issues affecting protection of the area, the bill establishes a Rio Puerco Management Committee to include representatives from the Rio Puerco Watershed Committee, affected tribes and pueblos, all relevant Federal agencies and private landowners.

In addition, the bill provides for the long-term protection of the river by requiring the Secretary of Interior to prepare a plan for restoration of the river within 2 years of enactment and to report to Congress on the Department's activities to fulfill the goals of this requirement.

This is significant natural resources legislation for New Mexico and I am thankful for its consideration by the full House today.

I look forward to its swift consideration in the Senate and its enactment into law later this month.

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

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

The SPEAKER pro tempore (Mr. INSLEE). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1919, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

SAGUARO NATIONAL PARK ESTABLISHMENT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 316) to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 316

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 "Saguaro National Park Establishment Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds that—

(1) the Saguaro National Monument was established by Presidential Proclamation in 1933;

(2) the Tucson Mountain unit was established by Presidential Proclamation in 1961;

(3) in recognition of the need to provide increased protection for the monument, the boundaries of Tucson Mountain unit were expanded in 1976, and the boundaries of Rincon unit were expanded in 1991;

(4) the Tucson Mountain unit continues to face threats to the integrity of its natural resources, scenic beauty, and habitat protection for which the unit was established;

(5) these threats impeded opportunities for public enjoyment, education, and safety within the monument, as well as opportunities for solitude within he wilderness areas of the monument designated by Congress in 1976;

(6) the residential and commercial growth of the greater Tucson, Arizona metropolitan area is causing increasing threats to the monument's resources; and

(7) the Tucson Mountain unit should be enlarged by the addition of adjacent lands of National Park caliber and Saguaro National Monument should be afforded full recognition and statutory protection as a National Park.

SEC. 3. ESTABLISHMENT OF SAGUARO NATIONAL PARK.

There is hereby established the Saguaro National Park (hereinafter in this Act referred to as the "park") in the State of Arizona. The Saguaro National Monument is abolished as such, and all lands and interests therein are hereby incorporated within and made part of Saguaro National Park. Any reference to Saguaro National Monument shall be deemed a reference to Saguaro National Park, and any funds available for the purposes of the monument shall be available for purposes of the park.

SEC. 4. EXPANSION OF PARK BOUNDARIES.

(a) IN GENERAL.—The boundaries of the park are hereby modified to reflect the addition of approximately 3,460 acres of land and

interests therein as generally depicted on the map entitled "Saguaro National Monument Additions" and dated April, 1994.

(b) LAND ACQUISITION.—(1) Within the lands added to the park pursuant to subsection (a), the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange: *Provided*, That no such lands or interests therein may be acquired without the consent of the owner thereof unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is determental to the integrity of the park.

(2) Lands or interests therein owned by the State of Arizona or a political subdivision thereof may only be acquired by donation or exchange.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, or patent under the United States mining laws, and from disposition under all laws relating to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

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

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 316, the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 316 would expand the Saguaro National Monument's Tucson Mountain unit to add 3,460 acres of land that contain significant but threatened resources. The bill would also redesignate the monument as a national park. This Senate-passed version is similar to House companion legislation (H.R. 1826) introduced by Congressman KOLBE.

The land included in S. 316 is half the amount identified as appropriate for inclusion in the monument by a National Park Service study. The Arizona delegation has worked closely with the local community and has limited the legislation to those lands recommended for inclusion by the Park Service study that are in the hands of willing sellers. Even so, the bill includes a provision limiting the ability of the Department of the Interior to condemn land. Thus, there are no controversies about the expansion of the monument to include the sites identified in the bill.

Mr. Speaker, Saguaro National Monument represents a fragile, nationally significant resource long recognized as deserving protection. The monument's namesake, the giant Saguaro cacti of the Sonoran Desert, can grow up to 50 feet, weigh up to 8 tons and live up to 150 years. On March 1, 1933, just 3 days before leaving office, President Herbert Hoover acknowledged the significance of this resource by issuing a proclamation creating Saguaro National Monument east of Tucson. President John Kennedy expanded the monument in 1961, adding a unit to the west of Tucson. Together, the monument's eastern section, or Rincon Mountain unit, and western section, or Tucson Mountain unit, total 87,500 acres. In addition to the spectacular cacti, the monument is also home to javelina, gila monsters, desert tortoises and the endangered long-nosed bat.

The monument is now subjected to development threats and urban encroachment. While the monument was over 15 miles from depression-era Tucson, a town of 35,000 people at the time the monument was established, its growth to a city of 675,000 has spawned urban development now in the process of enveloping both units. As a result the nonument's resources are compromised. The habitats of plant and wildlife populations are fragmented by this encroachment; off-road vehicles disturb the desert floor; target shooters take aim at the Saguaro cacti; and potential mining activities would compromise the character of the monument.

In 1991, the National Park Service undertook a comprehensive boundary study at the Tucson Mountain unit of the monument. The resulting report, completed in June 1993, was a boundary resource inventory that identified 6 areas totaling 7,360 acres adjacent to the boundaries that could be suitable for addition to the monument. The inventory documented degradation of the monument's resource values in the areas of biodiversity, viewshed integrity, traditional cultural uses, recreational access for hikers and horseback rides, and the wilderness experience.

S. 316, would expand the western unit of Saguaro by 3,460 acres and would establish the monument as Saguaro National Park. The bill would authorize the acquisition of land by purchase, donation, transfer or exchange, except that the consent of the owner is required for such acquisitions unless the Secretary determines that the land is or will be developed in a deterimental manner; authorizes the acquisition of lands from the State or local governments by donation or exchange only; subject to valid existing rights, the bill withdraws lands within the park from entry, appropriation, or disposal under public land laws and from location, entry and patent under mining, mineral leasing and geothermal steam laws. In addition it authorizes appropriations to carry out the Act.

Mr. Speaker, this is an important and worthy conservation measure and I urge by colleagues to support this legislation and vote to send the bill to the President.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I rise in support of S. 316, legislation to expand Saguaro National Monument by about 3,400 acres. While I continue to be concerned about perpetual expansion of a National Park System which is already severely underfunded, I note that lands added to Saguaro National Monument under this measure have been identified through a recent boundary study completed by the National Park Service and that these lands do have park qualities.

This bipartisan measure has already been passed by the Senate and our action today will permit it to go forward to the President for signature. I encourage my colleagues to support the legislation.

Mr. KOLBE. Mr. Speaker, this is a small bill by congressional standards. It doesn't appropriate billions of dollars; it doesn't establish a new program or agency; it's not health care reform, or welfare reform, or campaign finance reform.

Yet, in its own way, it is a very important bill. Without it, much of the surviving habitat of the giant Saguaro cactus and its surrounding world of fantastic flowers, plants and animals would be lost. Whatever mark one gives this session of Congress, one thing is clear: preserving the remarkable Saguaro and its habitat is a worthwhile achievement.

The Saguaro cactus is an ecological treasure. But it is also more. It stands, uniquely, as the symbol of the great deserts of North America. Like other symbols—the bald eagle, Niagara Falls, the Rockies—the Saguaro cactus inspires us.

The giant cactus can grow to more than 50 feet tall and weigh over 5 tons. Some of these plants have more than 50 arms or branches; others have been alive since Europeans first came to our shores. Beginning in May, flower buds from the tips of the cactus appear. The vibrant, white flowers grow up to 4 inches in diameter; its beauty has earned it the designation as the official State flower of Arizona.The flower and its fruit have providing sustenance for animals and people for centuries. Native Americans depended on the fruit of the big cactus hundreds of years ago and to this day some still harvest the fruit.

But survival of the Saguaro is in doubt today; its population is dwindling, its cause is a mystery. But this bill and its House counterpart, H.R. 1826, is our commitment to saving this great cactus. The bill adds 3,460 acres of vital saguaro habitat to the park to ensure protection. The majority of the land—about ⅔ds—is owned by public agencies and will be acquired at little or no cost to the Federal Government.

This land on the west side of Tucson is under tremendous development pressure. Since I first introduced legislation in April of 1993, over 100 acres of prestine sonoran desert habitat have been lost to bulldozers and roads and homes. To keep the remaining area intact for our children and for the remaining plant and animals that inhabitant the Saguaro kingdom, we must act now.

In 1933, when the monument was initially established, Tucson's entire population of 33,000 could easily fit into most any college football stadium. The nearest outpost of the old pueblo was a dozen miles away. Nearly 30 years later, in November, 1961, the Saguaro National Monument was expanded by President Kennedy by adding Tucson Mountain Park on the west side of the city. That effort proved farsighted as Tucson's population doubled and redoubled in the years since, now totalling three-quarters of a million people. Growth continues at a rapid pace, now pushing to the Monument's edge.

Besides protection for the giant saguaro cactus, this expansion measure will include some of the most ecologically valuable lands in the sonoran desert: unique topography, large Chollas and Paloverde plants and other unique desert flora, important public access points, scenic and recreation opportunities, and prime habitat for a host of desert creatures, including the desert tortoise, gila monster, javelina, coyote, muledeer, mountain lion, ringtail cat, resident and migratory songbirds.

The expansion lands will bring the monument's size to over 90,000 acres, most of which is free of commercial development. The size of this monument, coupled with its rich diversity of ecological, cultural and recreational resources, justifies elevating the monument to the status as a National Park. Only the most shining jewels in our park system deserve this lofty status and anyone who has ever glimpsed these remarkable lands on a full-bloom spring day or in the shadow of an orange splashed sunset will attest to their unprecedented beauty.

This legislation has had a long journey. But the trip would never have been undertaken—much less stand on the verge of passage—without tremendous grassroots support from southern Arizonans and people all over this great country. Countless citizens worked tirelessly to make this bill a reality. Groups like the Pima Trails Association and Tucson Mountain Association and its President, Helen Wilson, exemplify what volunteerism is all about.

I also want to thank my colleagues from Arizona for their support—in particular, ED PASTOR and KAREN ENGLISH. Congresswoman ENGLISH showed her skill and leadership ability in helping to steer this bill through the subcommittee she serves on.

Finally, Mr. Speaker, I would like to commend Chairman VENTO and ranking member HANSEN for their work in moving this bill to the floor. Chairman VENTO was instrumental in preserving vital buffer areas of the east unit in 1991. And now, in 1994, he is proving himself again to be a champion of southern Arizona's pride and joy, the Saguaro National Monument.

Mr. Speaker, I urge support of this measure. The majestic saguaro and its neighbors are depending on us.

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

Mr. VENTO. Mr. Speaker, I want to thank the delegation for the effort the Members made on this.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 316.

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

A motion to reconsider was laid on the table

NATIONAL PARK SERVICE ENTREPRENEURIAL MANAGEMENT REFORM ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4533) to promote entrepreneurial management of the National Park Service, and for other purposes, as amended.

The Clerk reads as follows:

H.R. 4533

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 Park Service Entrepreneurial Management Reform Act of 1994".

SEC. 2. FEES.

(a) ADMISSION FEES.—Section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following) is amended as follows:

(1) In the first sentence of paragraph (1)(A)(i), by striking "$25" and inserting "$40".

(2) By amending the second sentence of paragraph (1)(A)(i) to read as follows: "The permittee and the accompanying spouse, children, and parents of the permittee shall be entitled to general admission into any area designated pursuant to this section.".

(3) By modifying the margin of clause (ii) of paragraph (1)(A) to align with the margin of clause (i).

(4) By inserting at the end of clause (ii) of paragraph (1)(A) the following: "Such receipts shall be made available, subject to appropriation, for authorized resource protection, rehabilitation, and conservation projects as provided for by subsection (i), including projects to be carried out by the Public Land Corps or any other conservation corps pursuant to the Youth Conservation Corps Act of 1970 (16 U.S.C. 1701 and following), or other related programs or authorities, on lands administered by the Secretary of the Interior and the Secretary of Agriculture.".

(5) In paragraph (1)(B), by striking "$15" and inserting "$25" and by adding at the end the following new sentence: "Any amount by which the fee for such an annual permit exceeds $15 shall be credited to the appropriation account of the unit of the National Park System that collected the fee, shall be available to the unit without further appropriation, and shall remain available until expended.".

(6) In paragraph (2), by inserting "(A)" after "(2)", by striking the fifth and sixth sentences, by amending the fourth sentence to read as follows:"The fee for a single-visit permit at any designated area shall be not more than $6 per person for persons entering by any means, except that the fee shall not exceed $20 for all persons entering a designated area in a single noncommercial vehicle.", and by adding at the end the following new subparagraph:

"(B) The Secretary shall establish a pilot project at Yosemite National Park that utilizes incentives, including waiving or reducing admission fees, to encourage use of public transit which serves the purpose of reducing vehicular traffic within Yosemite National Park.".

(7) In paragraph (3), by striking the last sentence.

(8) In paragraph (4), by striking "No other free permits shall be issued to any person" and inserting "No other free permits shall be issued to any person, except as otherwise provided by this subsection".

(9) In paragraph (4), by amending the second sentence to read as follows: "Such permit shall be nontransferable, shall be issued for a one-time charge of $10, and shall entitle the permittee and the accompanying spouse of the permitee to general admission into any area designated pursuant to this subsection.".

(10) In paragraph (6) by striking "on Interior and Insular Affairs" and inserting "on Natural Resources".

(11) In paragraph (9), by striking "San Juan National Historic Site, and Canaveral National Seashore" and inserting "and San Juan National Historic Site" and by adding the following at the end thereof: "The Secretary of the Interior shall submit a report to the Congress within 6 months after the enactment of this sentence respecting the areas at which the Secretary determines admission fees would be appropriate but at which such fees are prohibited by law and respecting each area at which such fees are authorized but not being collected (including an explanation of the reasons that such fees are not being collected).".

(12) By amending paragraph (11) to read as follows:

"(11) In the case of Yellowstone and Grand Teton National Parks, a single-visit fee collected at one unit shall also admit the person who paid such fee for a single visit to the other unit.".

(b) PENALTY.—Section 4(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following) is amended by striking "$100" and inserting "$1,000".

(c) TECHNICAL AMENDMENTS.—(1) Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following) is amended by striking "on Interior and Insular Affairs of the United States House of Representatives and United States Senate" and inserting "on Natural Resources of the United States House of Representatives and on Energy and Natural Resources of the United States Senate", by striking "Bureau of Outdoor Recreation" and inserting "National Park Service", and by striking "Bureau" and inserting "National Park Service".

(2) Section 4(g) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following) is amended by striking "or charges for commercial or other activities not related to recreation".

(d) USE OF FEES.—Section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following) is amended as follows:

(1) By inserting "USE OF FEES.—" after "(i)".

(2) In the first sentence of paragraph (1)(B), by striking "fee collection costs for that fiscal year" and inserting "fee collection costs for the immediately preceding fiscal year" and by striking "section in that fiscal year" and inserting

"section in such immediately preceding fiscal year".

(3) In the second sentence of paragraph (1)(B), by striking "in that fiscal year".

(4) In paragraph (1), by adding at the end the following new subparagraph:

"(C) Notwithstanding subparagraph (A) and notwithstanding any other provision of law, for fiscal years after fiscal year 1995, the amount by which the entrance fee receipts collected pursuant to this section by the National Park Service (except for the portion of fee receipts withheld as provided in subparagraph (B) for fee collection costs) exceeds the entrance fee receipts collected pursuant to this section by the National Park Service in fiscal year 1993 shall be covered into a special fund established in the Treasury of the United States to be known as the 'National Park Renewal Fund'. Amounts in such fund shall be available to the Secretary of the Interior, without further appropriation, for resource protection, research, interpretation, and maintenance activities related to resource protection and visitor enjoyment in areas managed by the National Park Service and shall be allocated among national park system units in accordance with subsection (j). Such amounts shall remain available until expended. The Secretary shall develop procedures for the use of amounts in the fund that ensure accountability and demonstrated results consistent with the purposes of this Act. Beginning after the first full fiscal year following enactment of this subparagraph, the Secretary shall submit an annual report to Congress, on a unit-by-unit basis, detailing the fees receipts collected pursuant to this section and the expenditures of such receipts.".

(e) TIME OF REIMBURSEMENT.—Section 4(k) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following) is amended by striking the last sentence.

(f) FEES FOR SPECIAL USES.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following) is amended by adding the following new subsection at the end:

"(o) FEES FOR SPECIAL USES.—The Secretary of the Interior shall establish reasonable fees for nonrecreational uses of national park system units that require special arrangements, including permits. The fees shall be set at such level as the Secretary deems necessary to insure that the United States will receive fair market value for the use of the area concerned and shall, at a minimum, cover all costs of providing necessary services associated with such special uses, except that the Secretary may, in his discretion, waive or reduce such fees in the case of any nonprofit organization or any organization using an area within the national park system for educational or park-related purposes. Notwithstanding any other provision of law, the Secretary shall retain so much of the revenue from such fees as is equal to fee collection costs and the costs of providing the necessary services associated with such special uses. Such retained amounts shall be credited to the appropriation account for the national park system unit concerned and shall remain available until expended, beginning in the fiscal year in which the amounts are so credited.".

(g) ADMISSION OR RECREATION USE FEES.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following) is amended by adding the following new subsection at the end:

"(p) ADMISSION OR RECREATION USE FEES.—Notwithstanding any other provision of law, no admission or recreation use fee of any kind shall be charged or imposed for entrance into, or use of, any federally owned area operated and maintained by a Federal agency and used for outdoor recreation purposes, except as provided for by this Act.".

SEC. 3. CHALLENGE COST-SHARE AGREEMENTS.

(a) AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators. For purposes of this section—

(1) The term "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out any authorized functions and responsibilities of the Secretary with respect to any unit of the national park system (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1b–1c)), any affiliated area, or any designated national scenic or historic trail.

(2) The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary is authorized, subject to appropriation, to provide the Federal funding share from any funds available to the National Park Service.

SEC. 4. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Notwithstanding any other provision of law, any funds payable to United States as restitution on account of damage to national park resources or property shall be paid to the Secretary of the Interior. Any such funds, and any other funds received as a result of forfeiture, compromise, or settlement on account of damage to national park resources or property shall be credited to the appropriation account for the national park system unit concerned and shall be available, without further appropriation, for expenditure by the Secretary, without regard to fiscal year limitation, to improve, protect, or rehabilitate any park resources or property which have been damaged by the action of a permittee or any unauthorized person.

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

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4533, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4533, The National Park Service Entrepreneurial Management Reform Act, is a bill I introduced at the request of the administration. The bill provides expanded authority for the collection of entrance and user fees at National Park System units and gives greater flexibility to the national park service to establish partnerships with State or local government, as-well-as with public or private agencies or organization under the National Park Service's challenge cost-share program.

H.R. 4533, as amended, contains a number of elements recommended in Vice President Gore's national performance review. The fee portion of the bill gives the Secretary of the Interior some considerable new discretion to set entrance, recreation and special use fees. The bill as amended removes the current caps on entrance fees, which, for the most part, limit entrance fees to $5 per vehicle or $3 per individual and replaces them with an overall cap of no more $6 per person. It retains the provisions in law prohibiting entrance fees for children age or 16 or younger, Current statutory prohibitions on entrance fee collection at urban parks with multiple entrance points would be eliminated. In addition, the bill contains a new special park use fee which allows the Park Service to charge non-park event holders fair market value for the use of Federal land.

H.R. 4533 provides that beginning in fiscal year 1996, the Park Service would keep 100 percent of new recreations fees they collect over the 1993 base year. These moneys would go into a National Park renewal fund which will be available without further appropriation for infrastructure needs at National Park units. These would include facility repair and replacement, resource protection, interpretive exhibits and other projects.

In addition, H.R. 4533 authorizes the Secretary to recover restitution on account of damage to park resources or property resulting from vandalism or accidental damage. Settlement money would go to the National Park Service for park purposes. The bill also expands the current challenge cost-share program to allow any funds appropriated for the operation of the National Park Service to be used to carry out challenge cost-share agreements.

Mr. Speaker, a case can be made for increasing entrance fees if certain principles are upheld. The National Park Service like other agencies and programs of the Federal Government is operating under severe financial restraints. The American people own the National Parks and they are already paying for them through their taxes. They are willing to pay reasonable fees for entry to and use of these lands but only if there is a direct connection between the fees collected and the improvement of opportunities for enjoyment of park lands. In raising entrance fees, we must be careful not to raise them so high that they dissuade people from going to our National Parks. Finally, fee increases must be carried out in a context of mutual sacrifice by other users of parks and public lands, including commercial users such as telecommunications, pipelines, commercial tours and others. Enactment of this legislation will assure that a fair fee is paid by all users of our National Parks and that the money will be used to benefit park resources, therefore I urge my colleagues' support. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4533, legislation to authorize an increase in park entrance fees and to return funds collected to the National Park Service.

Mr. Speaker, we spend a lot of time in this body discussing increases in grazing fees and timber receipts, but it may surprise many Members to learn that recreationists on Federal lands receive a larger subsidy than all other users of Federal lands combined. In 1994, recreationists on Federal lands received a total subsidy of about $1.2 billion. To put it another way, recreationists pay about 10 to 15 cents on the dollar for the services they receive. By comparison, the administration claims that the cost to administer the grazing program on Federal lands exceeds receipts by about $18 million annually.

When Vice President GORE announced the administration's program for entrepreneurial reform of the Park System as part of his reinventing government effort, and he claimed it would generate $993 million over the next 6 years. Those estimates turned out to be greatly exaggerated; in fact, the National Park Service today has no idea of how those figures were generated.

The bill we are presenting today will generate an estimated $30 million in additional funds annually for the park system. In light of the huge backlogs facing parks around the country, this amount of funding will do little to solve the financial problems facing our parks today.

I somewhat reluctantly support this measure today, not as a solution to the problems facing our parks, but as the smallest first step we can take to address the huge backlogs facing this agency.

□ 2040

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

Mrs. MINK of Hawaii. Mr. Speaker, I cannot vote in favor of H.R. 4533 today, which includes an increase in entrance fees to our national parks. Our country's parks were established for the use and enjoyment of all people. To bar those less advantaged in our communities entrance to our national parks is a violation of the open-park policy. I realize that the National Park Service has to find funds to better meet its growing demands for park maintenance and operation; however, the fee changes which are before us today are unwise deterrents to public use. It converts our park policy to a user-fee base.

Notwithstanding the fee-per-vehicle cap of $20, the substitution of per vehicle fees for per person fees could increase entrance costs by three or four times. Especially in Hawaii, this is an abrogation of the intent of those who originally donated the land for the parks, which was that the public would be granted free and full enjoyment of the parks. The Park Service could consider Hawaii Volcanoes National Park in my district as a prime park, which may translate to fees of $6 per person or $20 per vehicle, where it now is $3 per person or $5 per vehicle, whichever is lower. For Haleakala National Park on the island of Maui, the legislation could increase park fees to $4 or $5 per person or $20 per vehicle; current fees are $2 per person or $4 per vehicle. Such fees are proscriptive and will discourage local residents from visiting the parks.

In addition, the legislation before us establishes a new fund in the Treasury into which our park fees will go. This National Park Renewal Fund is later purportedly to be returned by the Secretary of the Interior, without the appropriations process, to park units depending on how much these parks collected in a previous fiscal year. I question whether or not the new fund will really be able to do this. The Park Service already fails to account fully for its current distribution of user fees as mandated by current law—a simple formula of 10 percent by the Director based on need, 40 percent to all units for operating costs and 50 percent to collecting parks based on amounts collected. To return the amount of money over and above amounts collected in fiscal year 1993 to every single park seems a monumental burden based on the Service's current accountability problems.

Huge park entrance fee increases are not the answer to the needs of our parks. Every family of four wishing to enjoy our Nation's prime parks could be required to pay $20 in entrance fees. High fees will hurt concession operations. And the National Park Renewal Fund is plainly a bad idea.

I urge my colleagues to oppose this legislation today. Vote against H.R. 4533 because it could cut into the healthy streams of visitors into the parks in your district, and deprive many families of access as they currently enjoy.

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

The SPEAKER pro tempore (Mr. INSLEE). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4533, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

CORINTH, MS, BATTLEFIELD ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 986) to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes, as amended.

The Clerk read as follows:

S. 986

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

TITLE I—CIVIL WAR BATTLEFIELD OF CORINTH, MISSISSIPPI

SEC. 101. SHORT TITLE.

This title may be cited as the "Corinth, Mississippi, Battlefield Act of 1994".

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the 14 sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War; and

(2) the Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(b) PURPOSE.—It is the purpose of this Act to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

SEC. 103. AUTHORIZATION FOR THE DEVELOPMENT OF AN INTERPRETIVE CENTER.

(A) AUTHORIZATION.—The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to provide for an interpretive center (hereinafter in this title referred to as the "center") in the vicinity of the Corinth Battlefield in the State of Mississippi for the purpose of interpreting the 1862 Civil War Siege and Battle of Corinth.

(b) PLAN AND DESIGN.—(1) Within 18 months after the date of the enactment of this Act, the Secretary, after consultation with the Governor of Mississippi and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) A detailed description of the design of the facility.

(B) A description of the site.

(C) The method of acquisition,

(D) The estimated cost of acquisition, construction, operation and maintenance.

(E) The manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation, and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the battlefield protection plan prepared for the city of Corinth, Mississippi and the Siege and Battle of Corinth Task Force, and shall provide an opportunity for public comment.

(3) Upon completion, the Secretary shall submit the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange for the construction of the center, authorized in subsection (a), provided that such lands or interest therein shall only be acquired with the consent of the owner thereof. Federal funds

to carry out this section may only be expended on two-for-one matching basis with non-Federal funds, services, materials, or lands, fairly valued as determined by the Secretary, or any combination thereof.

(d) AGREEMENT FOR THE OPERATION AND MAINTENANCE OF THE CENTER.—Before undertaking the construction of the center, the Secretary shall enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed as provided for by this Act. Any such agreement shall provide that—

(1) the non-Federal entity agree to operate and maintain the center and make no major alteration of the structure or grounds without the express written authorization of the Secretary;

(2) a plan of operations shall be submitted that is satisfactory to the Secretary;

(3) the Secretary shall have access to documents relating to the operation and maintenance of the center;

(4) the Secretary shall have the right of access to the center; and

(5) the United States shall be held harmless from all events arising from the operation and maintenance of the center.

(e) COOPERATIVE AGREEMENT FOR TECHNICAL ASSISTANCE.—The Secretary may enter into cooperative agreements with the State of Mississippi, the city of Corinth, and other public or private entities to provide technical assistance with respect to the center.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated not more than $6,000,000 to carry out this title.

TITLE II—STONES RIVER NATIONAL BATTLEFIELD

SEC. 201. EXPANSION OF BATTLEFIELD.

Section 1(a) of the Act entitled "An Act to amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes," approved December 23, 1987 (101 Stat. 1433; U.S.C. 426n) is amended by striking "numbered 327/80,004B, and dated November 1991" and inserting ", numbered 327/80,011, and dated May 1994".

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

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in the RECORD on this measure now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 986 the Senate version of the Corinth, Mississippi Battlefield Act was approved in the Senate on November 17, 1993, and referred to the Committee on Natural Resources on November 18, 1993. The bill was introduced by Senator LOTT, and provides for an interpretive center at the Civil War Battlefield of Corinth, MS. Similar legislation, H.R. 3714, was introduced by our colleague in the House, Representative WHITTEN on November 22, 1993. Both bills were the subject of a hearing before the Subcommittee on National Parks, Forests and Public Lands on July 25, 1994.

Corinth, MS, near the Tennessee border, was the junction of the Confederacy's main North-South and East-West railroads. Following the Union victory at Shiloh, TN, in April 1862, the Confederate Army retreated to Corinth, pursued by the Union Army which secured Corinth in October of 1862. Subsequently, slaves from Mississippi, Tennessee, and Alabama sought refuge and freedom in Corinth. Known as contrabands of war, these freedmen were housed at a camp, but were later transferred to Memphis when the Union Army abandoned Corinth to join General Sherman's campaign in 1864.

The Siege and Battle of Corinth today includes a 485-acre national historic landmark comprised of 16 noncontiguous sites near Corinth, MS. The Civil War Sites Advisory Commission has identified the 1862 Battle Site as a priority 1 battlefield, one with "critical need for coordinated nationwide action by the year 2000." The Corinth battle site is rated as having good or fair integrity, with high or moderate threats from development. The Corinth siege site was rated a priority 4 battlefield, a fragmented battlefield with poor integrity, although the commission reported that the siege site represents a class A military battle, one that "has a decisive impact on a military campaign and a direct impact on the course of the war."

S. 986, as approved by the Senate authorized both the acquisition of property from a willing seller in Corinth, MS, and the construction of an interpretive center on such property. The interpretive center would also be operated as part of Shiloh National Military Park, and Federal funding for construction would be limited to $6 million.

The legislation before us, as amended by the Committee on Natural Resources, modifies the provisions of the Corinth Battlefield legislation and adds the Stones River legislation—H.R. 4266—as a second title.

While I appreciate the interest for an interpretive center at Corinth, I and other Members are concerned about authorizing scarce National Park Service resources for construction of facilities for resources outside park boundaries which have not been designated as units of the National Park System. The city of Corinth, the State of Mississippi and other interested groups have been working to plan and develop the Corinth Battlefield site. I believe it is appropriate that others provide at least some of the resources for construction of the interpretive center, and the bill, as amended, provides Federal funding which must be matched on a two-to-one basis.

The amended bill also provides that the facility will be operated and maintained by a non-Federal entity. While the National Park Service can have a role in assisting in the development of an interpretive center at this significant Civil War site, I do not believe the Park Service should be responsible for continued operations. My colleagues have, numerous times, correctly asserted that the national park system is suffering from inadequate operations funding. Authorizing the Park Service to operate such a facility would further dissipate the scarce dollars available for units of the national park system. The bill's language assures the center's continued operation while limiting the National Park Service's obligation.

Title II of the bill incorporates the provisions of H.R. 4266, introduced by Representative BART GORDON, which expands the boundaries of the Stones River National Battlefield in Tennessee by 800 acres. The Battle of Stones River was fought from December 31, 1862, through January 2, 1863. In all, more than 23,000 of the 83,000 combined forces were killed, injured, or missing in action.

The Greater Stones River Battlefield Area originally consisted of approximately 3,700 acres. Initially authorized in 1927, the battlefield and cemetery encompassed 350 acres. When established in 1927, the battlefield was located in a rural setting. Since the 1980's the area surrounding the battlefield has been witness to extreme population growth and accompanying development. The 1990 census shows that Rutherford County—where the battlefield is located—is the fastest growing county in the State of Tennessee and is one of the 50 fastest growing counties in the country.

In 1992, the Civil War Sites Advisory Commission noted that less than 10 percent of the 3700-acre greater battlefield was preserved and interpreted on park land in five separate units. While the commission ranked the Battle of Stones River as one of the significant battles in determining the outcome of the Civil War, it observed that development around park lands compromises the integrity and fragments the greater battlefield.

In a position paper the commission concluded that the 800 acres of land included in H.R. 4266 would, if added to the park, raise the integrity of the battlefield since the land represents a significant acreage on which important battle events occurred. Prior legislation approved by this committee and the Congress in 1987 and 1991, increased the original 350-acre battlefield by 53 acres and 280 acres respectively.

Mr. Speaker, this legislation is needed to assure the preservation and interpretation of significant Civil War resources, and I urge my colleagues' support.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to S. 986, a bill which among other things provides for an expansion of Stones River National Battlefield in Tennessee.

Mr. Speaker, this bill represents the third time in four sessions of Congress that we have considered legislation to expand this park. The last time we considered this measure, Congress directed the National Park Service to undertake a boundary study of that park. The National Park Service is in the middle of that study at this time; with the first public meeting on three different alternatives scheduled for the next week. The National Park Service has not even completed the environmental impact statement on their new plan for public review.

If we pass this bill now, before the National Park Service finishes its study, it will be a virtual guarantee that we will have to revisit the boundary at this park again next Congress. For this reason, I cannot support this measure.

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

Mr. VENTO. Mr. Speaker, I urge passage of the measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 986, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

FINAL REPORT WITH RESPECT TO PANAMA PURSUANT TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–321)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on November 9, 1993, which have resulted in the termination of the continued blocking of Panamanian government assets. This is the final report with respect to Panama pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, President Bush issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that the President directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Panamanian Transactions Regulations, 31 CFR part 565 (the "Regulations"), were amended effective May 9, 1994, to foster the resolution of U.S. persons' claims against the Government of Panama arising prior to the April 5, 1990, termination date. (59 *Federal Register 24643*, May 12, 1994.) A copy of the amendment is attached. The amendment, new section 565.512, includes a statement of licensing policy indicating that the Department of the Treasury's Office of Foreign Assets Control ("FAC") would issue specific licenses authorizing the release of blocked Government of Panama funds at the request of that government to satisfy settlements, final judgments, and arbitral awards with respect to claims of U.S. persons arising prior to April 5, 1990. In addition, FAC stated that it would accept license applications from U.S. persons seeking judicial orders of attachment against blocked Government of Panama assets in satisfaction of final judgments entered against the Government of Panama, provided such applications are submitted no later than June 15, 1994.

4. No applications were received pursuant to this amendment for the purpose of obtaining judicial orders of attachment against blocked Government of Panama assets. Since the last report, however, specific licenses were issued at the request of the Government of Panama to unblock about $4.4 million to satisfy settlements reached with the vast majority of U.S. creditors by the Government of Panama. On September 9, 1994, the FAC gave notice to the public that the remaining blocked Government of Panama assets, approximately $2.1 million, would be unblocked effective September 16, 1994. (50 *Federal Register 46720*, September 9, 1994.) A copy of the notice is attached. Half of the $2.1 million had been held at the Federal Reserve Bank of New York at the request of the Government of Panama. The remaining amounts were held in blocked commercial bank accounts or in blocked reserved accounts established under section 565.509 of the Panamanian Transactions Regulations, 34 CFR 565.509. The remaining known claimants were informed that, prior to the unblocking, the Government of Panama and Air Panama had directed the transfer of $400,000 into a trust account administered by counsel to the Republic of Panama and Air Panama, as escrow agent, to be utilized toward resolution of the few remaining U.S. claims. This sum exceeds the face amount of the total of the known remaining claims.

5. With the unblocking on September 16, 1994, of Government of Panama funds that had been subject to the continued blocking, the sanctions program initiated to deal with the threat once posed by the Noriega regime in Panama is completed. However, enforcement action for past violations may still be pursued within the applicable statute of limitations.

6. The expenses incurred by the Federal Government during the period of the national emergency with respect to Panama from April 8, 1988, through April 5, 1990, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Panama are estimated to total about $2.225 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), and the Department of State (particularly the Bureau of Economic and Business Affairs and the Office of the Legal Adviser).

WILLIAM J. CLINTON.

THE WHITE HOUSE. *October 3, 1994.*

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have

the pleasure of transmitting to you the Fifteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1993.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1994.*

1993 REPORTS ON ACTIVITIES UNDER HIGHWAY SAFETY ACT AND NATIONAL TRAFFIC MOTOR VEHICLE SAFETY ACT OF 1966—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation, and the Committee on Energy and Commerce:

To the Congress of the United States:

I transmit herewith the 1993 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act and the National Traffic Motor Vehicle Safety Act of 1966, as amended (23 U.S.C. 401 note and 15 U.S.C. 1408).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1994.*

TRIBUTE TO DOYLE RAHJES, PRESIDENT OF KANSAS FARM BUREAU

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

Mr. ROBERTS. Mr. Speaker, I rise today to honor Doyle Rahjes, president of the Kansas Farm Bureau. After 11 years as president and over a quarter of a century of active leadership, Doyle has announced he will step down at the end of his current term.

During his service to the Kansas Farm Bureau, I have had the privilege of working with Doyle on countless occasions. He has been an outstanding leader, a loyal ally, trusted advisor and true friend to the entire Kansas department.

Doyle has also been a national leader in The American Farm Bureau Federation. His insights as a Kansas farmer/rancher have made him a popular and most effective witness before the House and Senate Agriculture Committees on behalf of the American Farm Bureau. He has served on the Farm Bureau board of directors and executive committee and has chaired the organization's International Trade Committee.

In addition to his Farm Bureau service, Doyle has served U.S. agriculture and rural America in many capacities. He is on the executive committee of the National Livestock and Meat Board, a board member for the Huck Boyd Rural Development Institute and a past member of the Kansas City Federal Reserve District Economic Advisory Committee. For his outstanding contributions to the agricultural community, Doyle has received numerous awards and citations.

But his most enduring legacy will be his service for the past 11 years as president of the Kansas Farm Bureau. Through one farm crisis, two farm bills, and many more farm challenges, Doyle has been the calm, clear voice of reason that has kept the Kansas Farm Bureau ship on course. His leadership and friendship will be sorely missed.

I wish Doyle, his wife Charlotte and their children and grandchildren all the best in the years to come as he now has more time to spend on his farm and with his family at his home in Agra, Kansas. President Rahjes's biography and the Kansas Farm Bureau press statement of his retirement follows.

Mr. Speaker, I include for the RECORD President Rahjes' biography and the Kansas Farm Bureau press statement of his retirement, as follows:

BIOGRAPHICAL OUTLINE OF DOYLE RAHJES

Doyle D. Rahjes is President of Kansas Farm Bureau. As President, he serves as Chairman of the Board of Directors of Kansas Farm Bureau and its Affiliated Companies and is chief spokesman for the organization.

He is a native of Agra, Kansas, in Phillips County and continues to farm there in partnership with his nephew. They raise wheat, milo and beef cattle.

After serving as county Farm Bureau president and a member of the Kansas Farm Bureau Resolutions Committee, Rahjes was elected to this Kansas Farm Bureau Board of Directors in 1971. He served as Vice President from 1973 until 1983 when he became President.

Prior to his election as President, he served on the Governor's Task Force on Water Resources and subsequently served for eight years on the Kansas Water Authority. In 1978, by invitation of President Carter and the Governor of Kansas, he represented Kansas at the White House Conference on National Balanced Growth and Economic Development.

Doyle is a member of the American Farm Bureau Federation Board of Directors and the AFBF Executive Committee. He is a past member of the Kansas City Federal Reserve 10th District Economic Advisory Committee and a member of the Executive Committee of the National Livestock and Meat Board.

As a person who is vitally interested in agriculture and rural America, he extends his advocacy by serving on the Board of Directors of the National Institute for Rural Development at Kansas State University. He is also a member of the Board of Directors of the Mid-States Port Authority that is providing oversight to a successful short line rail service in North Central and Northwest Kansas that extends into Colorado and Nebraska.

He is recipient of the Kansas Farm Bureau Leaders of the Year Award and received an Honorary State Farmer degree by the FFA. He is also recipient of the Kansas Banker's Soil Conservation Award and the Friend of Agriculture Award from Clay County Farm Bureau.

Appointed by the Secretary of Agriculture, he served as a member of the USDA Advisory Committee on Futures and Options and served as a member of the Commission for the Improvement of Federal Crop Insurance.

He and his wife, Charlotte, are natives of Phillips County, Kansas. They have two children: Lori Rahjes Ferguson, farm wife and school teacher, and Kenneth, who is involved in management of the family farm.

As President of the state's largest farm organization, Rahjes has gained wide acceptance throughout the nation as major farm leader and spokesman for agriculture.

[Kansas Farm Bureau News Release, Sept. 20, 1994]

RAHJES WILL NOT SEEK RE-ELECTION AS KFB PRESIDENT

MANHATTAN.—After more than a quarter century as a leader in Farm Bureau, Doyle Rahjes announced he will not seek re-election as president of the state's largest farm organization. The announcement was made in a letter to county Farm Bureau association presidents in Kansas.

"It has been a great honor for me to serve as president of Kansas Farm Bureau the past 11 years," Rahjes said in a statement from his Manhattan office. "It's time to return to the farm and our grandsons."

The Phillips County farmer/rancher who raises wheat, milo and beef cattle on his northwestern Kansas farm will continue to serve as president until the conclusion of the KFB annual meeting November 17–19, in Wichita. A new president will be elected at that time.

Rahjes has served as KFB president since November 1983. Prior to that he served as vice president for 10 years. Rahjes was elected to the KFB board of directors in 1971 and first served on the Phillips County FB board beginning in 1966.

In addition to his state leadership in agricultural issues, Rahjes has been a key leader with the American Farm Bureau Federation. Most recently he has served on the AFBF Executive Committee and also chaired the AFBF International Trade Committee.

Under his direction, Farm Bureau continued to be a strong agricultural voice representing farmers and ranchers in Kansas.

"Very few individuals have had an opportunity to work with an organization that is made up of such strong and devoted members as I have with Farm Bureau in Kansas," Rahjes said. "While I'm looking forward to a less stressful pace, I'm going to deeply miss my day-to-day contact with Farm Bureau members and other agricultural leaders.

"Farm Bureau is the farm organization where individual member concerns are heard and acted on through the democratic process at the county, state, national and international level," Rahjes said. "No other farm organization comes close to this kind of grass roots involvement. It has been a pleasure and a privilege to have served such an outstanding organization."

THANKS TO DR. GRACE MILGRAM

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. GONZALEZ. Mr. Speaker, I rise today to commemorate the service of Dr. Grace Milgram. Since 1975, Dr. Milgram has worked as a specialist in housing within the Economics Division of the Congressional Research Service at the Library of Congress.

Let me say parenthetically to all of these cost-cutting fanatics: You have been cutting the Library of Congress consistently instead of doing what we ought to do. It is the one arm Congress has, like GAO, that is indispensable and has been since its founding. Dr. Grace Milgram personifies the professionalism and the great efficiency with which this Research Service serves us, the Congress.

Over the past years, her work has been of invaluable assistance to me as chairman of the Subcommittee on Housing and Community Development; before her, her superior, Dr. Morton Schussheim, who retired just last year. We should find some way to still avail ourselves of their dedicated service. I therefore want to enter into the RECORD my commendation to this tremendous service by Dr. Grace Milgram.

Mr. Speaker, I include for the RECORD my commendation of Dr. Milgram and her profile, as follows:

HOUSE OF REPRESENTATIVES
Washington, DC, September 22, 1994.

Dr. GRACE MILGRAM,
Specialist in Housing, Economics Division, Congressional Research Service (CRS), Library of Congress, Washington, DC.

DEAR DR. MILGRAM: I wish to take opportunity to express my deepest best wishes to you on the occasion of your forthcoming retirement as a Specialist in Housing matters within the Economics Division of the Congressional Research Service at the Library of Congress.

I also would like to communicate my personal appreciation for the generous amount of time which you graciously committed to a number of research projects in the areas of housing and community development. They greatly assisted me during the course of the conceptualization and development of legislative proposals. I shall always remain grateful to you for the patient attention which you accorded to these particular research requests.

I trust that you will encounter many new, exciting challenges or possibly profit from the available time to pursue ongoing personal interests or hobbies.

I will make every effort to try to join you and your distinguished colleagues at the celebration engagement scheduled next Friday, 30 September 1994, from 12:00 noon to 2:00 p.m., in Room LM-205 of the Madison Building.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

PROFILE OF GRACE MILGRAM

EDUCATION

Grace prepared herself for an illustrious career in housing through her education received at Antioch College and the University of Pennsylvania. She majored in Economics, with an academic emphasis on city and regional planning, and graduated with honors. For her Doctorate degree, she specialized in housing, urban renewal, and land economics.

CAREER

1957–1958.—Economic Analyst for the Evaluation Project of the City of Philadelphia—evaluating a demonstration project on housing rehabilitation and neighborhood improvement.

1960–1964.—Housing economist, Research Associate, and Editor of City Planning Series of studies published by University of Pennsylvania Press.

1964–1967.—Research Assistant Professor for Institute of Environmental Studies, University of Pa. Directed research projects relating to land economics, mortgage finance, and other urban problems.

1967–1971.—Senior Research Associate and later, Assistant Director for Research, at the Institute of Urban Environment, Columbia University. Directed research on a number of projects concerned with housing and urban problems.

1971–1975.—Project Director, Division of Economics and Housing Finance, New York State Urban Development Corp. Analyzed individual sites and studies of metropolitan housing markets.

1975.—Hired on March 17, 1975 as a Specialist in Housing. Grace is an expert on HUD housing programs, as well as other housing. She was also coordinator of the Housing Section from 1975 to 1979.

PUBLICATIONS

Grace has been the author or co-author of numerous works in the Economics and Housing fields. The following are a few of them: A land Price Index for the San Juan Metropolitan Area; The City Expands—A Study for the Conversion of Land from Rural to Urban Use, Philadelphia, 1945–1962; A Framework for Center City Demonstration Projects, and Housing Desegregation in Central Cities and Suburbs, prepared for the Presidential Task Force on Urban Problems in 1965.

Since she has been with CRS Grace has written many valuable reports for Congress including Existing Housing Resources vs. Need; Housing Assistance in the United States; and, A Chronology of Housing Legislation and Selected Executive Actions, 1892–1992.

PROFESSIONAL ORGANIZATIONS

National Association of Housing and Redevelopment Officials;

American Real Estate and Urban Economics Associations;

American Institute of Planners;

Lambda Alpha (Land Economics Fraternity).

□ 2050

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. INSLEE). 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 1-YEAR ANNIVERSARY OF THE FIREFIGHT FROM HELL

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, tonight is the year anniversary of a tragic, albeit heroic, day in the annals of the U.S. Army, in our military history. It was the night of October 3 and October 4 last year that 18 superbly trained, extremely heroic American men in the prime of their life died in what their surviving colleagues called the firefight from hell. It was the worst firefight since the Vietnam war. The men were six pilots and aircrew from what is the world's, the world's, greatest helicopter unit, the 160th Aviation Regiment Special Forces at Fort Campbell in Kentucky. There were six Rangers from the 3d Battalion, 75th Rangers, Fort Benning. Some of them were very young, 22 or 21 due to the unit, and then there were five of the best trained soldiers in the world, our Special Forces men from Fort Bragg who are trained to rescue us if we are ever taken hostage, and many of them are down in Haiti at this very moment.

Mr. Speaker, it is ironic that 1 year later to the day a young American lies in a hospital. We are told he will survive. He was close to death. He was shot in the stomach during the last 24 hours. We do not know who shot him; a sniper, could have been either side, the pro-Aristide mobs or the killer, attache, ninja death squads of the prevailing de facto government in Haiti.

But the same mission creep that brought about over 75 men stranded all night long—in Somalia right now it is dawn, and a year ago it was dawn, and men of the 10th Mountain Division, with the help of some UN forces, United Arab Emirates, Pakistan, were trying to fight their way through road blocks in that godforsaken town of Mogadishu to reach our men. They were holed up in rooms where the floor was covered with blood. They had held out all night long. Night vision scopes helped them survive. They had no air cover from the big AC-130 gun ships, but what they called the little birds, the Hughes 86 Cayuse; some of those pilots whom I met with shortly thereafter flew, Mr. Speaker, 17 uninterrupted hours of combat support, firing all night long with 10-minute refueling trips back to the base which was only a few minutes away at Mogadishu International Airport.

Mr. Speaker, we have now that mission creep in Haiti, and I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for yielding, and I just wanted to thank him for this extraordinary service that he did for the House of Representatives and for the Committee on Armed Services as a Member who, after the Somalia tragedy, flew some 40 hours to Somalia and back while the rest of us were too busy or had other things that we could not leave. The gentleman from California [Mr. DORNAN] flew out there, and met with the troops, met with the wounded people,

ultimately talked to every family of the troops who were killed in that particular tragedy.

I say to the gentleman, "I want to thank you, BOB, for what you did. I think it was a great service to the House and to the Armed Services Committee."

Mr. DORNAN. Mr. Speaker, I say to the gentleman, "DUNCAN, I don't know how much time I have left."

Mr. HUNTER. Well, I will take a little when the gentleman gets finished.

Mr. DORNAN. All right. Some of the fathers and mothers of these men, particularly Randy Shughart whose dad went to the White House last May 23, refused to shake the hand of the Commander in Chief of these men. I asked him how he could possibly have allowed Aidid to be flown by our military. They did not make the Army guard them, but it was an Army airplane, Marine guards, to fly him on December 3 down to a conference in Addis Ababa. He said, "How could you do that with the killer of my son?"

And he said, "Well, I didn't know about that, Mr. Shughart."

He said, "Well, do you claim you did not know about Operation Ranger either, that they were arresting them, but they were doing it on your orders?"

And he said, "That brings to mind that some of my dead son's friends say they could have killed Aidid at least three times."

Well, you may not be aware of this, Mr. Shughart, but our country doesn't have the policy of assassinating leaders in other nations."

And in his simple, farmer way Herb Shughart said, "Leader? I thought you called him a thug. I thought you said he was a warlord. I though you ordered him arrested. But it's O.K. for my son and 18 others to die, and a 19th 3 days later, on October 6?"

And I said, "What did he say?"

Herb, he turned as red as a tomato and tried to stare a hole through me.

"What did you do?"

He said, "I stared a hole right back through him and told him, 'I have nothing more to say to you, Mr. President.'"

Now, if this young man who is suffering intensely tonight with a stomach wound—looked for a while like he would die—I wonder what his father is thinking tonight with mission creep down there in Haiti, with no vital interest at stake, no goal, no timetables, and if we were to pull out precipitously, what a message that gives us to the world, as we looked weak when we pulled out of Somalia—although I was for pulling out.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that I might be given 4 minutes so that I might yield some time.

Mr. DORNAN. Take 5. I want to read these names.

Mr. HUNTER. Five minutes.

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

Mr. ORTON. Reserving the right to object, Mr. Speaker, is Mr. HUNTER listed on the list of special orders.

The SPEAKER pro tempore. The gentleman from California [Mr. HUNTER] was not listed. Mr. HUNTER retains the right to request unanimous consent at the end of the calendar. There are three more Members listed on the chart.

Mr. ORTON. Mr. Speaker, I will not object at this point. I would ask the Members to maybe please try to stick to the time.

The SPEAKER pro tempore. The Chair would seek to entertain a request for unanimous consent at the end of the calendar.

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

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DORNAN. I ask, "Couldn't a courtesy request be made because we are speaking about deceased American heroes who died for us and their country?"

The SPEAKER pro tempore. Is there pending a unanimous-consent request?

Hearing none, the Chair intends to prevail with the outstanding schedule.

Mr. HUNTER. Mr. Speaker, I have made a unanimous-consent request that I might be given 5 minutes out of order and be allowed to yield that time to the gentleman from California [Mr. DORNAN].

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

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. HUNTER] may proceed for 5 minutes at this point.

COMMEMORATING THE SERVICEMEN KILLED IN SOMALIA

Mr. HUNTER. Mr. Speaker, since I have that time, before I yield to the gentleman from California [Mr. DORNAN] I want to answer perhaps part of the question for that father whose son was killed in Somalia.

Mr. DORNAN. Or the son lying near death in the last few hours——

Mr. HUNTER. Or the young man who has been shot in Haiti, and I think the answer has to do with priorities, and I think we can look back at liberal administrations since Vietnam, during Vietnam and since, and we have seen a situation in which typically politics has prevailed over the safety of American service people, and let me just say that in Vietnam many times our political leaders had a chance to end that war early, to do tough things with North Vietnam, to do things that were not diplomatically acceptable to them, and because of that there was only one currency that they were willing to expend in South Vietnam, and that currency was American soldiers, and because of that many times soft bodies of American G.I.'s ended up taking the hits when American bombing, and strategic positions and places, while it would have been done to the criticism of the world, it would have been attended by the criticism of world diplomats, nonetheless would have saved Americans from dying.

In Somalia we had basically the same thing where the American commander on the ground asked for armor. He asked for armor because he knew you had to have armor to get through the streets in Somalia in the urban areas because the other side has RPG's, rocket propelled grenades, and the thin-skinned vehicles that we had could not stand up to that——

Mr. DORNAN. And the big specter gunships were not overhead.

Mr. HUNTER. And central command approved the request for armor, and it was briefed by Colin Powell to President Clinton's Secretary of Defense, Les Aspin, and it was turned down, and I am paraphrasing Mr. Aspin, "for political reasons." It is because it would have made our military look "too militaristic."

□ 2100

Mr. DORNAN. Too offensive.

Mr. HUNTER. So once again American soft bodies were sacrificed because the prevailing sentiment in Washington, DC, in a liberal administration, and the overwhelming sentiment was in favor of diplomacy, in favor of world image, in favor of politics, and not in the best interests of our fighting people.

Mr. DORNAN. I am going to just mention their last names, because we probably only have a couple minutes left, and their age. Helicopter pilot Wolcott, 36; Donovan Briley, 33; Tommy Field, 25; Ray Frank, 36 months in your war in Vietnam, 45; Sergeant Cleveland, 34; Private First Class Jimmy Martin, 23. He is from Fort Drum. The other Fort Drum young black sergeant, Cornell Houston, 31. The six rangers: Richard Kowalewski, 20; Sergeant James Joyce, 24. His father testified movingly, beautifully, at the Senate. James Cavaco, 26; Dominick Pilla, 21; Lorenzo Ruiz, 27; Jimmy Smith, his father was a Vietnam vet, 21. And then these top sergeants, Master Sergeant Tim Martin, 38; Sergeant First Class Earl Fillmore, 28; Staff Sergeant Danny Busch, 25. And then our two Medal of Honor winners, posthumously awarded, Sergeant First Class Randy Shugart,

whose dad refused to shake Clinton's hand, 35; and Gary Gordon, 33, whose wife, Carmen, wrote one of the most beautiful letters I have ever seen in my life in Newsweek Magazine.

I went to mass last night at Saint Columbus Church in Garden Grove; 1,500 Vietnamese, men, women and children celebrating mass. And as Sally and I stood in the back of Saint Columbus, I notice a plaque on the wall. Seven men's names, from Garden Grove, who died in Vietnam, that those 1,500 people, 200 across the wall and every one of the 1,300 seats filled, could attend a religious service in this free country.

And on the way in from the airport, I stopped in at the Vietnam Wall, I didn't know you do this, to try and get their names out of a book. In the kiosk, a park guard said, "Give me their names." Within 2 minutes, I had all seven names. Five of them are born in the same year as President Clinton, 1946. one marine major in 1936, my brother's year, and one a year younger than Clinton. Six of them their birthdays are all within the same year and a half of Clinton's birthday, two of them in August, his birthday.

And I thought of these men and what they gave, so that those 1,500 people ended up in the United States in my Garden Grove going to a 7 o'clock mass. And I wondered, is there going to be a wall somewhere for the 19 men that died on the third and fourth last year, the 30 overall? And what about if somebody dies in Haiti? Where do we go to get their name and remember them? These are dangerous times with the poor leadership we have at the top.

A DESPICABLE DEMOCRATIC CAMPAIGN STRATEGY

The SPEAKER pro tempore (Mr. INSLEE). Under a previous order of the House, the gentleman from Georgia, Mr. GINGRICH, is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk tonight on a despicable Democratic campaign strategy. Today the White House Office of Media Affairs releases a so-called analysis of the House Republican contract that is a false, misleading, dishonest document. This Clinton Democratic strategy of frightening senior citizens is despicable, and it is totally false. Let's look at the facts.

House Republicans have proposed a balanced budget amendment to the Constitution. House Republicans know the Federal Government is too big and spends too much. House Republicans believe that over a 5 to 8-year period a transition to a balanced budget is possible. House Republicans believe that cutting spending, not raising taxes, is the right direction. Liberal Democrats and their liberal news media allies seem terrified at the idea the Republicans might actually cut Government spending, cut Democratic political pork, and work to balance the budget.

The Democrats have now come up with a totally phony analysis which suggests that Republicans would cut Social Security, rather than debate discretionary, rather than debate other entitlements, rather than debate changing the bureaucracy. The Democrats, at least in this White House release today, seem to have decided that only by scaring senior citizens do Democrats have a chance to survive.

This is a totally false accusation. Let me read the record. On Meet the Press yesterday I said the following. "We have to look at transforming virtually every area of the budget except Social Security. You take one part of that pie chart called Social Security, set it to one side as the contract that virtually all Americans agree on, I think you have got to look at every single aspect of the budget * * *.

"* * * The fact is Social Security is the widest accepted contract in the United States, it is one that I think should be off the table."

Now, that was on "Meet the Press" yesterday. Today the Clinton White House decides to lie about my position.

The gentleman from Texas, Congressman DICK ARMEY, on a C-SPAN viewer call-in show September 28, said the following about Social Security: "It is a paid annuity program. I can't be party to a process that says to the American people: One, we're going to take your aftertax dollars into this annuity and then tax you when you take your benefits out later—but that's what the Democrats want to do. I think that's unfair, it's unkind.

"Secondly, we can't break our contract, our responsibility, our fiduciary responsibility to those people who spent their entire working years paying into this contract."

Now, here are the No. 2 and No. 3 ranking House Republicans, the people who almost certainly will be the No. 1 and No. 2 House Republicans next year, and what we are saying to the American people is we are not going to touch Social Security. We have said publicly and on the record. The result is not an honest debate from the Clinton White House and the debate about how to get to a balanced budget, not an honest effort to understand what we are trying to do, but a deliberately distorted, deliberately false accusation that we are going to cut Social Security.

Let me carry this a step further. If you look at what Gov. Fife Symington has done, a Republican in Arizona, he has taken Medicaid, a very expensive program, and he has turned it into managed care. He no longer allows people to show up at the emergency room to get aspirin. He no longer allows people to simply waste dollars if they are on Medicaid.

The result is he is saving millions of dollars in Arizona and, applied nationwide, we could save billions of dollars. In New York State alone, there is one study that suggests that we could save $11,000 per welfare family in health care costs in New York State if we went to managed care, without in any way cutting off any care, but simply by turning it into an organized orderly process.

Gov. Tommy Thompson, Republican of Wisconsin, has gone to a learnfare and workfare program and has discovered that when you require people on welfare to work, fewer people show up for welfare and you change the whole program, and you dramatically both lower your costs and you improve the experience of the people on welfare. It is a program that will work. It is a program we ought to be trying.

I have been talking with Ross Perot, with corporate leaders around the country, looking at successful downsizing. What happens when Ford or General Motors or Chrysler or Xerox or IBM decides they have to shrink their middle managements? How do they go about doing that?

I believe we can save billions of dollars by downsizing the Federal bureaucracy and using effective systems. I believe with a thorough overhaul of our defense procurement system, we can get more weapons and better weapons faster for less money. That is the essence of the concept that Dr. Edwards Deming developed, which is quality, quality, but which is an approach to doing business in a way that is better and more effective and less expensive. The Democrats don't seem to get it. They think you have to keep the current welfare state and keep the budget unbalanced.

I simply ask them in closing, please don't lie to the American people about Social Security. It is off the table. It is not a topic. That is not going to be touched. Please debate us honestly about what really needs to be done to balance the budget.

ENTITLEMENT REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Utah [Mr. ORTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. ORTON. Mr. Speaker, I have asked for time to address my colleagues and the American people this afternoon or this evening on a very important issue. It is the issue of entitlement reform.

□ 2110

Earlier this year, there was a great deal made in the press and in this body about the bill that was known as the A to Z spending cuts bill. A to Z proposed that there would be time set aside

within the House, in the House legislative calendar, to propose cuts to discretionary spending programs. However, it only dealt with fiscal year 1994 and, in fact, proposed under the rule a specific amount of time, 1 week, during which Members could come to the floor of the House and present specific spending cuts. Again, this only would deal with discretionary spending cuts for 1994.

There was an argument that the rule could, in fact, be expanded to cuts of entitlements, but there is question whether that would be the case either. The main point is, this coming to the floor, very late in the session, late in the fiscal year 1994, and dealing with only fiscal year 1994, the practical reality is there would be very little impact on the Federal budget deficit through such a period of time here of proposing those specific cuts.

Several of us in the House who were sponsors of the original A to Z bill, rather than discharging the petitions, signing the discharge petition to bring that particular bill to the floor, which would only cut spending in 1994, 1994 was 11 months past, the actual spending cuts would be very minimal at best, if passed, we sought a way to actually accomplish the goals espoused by those of us who sponsored the bill, but doing so through a slightly different approach.

So we met with the leadership of the House. And rather than discharging this bill, bringing it to the floor for a 1-week debate, we reached an agreement wherein we could accomplish really three things:

First of all, the appropriation bills for fiscal year 1995, a year which has not yet begun, a year, if we cut spending from 1995, will actually result in lowered spending, that all of those appropriation bills would come to the floor under an open rule; thereby, any discretionary program under those appropriation bills would be eligible for any Member of the House to stand up and propose a cut.

Second, we would have several specific budget reform measures brought to the floor of the House for a vote.

And third, we would have time to come to the floor to debate specific entitlement reform so that we could in fact try to put this country back on track of fiscal responsibility.

We have accomplished much through that agreement. In fact, the appropriation bills did come to the floor under an open rule. There were 74 amendments proposed. Many of them passed, cutting billions and billions of dollars out of the 1995 fiscal year appropriations. It is also interesting to note that the prime sponsors of the A to Z bill did not come forward and propose one amendment out of any of those appropriation bills.

We also brought to this floor and debated and passed through this body four specific items which will have a direct impact on cutting the deficit: first of all, the enhanced rescission bill; second, the elimination of baseline budgeting; third, a limit on emergency spending so that you cannot just tack on nonrelated pork barrel spending bills and then pass an emergency bill not subject to the spending limits; and fourth, a cap on entitlement spending.

Each of those four bills came to this body. We voted on them. We passed them. If the other body would act on those before leaving this session, I believe that we could have very significant reduction in the deficit over the coming years.

The fifth budget reform that we have asked for that has not yet been voted on in the House, which I would urge the leadership to bring to the floor of the House this week before leaving, is what was called the lock box mechanism. What that was designed to do is say that when we vote here on the floor of the House to cut spending that that spending would actually have to reduce the deficit, rather than be freed up and be eligible to spend on some other program. So spending cuts voted here would actually reduce the deficit.

I favor all of those, voted in favor of all of those and would favor the lock box.

The final, third and final thing in the agreement with the leadership is to have an opportunity to debate entitlement reform. That is what we are going to be doing this week, most likely on Wednesday. A resolution which I have filed, House Concurrent Resolution 301, will be presented for debate. We will also present three specific amendments in that resolution.

The basic resolution is a generic statement about the need to deal with entitlement reform. Then the three specific amendments, which will be presented, would deal with means testing of entitlements, increase of the retirement age and reform of cost of living adjustments.

I want to take a little time this evening and explain the need for thorough debate on entitlements and the need for some action and what it is that we are attempting to accomplish.

This debate is not about cutting entitlements to beneficiaries. This debate is about ensuring that into the future those entitlement programs will be financially sound. They will be financially viable. There will be money to pay benefits to future beneficiaries.

That is what this debate is all about. And so I would like to explain House Concurrent Resolution 301 and the three specific amendments that we are going to propose to this resolution.

The basic resolution is fairly simple. I would like to read it to you:

Resolved by the House of Representatives, the Senate concurring, that it is the sense of the Congress that current trends in entitlement spending are not sustainable and Congress must act to resolve the long-term imbalance of the entitlement promises and available funds to ensure that day's debt does not fall unfairly on a American's children.

That is the principal resolution, which generically states that we must do something about entitlements.

The whole discussion and debate about the budget deficit or the national debt is not just a technical or an academic exercise. Every citizen in America has a personal stake in our Nation's national debt.

I have several charts here which the Entitlement Commission, known as the Cary Commission, has prepared. I would like to thank them for the opportunity of using these charts. But these charts show graphically what is happening with the Federal debt, the national debt, and how it applies to each individual American.

"The National Debt is a Large and Growing Obligation for All Americans." This shows the net national debt in thousands of 1993 dollars. These are constant dollars, not inflated into the future, per individual, for every man, woman, and child in this country.

In 1970, each man, woman, and child owed about $25,000 toward the national debt; in 1980, it had not changed much. By 1990, it had doubled. By the year 2000, it goes up to approximately twelve and a half thousand. By the way this is astounding.

□ 2120

In 1990, it is astounding that every man, woman and child would owe proportionately $10,000 towards the national debt. Look what happens by the year 2030, just 35 years from now. Every man, woman, and child in America, their portion of the national debt will be almost $65,000 in 1993 dollars. That is absolutely astounding.

Mr. Speaker, we must do something.

We have been making progress, by the way, Mr. Speaker. Through hard work, the deficit has been falling. In 1992, fiscal year 1992, the deficit was $292 billion. In 1993 it dropped to $255 billion. In 1994 it dropped to $202 billion. In 1995, the coming fiscal year, the CBO projects it will be $162 billion.

This is an amazing 40 percent cut in the deficit in a period of three fiscal years. We are making a difference. We are having an impact. However, the problem is all of those reductions are a result of discretionary spending cuts.

The budget is divided, really, into three different sections. One section we call interest on the debt. That is the amount of money we owe to ourselves, by the way, who have loaned the Government money through our savings, through buying savings bonds, certificates, et cetera. That amount of the debt, or the budget, is about 13 cents to 14 cents out of every dollar.

The rest of the budget is divided into mandatory spending, called entitlements. Those are things that we in

Congress do not have any control over. They go up automatically year by year, because the benefit is based upon eligible criteria. If an individual meets the statutory requirements, they are eligible to receive the payment. That is mandatory spending.

The rest of the budget, Mr. Speaker, is discretionary spending. Right now it is sitting at only about 35 cents on the dollar that we in this body can control how much that spending is. The progress that we have made these past three years, Mr. Speaker, is coming from discretionary spending and increased revenues through the tax increase in the Clinton budget reconciliation bill of a year ago.

The reality, Mr. Speaker, is depicted by this chart that shows the growth the mandatory spending within the Federal budget in just four decades.

If we go to 1963, discretionary spending was 70.4 percent of the budget. Interest was 6.9 percent. Entitlements were 22.7 percent.

Look at what happened in ten years. Entitlements rose from 22 percent to 38 percent. In another ten years, they rose from 38 percent to 45 percent. In another ten years, they rose to 47 percent.

Mr. Speaker, by fiscal year 2003, just eight or nine years from now, entitlements will be 58.2 percent, interest at 13.8, and it gives us only 28 cents out of every dollar on discretionary spending, so we can see graphically what is happening with entitlement growth as a portion of our spending.

Mr. Speaker, the present trend of entitlement growth is not sustainable. This graph depicts revenue as the green line. By the way, it is interesting to note, revenues in 1970 were a little over 19 percent of the gross domestic product.

In 1981 and again in 1986, we lowered taxes, lowered revenues to the Government, and indexed those revenues to inflation, so that as the economy grows, revenues are indexed, taxes, deductions, et cetera, are indexed. Therefore, revenues are going to remain fairly constant, at around 18.5 to 19 percent of the gross domestic product.

Mr. Speaker, however, look at what has happened since 1970. Mandatory entitlement spending is there in red. Interest is the area in blue. Discretionary spending is the area in gray.

In 1970, we had just a very small deficit. By 1980, by 1990, by the year 2000, however, look what happens by the year 2020, or actually by the year 2010, just 15 years from now. Virtually all of our revenues will be used in mandatory entitlement spending and interest on the debt; nothing left for discretionary spending.

If we are to balance the budget, and 271 Members of this body have voted to balance the budget, if we are to balance the budget, that means if we do nothing about the increase in spending, right there we have no money to spend on discretionary programs. Right here we have gone into default. Our country is bankrupt and in default, because it could not pay even interest on its own obligation.

By 2030, Mr. Speaker, just entitlement spending consumes more than all of the revenue the Government brings in.

In conclusion, therefore, Mr. Speaker, I would like to quote the first line of the basic text of House Concurrent Resolution 301: "It is the sense of Congress that the current trends in entitlement spending are not sustainable." I think it is clear that in fact that is the case.

Why do we need to act? Unlike discretionary spending, entitlement spending is not based upon action by this body. In order for us to increase defense spending, in order for us to increase spending on highways, or increase spending on crime enforcement, education, in order for us to increase that spending, we have to come into this body and affirmatively vote to increase the spending through the appropriation bills.

We do not do that on the entitlement provisions. They automatically increase, based upon the number of people eligible to receive the benefit and the formula defining the benefit. They go up automatically.

Mr. Speaker, we have taken several strides in the Committee on the Budget and in Congress to try to slow or reduce that growth of the deficit. Some of them are working, by the way.

In 1986 or 1987, I was not here, this body passed the Gramm-Rudman-Hollings bill which required that we would get to a balanced budget. However, it only required that we would project a balanced budget, because there is no enforcement mechanism which would come back and test us to see if we made it. There was nothing that said what we had to do if we did not make it.

For the first couple of years under Gramm-Rudman, Congress projected that deficits would go down and that eventually, at the end of the 5-year period, we would have a balanced budget. Unfortunately, there was a vast difference between what was projected to be the deficit and what actually turned out to be the deficit. At the end of the 5-year period, deficits were higher than they were at the beginning of the 5-year period.

Therefore, this body in its wisdom determined that they had to do something in addition. They had to take real steps which would actually bring down the debt. What were they? Something called pay-as-you-go, a very novel idea to the Government, which most people in this country already have to live by.

You can only spend the money that comes in. If you want to increase your spending, you have to increase your revenues. You can do that either by raising taxes or cutting spending from some other source, just like you do in your household. If you want to go out and buy something else, you have to either lower spending on some other program or issue, or find additional revenue.

What we have been doing, Mr. Speaker, is going out and borrowing, borrowing from our children and grandchildren, into the future. That is what has created this debt.

Mr. Speaker, however, pay-as-you-go, while it has injected discipline into our process, only affects or applies to discretionary spending. It does not apply to mandatory entitlement spending.

We have taken other action to bring down the debt, action which, as I mentioned, is being successful. We are lowering it by 40 percent over 3 years.

However, those things, the 5-year freeze on discretionary spending, which I advocated—and we were successful in the Committee on the Budget and on the floor of the House and the Senate, we now have a 5-year hard freeze on discretionary spending. We cannot spend more in fiscal years 1994, 1995, 1996, 1997, and 1998 than we did in 1993.

□ 2130

But again it only applies to discretionary spending.

Enhanced rescission, baseline budgeting, emergency spending. All of these things that we have passed in the House again only apply to discretionary spending. They do not apply to entitlements.

Other effort in attempting to limit entitlement spending has met with very limited success. For instance, in August I along with my colleagues the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and the gentleman from Ohio [Mr. KASICH] from the other side of the aisle proposed an entitlement cap. It would be a cap, a hard cap on the growth of entitlement spending. What it said was that over the next 5 years, entitlement spending could not increase greater than the increase in the inflation factor, the CPI, plus the increase in the population of the country, plus 1 percent in addition to the growth in the population and the increase in the CPI. It seemed like a reasonable amendment. It would have saved $150 billion over the next 5 years. Thirty-seven brave souls voted for that amendment.

Also the entitlement commission, the Kerry Commission that provided these charts, is finding it very difficult to identify specifically how to actually change or lower entitlement spending.

I submit that the budget deficit cannot be addressed without addressing entitlement spending. It is a simple exercise in math. Two hundred and seventy-one Members of this body voted

for a balanced budget amendment. If you are not in budget, in balance, that means that you are spending more money than you are bringing in. There are only two ways to balance the budget. You either have to increase money coming in or you have to increase money going out. Let us look at the possibilities and the options.

Increase the money coming in. How do you do that? You do that by raising taxes. There is very little appetite in this body or around this country for raising taxes. That is not a feasible option.

Second, interest on the debt. Out of every dollar, 14 cents goes to pay interest on the national debt and it is growing. We cannot default on that, or the country is in technical bankruptcy, its assets are subject to foreclosure, the economy fails, you have hyperinflation. You cannot default on the debt. You have to pay the national debt.

What about defense? I along with I think a majority of my colleagues believe that we have cut defense about as far as you possibly can cut it. In fact, many believe that defense should be increased. So we are not going to get more out of defense.

If you do not look at entitlements, if you say, "We're going to do this without entitlement cuts," you would have to cut—we have got roughly a $160 to a $230 billion deficit over the next 5 years—you would have to cut $200 billion out of nondefense discretionary spending, which is under $300 billion. That means you would have to take virtually every other program, every other spending that this nation spends, and cut it by two-thirds. That is the Justice Department, that is the Department of Transportation, that is the Department of Education. You would literally decimate that spending. You would bring the Government to a close.

Without raising taxes, without cutting defense, and without cutting entitlements, I defy anyone to show how they can balance the budget. It cannot be done.

There is also another question, the question of some of the entitlement programs and the solvency. There is a serious concern about Social Security and Medicare. In the 1970's, there were programmatic changes made to Social Security in order to make it economically viable, safe and sound, for the next 75 years. The projections showed that by the huge tax increases, and, in fact, now many Americans, many working-class American citizens, pay more in Social Security taxes than they do in income taxes, or any other type of tax. If you do not believe it, go home and look at your pay stub. Pull it out, compare the amount going to State or Federal or other type of taxes and the amount going to Social Security. That now is the highest tax that we pay for many Americans, and it is a flat tax. It is a tax on the lowest amount of earned income, by the way.

The changes, the increases, when we radically increased in the 1970's and early 1980's those taxes, it was supposed to put it safe for 75 years, the trustees of Stoical Security now say that Social Security will run out of money in the next century. It is projected to be bankrupt within 35 years. Therefore, if we do nothing, we will not have the revenues to even pay Social Security benefits.

We must take definitive action. Therefore, the second part of House Concurrent Resolution 301 states, "Congress must act to resolve the long-term imbalance of the entitlement promises and available funds to ensure that today's debt does not fall unfairly on America's children."

Entitlements are popular programs. Almost all of these programs are Social Security and health care. More than 75 percent of entitlement programs are Social Security, Medicare, Medicaid, and Federal retirement. In dollar figures, these are all of the entitlement programs. If we say we have got to do something about it, we have got to cut entitlements, where do you cut?

Here are entitlement programs: $300 plus billion per year being spent on Social Security, $125 plus billion on Medicare, $75 plus billion on Medicaid, and approximately $40 billion on Federal retirement benefits. Those are the majority.

When you get down to unemployment compensation, food stamps, Supplemental Social Security, veterans, AFDC—those are welfare payments—agricultural price supports, earned income tax refunds, railroad retirement, child nutrition programs like the food programs in schools, then you get down to other, it is almost nothing compared to the bulk of the retirement programs.

Therefore, these popular programs of Social Security, Medicare, Medicaid, and Federal retirement are very difficult to cut. They are the programs that most Americans who receive entitlements are relying upon. But I have heard my colleagues in this body as well as my constituents at home say, "Yes, cut entitlements—don't cut my programs—cut entitlements, and do it by cutting welfare and food stamps. That is where you can cut entitlements. That is where you can eliminate the deficit."

Folks, here is welfare. Welfare is only $10 billion to $12 billion to $21 billion a year. You can completely eliminate welfare, food stamps, unemployment, everything else. You do not solve this problem without dealing with the popular programs of Social Security, Medicare, Medicaid, and Federal retirement programs.

Let us look at the growth of entitlement programs. People say, "Ah. Well, if you could just stop the growth of welfare, of food stamps, of agricultural price supports, that would solve the problems."

Where is the real growth of entitlements coming? From 1993 to 1999, in billions of 1993 dollars, here is where entitlement are growing or failing.

□ 2140

Social Security growing by an additional $40 billion per year. Medicare and Medicaid, $70 billion for Medicare, Medicaid by another $50-plus billion, Federal retirement only growing by $6 billion or $7. Look what is happening in unemployment compensation, it is actually dropping. Food stamps almost no growth whatsoever. SSI, that is the disability income, some growth. Veterans, dropping. AFDC, those are welfare payments, almost no growth at all. Agricultural price supports dropping. Earned income tax refunds, growing at a fairly low growth. Railroad retirement dropping. Child nutrition growing very slightly. Other entitlements dropping.

The growth over the next 6 years, the growth that is spurring this problem, the growth is coming in those popular programs, Social Security Medicare, Medicaid.

In summation or in conclusion there are several reasons for acting on entitlements. Deficit spending raises interest rates and threatens economic growth. Deficit spending places a huge burden on future generations of Americans. Deficit spending puts at risk the long-term solvency of Social Security and Medicare.

What this debate is really about is by making tough decisions, but reasonable reductions in entitlements today we can forestall massive cuts in the future years. If we are not willing to deal with it today, what would we propose we do by the year 2030 when we do not even have enough revenue to pay for those entitlement programs, let alone anything else? How would we cut that then if we do not look today at how to cut that?

Therefore, we will be proposing three very specific additional amendments to add to this concurrent resolution. First, we will propose an amendment which says it is the sense of the Congress that payments through Federal Government entitlement programs, except for benefits from programs into which an individual contribution has been made by the recipients, should be means tested so that benefits would be reduced or eliminated dependent upon the income of the recipient.

I want to explain for my colleagues and the American people what this amendment would or would not do. First of all, it is not specific as to how we would means test those programs, which programs which would be means tested, over what period of time we would means test them, at what income levels these things would be

means tested, would they be means tested by reducing program benefits or by taxing benefits that are coming? All of those things. And by the way, what we did in trying to identify the three specific areas that we would present as specific amendment areas is we looked to the Congressional Budget Office. They put out a book every year on options of how to cut the national debt, the deficit. We looked at those options dealing with entitlements and we picked the three areas that has the most options and would generate the greatest savings over the period of 5 years.

Those three options are means testing, increasing the retirement age and changing COLA formulas. Those are the methods that can be used.

What we are attempting to do in this debate is take the temperature of Congress, the sense of the Congress. Do we want to, first of all in the general resolution, do we want to do something about entitlement spending? If yes, then we want to ask does Congress want to move on any of these three areas, general areas which the CBO has indicated there are a vast variety of options and it generates hundreds of billions of dollars of cuts.

In this area alone, means testing, the CBO indicated a list of over 57 different specific types of means testing which would save from a few billion to hundreds of billions of dollars over that 5-year period. None of those specific plans are in here, but if Congress says yes to this resolution, we want to look at means testing.

Then we can come back, specifically identifying which types of means testing Congress wants to adopt, which programs, who would it apply to, at what income level, how would we adopt it, would it be reducing benefits, taxing benefits, some other way, over what time period would it be phased in. All of those things would be yet to be determined if in fact this body says yes, it wants to move forward.

So essentially what means testing is it is very simple. It says that the amount of benefit received through the entitlement program would be reduced or eliminated dependent upon the income level of the recipient. If the recipient is very wealthy, the recipient who receive these will be taxed at a higher rate on those benefits. That is means testing.

However, there is an exclusion which I want to explain very carefully. Federal Government entitlement programs would be means tested except for those programs in which the individual receiving the benefit has made a contribution into the program. There are a number of reasons why this exception is in there. It is basically an equity issue. Benefits that are received are linked to contributions that are made, not simply the age of the individual, not simply the fact that the individual is alive at this age and, therefore, they are eligible for the benefit, but linked directly to the contribution made. To ensure economic viability of those programs, and there are essentially two, two major programs in which an individual contributes money, first Social Security and the second is Federal retirement benefits, the amount that I receive from Social Security or Federal retirement is dependent upon the length of time I worked, the amount of money I paid into the benefits.

The basic question of fairness comes into play. Is it fair to have someone pay into a program and then not get a benefit back that they have paid into to ensure viability of these programs? And if Social Security is in fact as the trustees said within 35 years no longer economically viable and would be bankrupt, then it is incumbent upon us to make programmatic changes to that particular program, Social Security, so it is no longer inviable, so it is no longer going bankrupt.

I do not believe the way to do it is through a general means testing of specific benefit. That does mean that Social Security would not be subject to increase in retirement age or COLA reform, but the basic benefits themselves under this amendment, Social Security and Federal retirement benefits would be exempt from means testing the basic benefit because the individual has contributed into that and the money they receive is based upon their contributions into it.

I do believe that we should have a separate program budget, and I have voted to make Social Security a separate agency. I have a budget reform bill that I have submitted which would take Social Security off Federal budget, would have a separate Social Security budget. That budget would have to be in balance. The revenues generated would have to pay for the Social Security benefits.

But Social Security is currently actuarially sound into the 2000's, for another 30 years or so. There are several ways to deal with it if it becomes unsound and if in fact the projections are true. We could look at it by adjusting the retirement age, by changing the cost-of-living adjustments or means testing the cost-of-living adjustments, by adjusting the benefit formula. That is not unheard of. We have adjusted it twice in the 1970's and the 1980's.

Also, we could adjust the current means testing of Social Security. And by the way, for anyone who believes that Social Security is not means tested and should not be means tested, they need to look closely at the program, because we currently have two ways of means testing Social Security right now. One is an earned income test. If you are between 62 and 67, I believe, there is an earned income test where your Social Security benefits are reduced for the amount of income you earn.

□ 2150

Second, there is a taxation-of-benefits test that if you earn over a certain level of income those benefits, Social Security benefits, are taxed to you and, therefore, you pay back some of the Social Security that you had received, so they are currently means-tested.

We could take a look at those formulas, and I believe, for example, that I think is very unfair that we look to an individual 65 years old receiving Social Security, unable to make it; they may still have children in school that they are helping in college, they are no longer receiving a full-time work salary, they are on Social Security, and we are going to penalize them if they go out and work. If they go out and earn a dollar, we are going to take a third of it back if it is earned income, but unearned income is not penalized.

If you have got an individual, a multimillionaire who sits back and generates interest income from their savings or clips coupons in order to generate their income, they are still getting Social Security, and we do not reduce the amount of Social Security for unearned income, but we do for earned income. I think that is blatantly unfair. Also, we ought to be taking a look at how we generate Social Security tax, how we generate the revenue. Right now we are taxing the first $60,000 of income that a person earns, not unearned income. If you do not have to work for a living, if you are living off of mom and dad or your uncle's trust fund account, you can sit there and earn millions of dollars a year in interest and dividends, and you do not have to pay one dime to Social Security. But if you are a working guy out there or woman who has to go out and work for a living, the first $60,000 we are going to tax for Social Security. Everything over that, we do not tax at all.

So if you are earning $200,000, $300,000, $400,000, $500,000 a year, you only have to pay tax on the first $60,000. If you are earning $40,000 a year, a family of four or five kids, you are having a hard time putting everyone through school and putting food on the table, you pay on every penny that you earn. Yes, there are ways we could look to programmatic changes to Social Security to make it more fair, to make it more economically viable into the future to be sure those Social Security benefits are there available when we retire, when we need those benefits.

But I believe those changes we should make looking directly into the Social Security program, not doing it through a generic means-testing and, therefore, our amendment would exempt essentially Social Security and Federal retirement benefits from that means-testing of the basic benefit.

Let me just make a couple of other points on means-testing. CBO recently released their report "Reducing Entitlement Spending" which outlines

ways to cut entitlements. It points out that there are only two ways to do it. The most direct way is to limit spending on individual programs, by cutting the amount of benefits or the number of beneficiaries eligible to receive the benefit. That is a very direct cut of individual benefits to members receiving the benefit.

The other way of reducing this is a more generic way through some form of means-testing either by reducing the benefit for higher-income individuals across various programs, not program by program, but across programs, or including those benefits in taxable income, thereby taking some of the benefit back from the very wealthy and then you place the level of income at which you are going to tax the person at the level you want to means-test.

The first way of cutting these programs is extremely difficult. As you have seen by this chart, entitlement spending on Social Security, Medicare, Medicaid, 75 percent of it is on retirement programs and health care. The growth of programs, you can see, the growth is in Social Security, Medicare, Medicaid. This is shown in one other chart. The dark blue amount is increases in Medicaid outlays which are means-tested. Medicaid is a means-tested benefit, and you can see Medicaid is going up dramatically from 1963, 1973, 1983, 1993, into 1999; it does go up dramatically. It is means-tested.

The light blue are all other means-tested entitlements including welfare, AFDC, food stamps; it includes unemployment. Well, unemployment is not means-tested. But it includes the other means-tested entitlements is the light blue. You can see they are going up, but not as rapidly.

The burgundy are non-means-tested entitlements. From 1963, 1973, 1983, 1993, to 2003, increasing outlays in billions, we are clear up over $800 billion by 1999. This is where the growth is coming is in non-means-tested entitlements.

If we are going to do anything about entitlements, it is in non-means-tested programs. One way to deal with it is by means-testing, but it is difficult to do it, as I have mentioned. It is difficult to make direct cuts, for example, in Social Security. We spent $320 billion in 1993. We will spend $408 billion in 1994.

Obviously there are many reasons why cuts in Social Security are unlikely. First, the system is currently self-sufficient. It is generating more revenue than it is spending right now. It does not make sense to cut back in basic benefits.

Second, it is a question of fairness. People have paid into it. They expect to get money back to them. Many seniors rely on Social Security to make ends meet, and referring back to the Stenholm-Orton-Penny amendment on entitlement caps, we can see demagogery on the issue of Social Security. Social Security in this town is viewed as the third rail. Touch it and you die politically, period. No one wants to touch it.

Across-the-board cuts in Social Security are extremely problematic. I do not support them personally. I have suggested ways that we could look to change the Social Security program, but not through this type of means-testing.

Next, Medicare and Medicaid, 1993, we spent $219 billion. By 1999, we spend $415 billion. That is almost a doubling in 6 years. Are we going to do anything about Medicare-Medicaid in this Congress or the next?

I would submit to you, if you think we are, take a look at what happened to the health care debate. We are going nowhere with health care reform. Even the health care proposals that were out there said, "We will exclude Medicare-Medicaid." At best, if we get health care reform, at best, it would be budget-neutral. I have not seen any of the health care reform proposals that actually reduce spending in those areas. So it is not likely that we can look to Medicare and Medicaid cuts. If you think that you can cut it through cutting food stamps, AFDC, etc., I mean, look, here is welfare, here are food stamps, here is unemployment going down. If you think we are going to balance this growth by cutting, and I agree that we need to amend welfare; I have a welfare reform proposal based upon a program operating in Utah right now which, in fact, has lowered costs of grants to the recipients by 25 percent. It is a self-sufficiency plan, over a period of 2 years or less these individuals working on self-sufficiency go out and get jobs, into the work force. It is working. We need to reform welfare. I am in agreement with that.

But if you look at the welfare reform proposals, you will find that very few of them cut money even in the long term, let alone in the short term. Most of them cost money in the short term. So that is likely not to change much. If we eliminated the entire thing, it would not make a dent on the other growth.

Therefore, I think this little exercise demonstrates that direct cuts in entitlement spending are very, very difficult. There is no big surprise. You are not going to cut it out of Social Security or Medicare. You cannot politically even change health care. At best, we would have a balance and would not increase the deficit as a result of health care reform or welfare reform.

Therefore, we have to look at other ways. Means-testing, I believe, is a realistic and fairer method which I have already explained the concept. There are several methods of means-testing that come really in three basic ways. You can eliminate the benefit. You can set a level of income and say anyone receiving over this amount of income, for instance, if you receive over $100,000 of income in the year, you are not eligible for means-tested entitlement programs, payments. That is one way. Another way is to tax entitlement benefits; simply say if you are over a certain level of income, these entitlement benefits become taxable to you. The third way is a more gradual approach which sets an income level and then gradually phases down those entitlement benefits as the income level goes up.

□ 2200

That is an approach which most people have supported. In fact, some groups have even spoken out on this. For example, CBO recently cited the proposal by the Concord Coalition, which is a bipartisan group created by former Senators Rudman and Tsongas, Republican and Democrat. They propose to cut up to 85 percent of benefits for individuals with annual income over $40,000. This, by the way, would cut spending by $200 billion over the next 5 years. That might be too severe. I do not know that this body, I do not know that I would vote for that particular level of means testing.

But, in summation, we must do something. If we vote against this amendment, if we vote "no, we should not look at means testing," we are essentially saying that no matter how wealthy the individual is, they should receive unlimited Federal entitlement benefits coming out of the general treasury, which is causing what we have just pointed out. Therefore I think it is necessary to direct the Congress to look at methods of means testing to lower entitlements.

Application by programs: The following programs are currently means tested: Medicaid, Aid to Families with Dependent Children or welfare, income maintenance programs such as food stamps SSI, income tax credits—all currently means tested. The following are not: Social Security, Medicare, agricultural subsidies, unemployment compensation, civilian and military retirement benefits and some veterans benefits.

The overwhelming majority of entitlement spending comes from these non-means tested programs.

Means testing is not a novel concept or idea. We already means test Social Security, as I have already pointed out. If you are over 65, between the ages of 65 and 69, and you earn income in addition to Social Security, you lose $1 in $3 for every dollar you earn over $11,160; you lose a dollar of it. We also tax individuals. Seniors: 85 percent of their Social Security benefits are taxable for individuals earning over $25,000 or couples also earning over $34,000. This is arbitrary, it does not deal with investment income, only earned income.

I mentioned why I think we need to look at those areas. Medicare, for example, just to show you another area where there are proposals also for means testing: The Mitchell health care bill and several of the Republican proposals, in fact, the Penny-Kasich budget, and I think the Solomon budget, voted on last spring for this fiscal year proposed means testing of Medicare. It would tax benefits under part B for individuals making over $90,000 and couples over $115,000.

So this is something which we need to look at and over the lifetime of an individual the average payments on Social Security and Medicare average upwards of $500,000 that the Federal Government is paying per beneficiary over the lifetime of that beneficiary.

We need to take a look at means testing. That is the first amendment.

The other two amendments are much shorter and will not take a great deal of time to describe. Let me just read the next one: It is the sense of the Congress that the age of qualification for age-dependent Federal benefits should be increased.

This simply says that the retirement age, if you are receiving a benefit that is dependent upon age, that program and the age level should be increased. It does not say at what level. It does not say which program specifically. It does not say how high it should be raised or over what period of time or how it would be phased in. No one here is in favor of going out and just saying to someone, "Sorry, you are 65, we are going to raise the age to 70 and you have got to wait another 5 years to get your Social Security," or other benefits and so on.

What it does say is that if we are going to have a balance, if in fact we are going to have enough revenue coming in to pay for the program, if the equation is going to be balanced, you have to look to 3 things:

You have to look at the formula under which the amount of the benefits are paid, you have to look at the period or the life expectancy that they are going to be paid and any increases such as cost-of-living increases, COLA's. Those three things.

Now, the formula determining the benefit, how long we are going to pay it and COLA, you determine how much money is going to be paid out.

The problem is if we are paying out more than we bring in, then that particular program is not financially stable. It is going bankrupt. It cannot be sustained in the long term.

Actuarial tables or the viability of that program look to the amount of contribution coming in multiplied by a return factor; that is, what can you get on that investing that into the market or whatever? And you equalize that with the amount of benefits paid times the period plus the cost-of-living adjustment.

Then you are in balance.

If anything in that formula is out of balance, if you missed on the actual formula for benefits or the life expectancy of the individual or the COLA, if you are out of balance, eventually you bankrupt the fund.

The Social Security trustees estimate the program will be insolvent in 35 years. Over the next 75 years the Social Security expenditures are projected to exceed its income by 16 percent. So even Social Security is not solvent.

Therefore, what do we do? By the way, this chart graphically depicts the problem. In 1935, right here, where Social Security was created, the average life expectancy of a male was about 59 years old. The average life expectancy of a female was 63 years old.

At what age do you receive Social Security benefits? 65 years old. Very few people would live to be 65 to receive the benefit. Those who did live to be 65 would not live much beyond that.

That was the life expectancy then.

Look what has happened to that life expectancy over the last 50 years. From 1935 to 1985, the life expectancy of that male has gone up from 59 years to 72 years. If the formula under which we determine the benefits that this individual is going to get or the length of time this individual is going to get those benefits, if that formula is out of whack, you go bankrupt. This is why Social Security, again, even though we just radically raised taxes, that is why these programs are going bankrupt.

Therefore, and just to show you one more graphic illustration: In 1950 we had 7.5 working individuals for every retired individual receiving these benefits, Social Security, retirement, Federal retiree benefits.

Right now, in 1994, we have about 4¾ workers for every 1 retired worker receiving benefits.

By the year 2030, we will have 2½ working individuals for every 1 retired beneficiary.

If we do not do something about these two charts, we cannot sustain the economic viability of the programs which we have paid into which we care about and from which we want to receive benefits.

Lastly, and finally, this amendment that we will be proposing is that it is the sense of the Congress that payments of annual cost-of-living adjustments, COLA's, should be reduced or deferred except for beneficiaries with annual income below 200 percent of the poverty level. There is a difference between a benefit payment and a cost-of-living adjustment. Cost-of-living adjustments were created, by the way, in the 1970's. That is, the COLA's, the cost-of-living adjustments, were not paid, they were not in the law. Social Security did not envision an annual cost-of-living adjustment. What was happening is every year at election time this body would pass an arbitrary increase in the benefit. You go home, you pat your voters on the back, you say, "Look what I did for you," you get reelected. It was costing a fortune.

□ 2210

So, in the 1970's, Mr. Speaker, Congress in its wisdom said, "So we don't have those uncontrolled, unchecked, continued increases in these programs, we will create a standard cost-of-living adjustment based upon the consumer price index." This was designed to save money.

Let me then just close with this last point; essentially it simply says that those individuals who are at or below the 200 percent of the poverty level would not have COLA adjustments. COLA's were designed to protect those individuals and protect their buying power so that they would not find themselves in destitution and poverty, which these programs were designed to help them avoid.

Mr. Speaker, I urge each Member to come and participate in this debate, and vote for or against the resolution, but we have to do something.

CONFERENCE REPORT ON S. 2060

Mr. LAFALCE submitted the following conference report and statement on the bill (S. 2060), to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-824)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2060), to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Administration Reauthorization and Amendments Act of 1994".

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

Sec. 201. Microloan financing pilot.
Sec. 202. Eligibility of Native American Tribal Governments to be microloan intermediaries.
Sec. 203. Microloan program extension.
Sec. 204. Microloan program funding and State limitations.
Sec. 205. Distribution of intermediaries.
Sec. 206. Microloan intermediary loan limitation.

Sec. 207. Microloan technical assistance to nonborrowers.
Sec. 208. Microloan technical assistance grants for intermediaries serving economically distressed areas.
Sec. 209. Loans to exporters.
Sec. 210. Working capital international trade loans.
Sec. 211. Guarantees on international trade loans.
Sec. 212. Accredited lenders program.
Sec. 213. Interest rate on certified development company loans.
Sec. 214. Certifications of eligibility for SBIC and SSBIC financing.
Sec. 215. Participating securities for smaller SBICs.
Sec. 216. Report on SBIC program.
Sec. 217. Premier Certified Lenders Program.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

Sec. 301. Establishment of size standards.
Sec. 302. Pilot preferred surety bond guarantee program extension.
Sec. 303. Manufacturing contracts through manufacturing application and education centers.
Sec. 304. Pilot program for very small business concerns.
Sec. 305. Handicapped workshop participation in small business set aside contracts.

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

Sec. 401. Sunset on cosponsored training.
Sec. 402. Small business development center program level.
Sec. 403. Federal contracts with small business development centers.
Sec. 404. Small business development center program examination and certification.
Sec. 405. Central European small business development.
Sec. 406. Mobile resource center pilot program.
Sec. 407. Information concerning franchising.

Subtitle B—Development of Woman-Owned Businesses

Sec. 411. Extension of authority for demonstration projects.
Sec. 412. Establishment of Office of Women's Business Ownership.
Sec. 413. Development of women's business enterprise.
Sec. 414. Transition reimbursement.
Sec. 415. Gift authority.
Sec. 416. Conforming amendment.

TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

Sec. 501. Short title.
Sec. 502. Intention of Congress.
Sec. 503. Prepayment of development company debentures.

TITLE VI—MISCELLANEOUS AMENDMENTS

Sec. 601. SBA interest payments to Treasury.
Sec. 602. Imposition of fees.
Sec. 603. Job creation and community benefit.
Sec. 604. Microloan program amendments.
Sec. 605. Technical clarification.
Sec. 606. Study and data base: guaranteed business loan program and development company program.
Sec. 607. SBIR vendors.
Sec. 608. Program extension.
Sec. 609. Prohibition on the use of funds for individuals not lawfully within the United States.
Sec. 610. Office of Advocacy employees.
Sec. 611. Prohibition on the provision of assistance.
Sec. 612. Certification of compliance with child support obligations.
Sec. 613. Advocacy study of paperwork and tax impact.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (k) (as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992) through (p) and inserting the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make—

"(A) $45,000,000 in technical assistance grants as provided in section 7(m); and

"(B) $130,000,000 in direct and immediate participation loans, and of such sum, the Administration is authorized to make—

"(i) not more than $10,000,000 in loans, as provided in section 7(a)(10); and

"(ii) not more than $120,000,000 in loans, as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $13,420,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,150,000,000 in general business loans as provided in section 7(a);

"(B) $2,250,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

"(C) $2,000,000,000 in loans as provided in section 7(a)(21); and

"(D) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $23,000,000 in purchases of preferred securities;

"(B) $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $400,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) The Administration is authorized to make grants or enter into cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,500,000;

"(B) for the Small Business Institute program authorized by section 8(b)(1), $3,000,000; and

"(C) for activities of small business development centers pursuant to section 21(c)(3)(G), $5,000,000, to remain available until expended.

"(m)(1) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(2) Notwithstanding paragraph (1), for fiscal year 1995—

"(A) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (l)(2)(A) is fully funded; and

"(B) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000,000.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make—

"(A) $65,000,000 in technical assistance grants as provided in section 7(m); and

"(B) $191,000,000 in direct and immediate participation loans, and of such sum, the Administration is authorized to make—

"(i) $11,000,000 in loans, as provided in section 7(a)(10); and

"(ii) $180,000,000 in loans, as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $15,680,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,500,000,000 in general business loans as provided in section 7(a);

"(B) $2,650,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

"(C) $2,500,000,000 in loans as provided in section 7(a)(21); and

"(D) $30,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $24,000,000 in purchases of preferred securities;

"(B) $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $650,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,900,000,000, of which not more than $625,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) The Administration is authorized to make grants or enter cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,700,000;

"(B) for the Small Business Institute program authorized by section 8(b)(1), $3,200,000; and

"(C) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $10,000,000, to remain available until expended.

"(o)(1) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(2) Notwithstanding paragraph (1), for fiscal year 1996—

"(A) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (n)(2)(A) is fully funded; and

"(B) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions

other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000,000.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make—

"(A) $98,000,000 in technical assistance grants as provided in section 7(m); and

"(B) $262,000,000 in direct and immediate participation loans, and of such sum, the Administration is authorized to make—

"(i) $12,000,000 in loans, as provided in section 7(a)(10); and

"(ii) $250,000,000 in loans, as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $19,390,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $13,100,000,000 in general business loans as provided in section 7(a);

"(B) $3,250,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

"(C) $3,000,000,000 in loans as provided in section 7(a)(21); and

"(D) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $25,000,000 in purchases of preferred securities;

"(B) $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $900,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) The Administration is authorized to make grants or enter cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,900,000;

"(B) for the Small Business Institute program authorized by section 8(b)(1), $3,400,000; and

"(C) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(q)(1) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(2) Notwithstanding paragraph (1), for fiscal year 1997—

"(A) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (p)(2)(A) is fully funded; and

"(B) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000,000.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following new paragraph:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—In lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), during fiscal years 1995 through 1997, the Administration may, on a pilot program basis, participate on a deferred basis of not less than 90 percent and not more than 100 percent on loans made to intermediaries by a for-profit or nonprofit entity or by alliances of such entities, subject to the following conditions:

"(A) NUMBER OF LOANS.—In carrying out this paragraph, the Administration shall not participate in providing financing on a deferred basis to more than 10 intermediaries in urban areas or more than 10 intermediaries in rural areas.

"(B) TERM OF LOANS.—The term of each loan shall be 10 years. During the first year of the loan, the intermediary shall not be required to repay any interest or principal. During the second through fifth years of the loan, the intermediary shall be required to pay interest only. During the sixth through tenth years of the loan, the intermediary shall be required to make interest payments and fully amortize the principal.

"(C) INTEREST RATE.—The interest rate on each loan shall be the rate specified by paragraph (3)(F) for direct loans.".

SEC. 202. ELIGIBILITY OF NATIVE AMERICAN TRIBAL GOVERNMENTS TO BE MICROLOAN INTERMEDIARIES.

Section 7(m)(11)(A) of the Small Business Act (15 U.S.C. 636(m)(11)(A)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv), by striking the comma at the end and inserting "; or"; and

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

"(v) an agency of or nonprofit entity established by a Native American Tribal Government,".

SEC. 203. MICROLOAN PROGRAM EXTENSION.

Section 609(j) of Public Law 102–140 (105 Stat. 831) is amended by striking "5 years after the date of enactment of this Act", and inserting "on October 1, 1997".

SEC. 204. MICROLOAN PROGRAM FUNDING AND STATE LIMITATIONS.

Section 7(m)(7) of the Small Business Act (15 U.S.C. 636(m)(7)) is amended to read as follows:

"(7) PROGRAM FUNDING FOR MICROLOANS.—

"(A) NUMBER OF PARTICIPANTS.—During the demonstration program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 200 microloan programs.

"(B) STATE LIMITATIONS.—During any fiscal year, a State shall not receive new loan funds from the Administration that exceed 125 percent of the State's pro rata share of the microloan program authorization during such fiscal year, such share to be based on the population of the State, as compared to the total population of the United States.".

SEC. 205. DISTRIBUTION OF INTERMEDIARIES.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants under this subsection, the Administration shall select such intermediaries as will ensure appropriate availability of loans for small businesses in all industries located throughout each State, particularly those located in urban and in rural areas.".

SEC. 206. MICROLOAN INTERMEDIARY LOAN LIMITATION.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$1,250,000" and inserting "$2, 500,000".

SEC. 207. MICROLOAN TECHNICAL ASSISTANCE TO NONBORROWERS.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following new subparagraph:

"(E) ASSISTANCE TO CERTAIN SMALL BUSINESS CONCERNS.—Each intermediary may expend an amount not to exceed 15 percent of the grant funds received under paragraph (1)(B)(ii) to provide information and technical assistance to small business concerns that are prospective borrowers under this subsection.".

SEC. 208. MICROLOAN TECHNICAL ASSISTANCE GRANTS FOR INTERMEDIARIES SERVING ECONOMICALLY DISTRESSED AREAS.

(a) GRANT ELIGIBILITY.—Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended—

(1) in subparagraph (B), by inserting "except for a grant made to an intermediary that provides not less than 50 percent of its loans to small business concerns located in or owned by one or more residents of an economically distressed area," after "under subparagraph (A),"; and

(2) in subparagraph (C), by striking clause (i) and inserting the following:

"(i) IN GENERAL.—In addition to grants made under subparagraph (A), each intermediary shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection if—

"(I) the intermediary provides not less than 25 percent of its loans to small business concerns located in or owned by one or more residents of an economically distressed area; or

"(II) the intermediary has a portfolio of loans made under this subsection that averages not more than $7,500 during the period of the intermediary's participation in the program.".

(b) DEFINITION.—Section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)) is amended—

(1) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following new subparagraph:

"(D) the term 'economically distressed area', as used in paragraph (4), means a county or equivalent division of local government of a State in which the small business concern is located, in which, according to the most recent data available from the Bureau of the Census, Department of Commerce, not less than 40 percent of residents have an annual income that is at or below the poverty level.".

(c) TERMINATION.—The amendments made by this section shall remain in effect during the period beginning on the date of enactment of this Act and ending on October 1, 1997.

SEC. 209. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(14)(A) The Administration may provide extensions of credit, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 210. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 211. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or (16).".

SEC. 212. ACCREDITED LENDERS PROGRAM.

(a) ESTABLISHMENT.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) ESTABLISHMENT.—The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies that meet the requirements of subsection (b).

"(b) REQUIREMENTS.—The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the Development Company Program authorized by sections 502, 503, and 504 for not less than the preceding 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for such Development Company Program;

"(3) has the ability to process, close, and service financing for plant and equipment under such Development Company Program;

"(4) has a loss rate on the company's debentures that is reasonable and acceptable to the Administration;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment through the Development Company Program.

"(c) EXPEDITED PROCESSING OF LOAN APPLICATIONS.—The Administration shall develop an expedited procedure for processing a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) SUSPENSION OR REVOCATION OF DESIGNATION.—

"(1) IN GENERAL.—The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that—

"(A) the development company has not continued to meet the criteria for eligibility under subsection (b); or

"(B) the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(2) EFFECT.—A suspension or revocation under paragraph (1) shall not affect any outstanding debenture guarantee.

"(e) DEFINITION.—For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administration shall promulgate final regulations to carry out this section.

(c) REPORT.—Not later than 1 year after the effective date of regulations promulgated under subsection (b), and biennially thereafter, the Administration shall report to the Committees on Small Business of the Senate and the House of Representatives on the implementation of this section. Such report shall include data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, the average processing time on their guarantee applications, and such other information as the Administration deems appropriate.

SEC. 213. INTEREST RATE ON CERTIFIED DEVELOPMENT COMPANY LOANS.

Section 112(c) of the Small Business Administration Reauthorization and Amendment Act of 1988 (102 Stat. 2996) is amended—

(1) in paragraph (1), by striking "(1) IN GENERAL.—Section 503" and inserting "Section 503"; and

(2) by striking paragraph (2).

SEC. 214. CERTIFICATIONS OF ELIGIBILITY FOR SBIC AND SSBIC FINANCING.

Section 308 of the Small Business Investment Act of 1958 (15 U.S.C. 687) is amended by adding at the end the following new subsection:

"(h) CERTIFICATIONS OF ELIGIBILITY.—

"(1) CERTIFICATION BY SMALL BUSINESS CONCERN.—Prior to receiving financial assistance from a company licensed pursuant to subsection (c) or (d) of section 301, a small business concern shall certify in writing that it meets the eligibility requirements of the Small Business Investment Company Program or the Specialized Small Business Investment Company Program, as applicable.

"(2) CERTIFICATION BY COMPANY.—Prior to providing financial assistance to a small business concern under this Act, a company licensed pursuant to subsection (c) or (d) of section 301 shall certify in writing that it has reviewed the application for assistance of the small business concern and that all documentation and other information supports the eligibility of the applicant.

"(3) RETENTION OF CERTIFICATIONS.—Certificates made pursuant to paragraphs (1) and (2) shall be retained by the company licensed pursuant to subsection (c) or (d) of section 301 for the duration of the financial assistance.".

SEC. 215. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding at the end the following new paragraph:

"(13) PARTICIPATING SECURITIES FOR SMALLER SMALL BUSINESS INVESTMENT COMPANIES.—

"(A) IN GENERAL.—Subject to the provisions of subparagraph (B), of the amount of the annual program level of participating securities approved in appropriations Acts, 50 percent shall be reserved for funding small business investment companies with private capital of not more than $20,000,000.

"(B) EXCEPTION.—During the last quarter of each fiscal year, if the Administrator determines that there is a lack of qualified applicants with private capital of not more than $20,000,000, the Administrator may utilize all or any part of the program level for securities reserved under subparagraph (A) for qualified applicants with private capital of more than $20,000,000.".

SEC. 216. REPORT ON SBIC PROGRAM.

Not later than May 15, 1995, the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a comprehensive report on—

(1) the status and disposition of all small business investment companies participating in the Small Business Investment Company Program under subsections (c) and (d) of section 301 of the Small Business Investment Act of 1958, whether active or in liquidation;

(2) a complete accounting of the assets in and the basis of the portfolios of such companies;

(3) the projected and actual loss rates for all portfolios in liquidation or active; and

(4) a detailed accounting of valuation of the Small Business Investment Company Program's investments.

SEC. 217. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 508. PREMIER CERTIFIED LENDERS PROGRAM.

"(a) ESTABLISHMENT.—On a pilot program basis, the Administration may establish a Premier Certified Lenders Program for not more than 15 certified development companies that meet the requirements of subsection (b).

"(b) REQUIREMENTS.—

"(1) APPLICATION.—To be eligible to participate in the Premier Certified Lenders Program established under subsection (a), a certified development company shall prepare and submit to the Administration an application at such time, in such manner, and containing such information as the Administration may require.

"(2) DESIGNATION.—The Administration may designate a certified development company as a premier certified lender if such company—

"(A) has been an active participant in the accredited lenders program during the 12-month period preceding the date on which the company submits an application under paragraph (1), except that, prior to January 1, 1996, the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

"(B) has a history of submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(C) agrees to assume and to reimburse the Administration for 10 percent of any loss sustained by the Administration as a result of default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administration under this section.

"(c) LOSS RESERVE.—

"(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financings approved pursuant to this section.

"(2) AMOUNT.—The amount of the loss reserve shall be based upon the greater of—

"(A) the historic loss rate on debentures issued by such company; or

"(B) 10 percent of the amount of the company's exposure as determined under subsection (b)(2)(C).

"(3) ASSETS.—The loss reserve shall be comprised of segregated assets of the company which shall be securitized in favor of the Administration.

"(4) CONTRIBUTIONS.—The company shall make contributions to the loss reserve in the following amounts and at the following intervals:

"(A) 50 percent when a debenture is closed.

"(B) 25 percent not later than 1 year after a debenture is closed.

"(C) 25 percent not later than 2 years after a debenture is closed.

"(d) LOAN APPROVAL AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding section 503(b)(6), and subject to such terms and conditions as the Administration may establish, the Administration may permit a company designated as a premier certified lender under this

section to approve loans that are funded with the proceeds of a debenture issued by such company and may authorize the guarantee of such debenture.

"(2) SCOPE OF REVIEW.—The approval of a loan by a premier certified lender shall be subject to final approval as to eligibility of any guarantee by the Administration pursuant to section 503(a), but such final approval shall not include review of decisions by the lender involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(e) REVIEW.—After the issuance and sale of debentures under this section, the Administration, at intervals not greater than 12 months, shall review the financings made by each premier certified lender. The review shall include the lender's credit decisions and general compliance with the eligibility requirements for each financing approved under the program authorized under this section. The Administration shall consider the findings of the review in carrying out its responsibilities under subsection (f), but such review shall not affect any outstanding debenture guarantee.

"(f) SUSPENSION OR REVOCATION.—The designation of a State or local development company as a premier certified lender may be suspended or revoked if the Administration determines that the company—

"(1) has not continued to meet the criteria for eligibility under subsection (b);

"(2) has not established or maintained the loss reserve required under subsection (c);

"(3) is failing to adhere to the Administration's rules and regulations; or

"(4) is violating any other applicable provision of law.

"(g) EFFECT OF SUSPENSION OR DESIGNATION.—A suspension or revocation under subsection (f) shall not affect any outstanding debenture guarantee.

"(h) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Administration shall promulgate regulations to carry out this section.

"(i) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administration shall report to the Committees on Small Business of the Senate and the House of Representatives on the implementation of this section. Each report shall include—

"(1) the number of certified development companies designated as premier certified lenders;

"(2) the debenture guarantee volume of such companies;

"(3) a comparison of the loss rate for premier certified lenders to the loss rate for accredited and other lenders; and

"(4) such other information as the Administration deems appropriate.".

(b) REPEAL.—Effective on October 1, 1997, section 508 of the Small Business Investment Act of 1958, as added by subsection (a), is repealed.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. ESTABLISHMENT OF SIZE STANDARDS.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) ESTABLISHMENT OF SIZE STANDARDS.—

"(A) IN GENERAL.—In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act.

"(B) ADDITIONAL CRITERIA.—The standards described in paragraph (1) may utilize number of employees, dollar volume of business, net worth, net income, a combination thereof, or other appropriate factors.

"(C) REQUIREMENTS.—Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(i) is proposed after an opportunity for public notice and comment;

"(ii) provides for determining—

"(I) the size of a manufacturing concern as measured by the manufacturing concern's average employment based upon employment during each of the manufacturing concern's pay periods for the preceding 12 months;

"(II) the size of a business concern providing services on the basis of the annual average gross receipts of the business concern over a period of not less than 3 years;

"(III) the size of other business concerns on the basis of data over a period of not less than 3 years; or

"(IV) other appropriate factors; and

"(iii) is approved by the Administrator.".

SEC. 302. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

SEC. 303. MANUFACTURING CONTRACTS THROUGH MANUFACTURING APPLICATION AND EDUCATION CENTERS.

(a) IN GENERAL.—The Small Business Administration shall promote the award of Federal manufacturing contracts to small business concerns that participate in manufacturing application and education centers by working with the Department of Commerce and other agencies to identify components and subsystems that are both critical and currently foreign-sourced.

(b) QUALIFICATIONS.—In order to qualify as a manufacturing application and education center under this section, an entity shall have the capacity to assist small business concerns in a shared-use production environment and to offer the following services:

(1) Technology demonstration.

(2) Technology education.

(3) Technology application support.

(4) Technology advancement support.

(c) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements of section 15(o)(1)(B) of the Small Business Act shall not apply with respect to any manufacturing contract carried out by a small business concern in conjunction with a manufacturing application and education center under this section.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final regulations to carry out this section.

(e) TERMINATION OF AUTHORITY.—The authority of the Small Business Administration under this section shall terminate on September 30, 1997.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Small Business Administration, such sums as may be necessary to carry out this section.

SEC. 304. PILOT PROGRAM FOR VERY SMALL BUSINESS CONCERNS.

(a) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program in accordance with the requirements of this section to provide improved access to Federal contract opportunities for very small business concerns.

(b) PROCUREMENT CONTRACTS.—

(1) IN GENERAL.—In carrying out subsection (a), the Administrator shall identify procurement contracts of Federal agencies for award under the program.

(2) CONTRACT AWARDS.—Under the program established pursuant to this section, the award of a procurement contract of a Federal agency identified by the Administration pursuant to paragraph (1) shall be made by the agency to an eligible program participant selected, and determined to be responsible, by the agency.

(3) COMPETITION.—All contract opportunities offered for award under the program shall be awarded on the basis of competition among eligible very small business concerns.

(c) ELIGIBILITY.—Only a very small business concern shall be eligible to compete for a contract to be awarded under the program. A contracting officer may rely in good faith on a written certification that a small business concern is a very small business concern.

(d) DELEGATION OF AUTHORITY.—The authority of the Administrator under subsections (b)(1) and (c) shall be delegated to not less than 5 and not more than 10 districts of the Administration to promote the award of contracts that can be performed by very small business concerns.

(e) FINANCIAL ASSISTANCE.—In order to assist very small business concerns receiving contract awards under the program, the Administrator shall establish a preauthorization program for such concerns for the purpose of receiving financial assistance under section 7(a) of the Small Business Act.

(f) ATTAINMENT OF CONTRACT GOALS.—All contract awards made under the program shall be counted toward the attainment of the goals specified in section 15(g) of the Small Business Act.

(g) REGULATIONS.—The Administrator shall—

(1) issue proposed regulations to carry out this section not later than 180 days after the date of enactment of this Act; and

(2) issue final regulations to carry out this section not later than 270 days after the date of enactment of this Act.

(h) REPORT TO CONGRESS.—Not later than April 30, 1997, the Administrator shall transmit to the Congress a report on the results of the program, together with such recommendations as the Administrator deems appropriate.

(i) PROGRAM TERM.—Implementation of the program shall begin not later than August 30, 1995. The program authorized by this section shall expire on September 30, 1998.

(j) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ADMINISTRATION.—The term "Administration" means the Small Business Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration.

(3) PROGRAM.—The term "program" means a program established pursuant to subsection (a).

(4) VERY SMALL BUSINESS CONCERN.—The term "very small business concern" means a small business concern that—

(A) has not more than 15 employees; and

(B) has average annual receipts that total not more than $1,000,000.

SEC. 305. HANDICAPPED WORKSHOP PARTICIPATION IN SMALL BUSINESS SET ASIDE CONTRACTS.

Section 15(c) of the Small Business Act (15 U.S.C. 644(c)) is amended—

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

"(2)(A) During fiscal year 1995, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $40,000,000."; and

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

"(7) Agencies awarding one or more contracts to such an organization pursuant to the provisions of this subsection may use multiyear contracts, if appropriate.".

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) IN GENERAL.—

(1) REPEAL.—The amendments made by section 5(a) of Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) are hereby repealed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on September 30, 1997.

(b) CONFORMING AMENDMENT.—Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended in the second sentence by striking "and the amendments made to section 8(b)(1)(A) of the Small Business Act by section 5(a)(2) of this Act are" and inserting "is".

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—

"(A) IN GENERAL.—The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions.

"(B) RESTRICTION.—The matching amount described in subparagraph (A) shall not include any indirect costs or in-kind contributions derived from any Federal program.

"(C) NATIONAL PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii), no State receiving funds under this section shall receive a grant that exceeds—

"(I) for fiscal year 1995, the sum of such State's pro rata share of a national program based upon the population of the State as compared to the total population in the United States, and $125,000; or

"(II) in each succeeding fiscal year, the sum of such State's pro rata share of a national program based upon the population of the State as compared to the total population in the United States, and $200,000.

"(ii) EXCEPTION.—Grants provided to a small business development center by the Administration or another agency to carry out the provisions of subsection (c)(3)(G) shall not be included in the calculation of maximum funding of a small business development center.

"(iii) AMOUNT.—The amount of the national program shall be—

"(I) $70,000,000 through September 30, 1996;

"(II) $77,500,000 from October 1, 1996 through September 30, 1997; and

"(III) $85,000,000 beginning October 1, 1997.

The amount for which a small business development center is eligible under this paragraph shall be based upon the amount of the national program in effect as of the date for commencement of performance of the small business development center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—Subject to the conditions set forth in subparagraph (B), a small business development center may enter into a contract with a Federal department or agency to provide specific assistance to small business concerns.

"(B) CONTRACT PREREQUISITES.—Before bidding on a contract described in subparagraph (A), a small business development center shall receive approval from the Associate Administrator of the small business development center program of the subject and general scope of the contract. Each approval under subparagraph (A) shall be based upon a determination that the contract will provide assistance to small business concerns and that performance of the contract will not hinder the small business development center in carrying out the terms of the grant received by the small business development center from the Administration.

"(C) EXEMPTION FROM MATCHING REQUIREMENT.—A contract under this paragraph shall not be subject to the matching funds or eligibility requirements of paragraph (4).

"(D) ADDITIONAL PROVISION.—Notwithstanding any other provision of law, a contract for assistance under this paragraph shall not be applied to any Federal department or agency's small business, woman-owned business, or socially and economically disadvantaged business contracting goal under section 15(g).".

SEC. 404. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM EXAMINATION AND CERTIFICATION.

Section 21(k) of the Small Business Act (15 U.S.C. 648(k)) is amended to read as follows:

"(k) PROGRAM EXAMINATION AND CERTIFICATION.—

"(1) EXAMINATION.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement a biennial programmatic and financial examination of each small business development center established pursuant to this section.

"(2) CERTIFICATION.—The Administration may provide financial support, by contract or otherwise, to the association authorized by subsection (a)(3)(A) for the purpose of developing a small business development center certification program.

"(3) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).".

SEC. 405. CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT.

Section 25(i) of the Small Business Act (15 U.S.C. 652(i)) is amended by striking "and $2,000,000 for each of fiscal years 1993 and 1994" and inserting ", $2,000,000 for each of fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995".

SEC. 406. MOBILE RESOURCE CENTER PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration may establish and carry out in each of fiscal years 1995, 1996, and 1997 a mobile resource pilot program (hereafter in this section referred to as the "program") in accordance with the requirements of this section.

(b) MOBILE RESOURCE CENTER VEHICLES.—Under the program, the Administration may use mobile resource center vehicles to provide technical assistance, information, and other services available from the Small Business Administration to traditionally underserved populations. Two of such vehicles should be utilized in rural areas and 2 of such vehicles should be utilized in urban areas.

(c) REPORT TO CONGRESS.—If the Administrator conducts the program authorized in this section, the Administrator shall, not later than December 31, 1996, transmit to the Congress a report containing the results of such program, together with recommendations for appropriate legislative and administrative action.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $900,000 for each of fiscal years 1995, 1996, and 1997, such sums to remain available until expended. Of such sums—

(1) $800,000 may be made available for the purchase or lease of mobile resource center vehicles and operating expenses; and

(2) $100,000 may be made available for studies, startup expenses, and other administrative expenses.

SEC. 407. INFORMATION CONCERNING FRANCHISING.

Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended by inserting "including information on the benefits and risks of franchising," after "small-business enterprises,".

Subtitle B—Development of Woman-Owned Businesses

SEC. 411. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 28 (as added by section 2 of the Women's Business Development Act of 1991) as section 29; and

(2) in section 29(g), as redesignated, by striking "1995" and inserting "1997".

SEC. 412. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act (15 U.S.C. 656), as redesignated by section 411 of this Act, is amended by adding at the end the following new subsection:

"(h) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—There is hereby established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises, as such term is defined in section 408 of the Women's Business Ownership Act of 1988. The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.".

SEC. 413. DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"SEC. 401. ESTABLISHMENT OF THE INTERAGENCY COMMITTEE.

"There is established an interagency committee to be known as the Interagency Committee on Women's Business Enterprise.

"SEC. 402. DUTIES OF THE INTERAGENCY COMMITTEE.

"(a) IN GENERAL.—The Interagency Committee shall—

"(1) monitor, coordinate, and promote the plans, programs, and operations of the departments and agencies of the Federal Government that may contribute to the establishment and growth of women's business enterprise;

"(2) develop and promote new public sector initiatives, policies, programs, and plans designed to foster women's business enterprise;

"(3) review, monitor, and coordinate plans and programs, developed in the public sector, which affect the ability of women-owned businesses to obtain capital and credit;

"(4) promote and assist, as appropriate, in the development of surveys of women-owned business; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate growth and development of women's business enterprise, which plan shall, not later than 1 year after the effective date of the Small Business Administration Reauthorization and Amendments Act of 1994, be submitted to the President for review.

"(b) MEETINGS.—The Interagency Committee shall meet not less than biannually at such times as the Interagency Committee determines to be necessary to perform the duties under subsection (a). A majority of the members of the

Committee shall constitute a quorum for the approval of recommendations or reports issued pursuant to this section.

"(c) INTERACTION WITH COUNCIL.—In performing its duties under subsection (a), the Interagency Committee shall consult with the Council. The Interagency Committee may meet jointly with the Council at the discretion of the chairperson of the Interagency Committee and the chairperson of the Council, but not less frequently than twice annually. The chairperson of the Interagency Committee shall serve as chairperson of any joint meetings of the Interagency Committee and the Council.

"SEC. 403. MEMBERSHIP OF THE INTERAGENCY COMMITTEE.

"(a) IN GENERAL.—

"(1) PARTICIPANTS.—The Interagency Committee shall be composed of 1 representative from each of the following:

"(A) The Department of Commerce.

"(B) The Department of Defense.

"(C) The Department of Health and Human Services.

"(D) The Department of Labor.

"(E) The Small Business Administration.

"(F) The Department of Transportation.

"(G) The Department of the Treasury.

"(H) The General Services Administration.

"(I) The Board of Governors of the Federal Reserve.

"(J) The Executive staff of the President engaged in policymaking activities.

"(2) APPOINTMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the head of each department and agency listed in paragraph (1) shall, not later than 45 days after the date of enactment of the Small Business Administration Reauthorization and Amendments Act of 1994, designate a representative who shall be a policymaking official within the department or agency.

"(B) SMALL BUSINESS ADMINISTRATION.—With respect to the Small Business Administration, the representative shall be the Assistant Administrator of the Office of Women's Business Ownership, who also shall serve as the vice chairperson of the Interagency Committee.

"(3) OTHER PARTICIPATION.—Other representatives of the Federal Government not listed in paragraph (1) may participate in the meetings and functions of the Interagency Committee on a temporary basis as needed to carry out specific Interagency Committee goals.

"(b) APPOINTMENT OF CHAIRPERSON.—Not later than 45 days after enactment of the Small Business Administration Reauthorization and Amendments Act of 1994, the President, in consultation with the Administrator of the Small Business Administration, shall appoint 1 of the members of the Interagency Committee to serve as chairperson.

"(c) NONCOMPENSATION.—The members of the Interagency Committee shall serve without additional pay for such membership.

"(d) DETAIL OF FEDERAL EMPLOYEES.—Upon request by the chairperson of the Interagency Committee, the head of any Federal department or agency may detail any of the personnel of such agency to assist the Interagency Committee in carrying out its duties under this title without regard to section 3341 of title 5, United States Code.

"SEC. 404. REPORTS FROM THE INTERAGENCY COMMITTEE.

"Not later than September 30, 1995, and annually thereafter, the Interagency Committee shall transmit to the President and to the Committees on Small Business of the Senate and the House of Representatives, a report containing—

"(1) any recommendations of the Council and any comments of the Interagency Committee thereon;

"(2) a detailed description of the activities of the Interagency Committee;

"(3) the findings and conclusions of the Interagency Committee; and

"(4) the Interagency Committee's recommendations for such legislation and administrative actions as the Interagency Committee considers appropriate to promote the development of small business concerns owned and controlled by women.

"SEC. 405. ESTABLISHMENT OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

"There is established a council to be known as the National Women's Business Council, which shall serve as an independent source of advice and policy recommendations to the Interagency Committee, to the Administrator through the Assistant Administrator of the Office of Women's Business Ownership, to the Congress, and to the President.

"SEC. 406. DUTIES OF THE COUNCIL.

"(a) IN GENERAL.—The Council shall advise and consult with the Interagency Committee on matters relating to the activities, functions, and policies of the Interagency Committee, as provided in this title. The Council shall meet jointly with the Interagency Committee at the discretion of the chairperson of the Council and the chairperson of the Interagency Committee, but not less than biannually.

"(b) MEETINGS.—The Council shall meet separately at such times as the Council deems necessary. A majority of the members of the Council shall constitute a quorum for the approval of recommendations or reports issued pursuant to this section.

"(c) RECOMMENDATIONS.—The Council shall make annual recommendations for consideration by the Interagency Committee. The Council shall also provide reports and make such other recommendations as it deems appropriate to the Interagency Committee, to the President, to the Administrator, and to the Committees on Small Business of the Senate and the House of Representatives.

"(d) OTHER DUTIES.—The Council shall—

"(1) review, coordinate, and monitor plans and programs developed in the public and private sectors, which affect the ability of women-owned business enterprises to obtain capital and credit;

"(2) promote and assist in the development of a women's business census and other surveys of women-owned businesses;

"(3) monitor and promote the plans, programs, and operations of the departments and agencies of the Federal Government which may contribute to the establishment and growth of women's business enterprise;

"(4) develop and promote new initiatives, policies, programs, and plans designed to foster women's business enterprise; and

"(5) advise and consult with the Interagency Committee in the design of a comprehensive plan for a joint public-private sector effort to facilitate growth and development of women's business enterprise.

"SEC. 407. MEMBERSHIP OF THE COUNCIL.

"(a) CHAIRPERSON.—Not later than 45 days after the date of enactment of the Small Business Administration Reauthorization and Amendments Act of 1994, the President shall appoint an individual to serve as chairperson of the Council, in consultation with the Administrator. The chairperson of the Council shall be a prominent business woman who is qualified to head the Council by virtue of her education, training, and experience.

"(b) OTHER MEMBERS.—Not later than 60 days after the date of enactment of the Small Business Administration Reauthorization and Amendments Act of 1994, the Administrator shall appoint, in consultation with the Assistant Administrator of the Office of Women's Business Ownership and the chairperson of the Council appointed under subsection (a), 9 members of the Council, of whom—

"(1) 2 shall be—

"(A) owners of small businesses, as such term is defined in section 3 of the Small Business Act; and

"(B) members of the same political party as the President;

"(2) 2 shall—

"(A) be owners of small businesses, as such term is defined in section 3 of the Small Business Act; and

"(B) not be members of the same political party as the President; and

"(3) 5 shall be representatives of national women's business organizations.

"(c) DIVERSITY.—In appointing members of the Council, the Administrator shall, to the extent possible, ensure that the members appointed reflect geographic, racial, economic, and sectoral diversity.

"(d) SERVICE TERM.—The term of service of the members of the Council shall be 3 years.

"(e) OTHER FEDERAL SERVICE.—If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the 30-day period beginning on the date on which such individual becomes such an officer or employee.

"(f) VACANCIES.—A vacancy on the Council shall, not later than 30 days after the date on which the vacancy occurs, be filled in the same manner in which the original appointment was made.

"(g) REIMBURSEMENTS.—Members of the Council shall serve without pay for such membership, except that members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.

"(h) EXECUTIVE DIRECTOR.—Not later than 60 days after the date of enactment of the Small Business Administration Reauthorization Act of 1994, the Administrator, in consultation with the chairperson of the Council, shall appoint an executive director of the Council. Upon the recommendation by the executive director, the chairperson of the Council may appoint and fix the pay of 4 additional employees of the Council, at a rate of pay not to exceed the maximum rate of pay payable for a position at GS-15 of the General Schedule. All such appointments shall be subject to the appropriation of funds.

"(i) RATES OF PAY.—The executive director and staff of the Council may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and except as provided in subsection (e), may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the executive director may not receive pay in excess of the annual rate of basic pay payable for a position at ES-3 of the Senior Executive Pay Schedule under section 5832 of title 5, United States Code.

"SEC. 408. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Administration' means the Small Business Administration;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration;

"(3) the term 'control' means exercising the power to make policy decisions concerning a business;

"(4) the term 'Council' means the National Women's Business Council, established under section 405;

"(5) the term 'Interagency Committee' means the Interagency Committee on Women's Business Enterprise, established under section 401;

"(6) the term 'operate' means being actively involved in the day-to-day management of a business;

"(7) the term 'women's business enterprise' means—

"(A) a business or businesses owned by a woman or a group of women; or

"(B) the establishment, maintenance, or development of a business or businesses by a woman or a group of women; and

"(8) the term 'women-owned business' means a small business which a woman or a group of women—

"(A) control and operate; and

"(B) own not less than 51 percent of the business.

"SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for each of fiscal years 1995 through 1997, to carry out this title, $350,000.".

SEC. 414. TRANSITION REIMBURSEMENT.

(a) IN GENERAL.—Subject to the limitation contained in subsection (b), in order to provide continuity in the development of women-owned business, the Administration may approve reasonable amounts made available to carry out title IV of the Women's Business Ownership Act of 1988 to be used to pay the salaries, if any, and expenses of the members and staff of the National Women's Business Council that are appointed on or before the date of enactment of this Act.

(b) TIME PERIOD.—No payments shall be made under subsection (a) after the expiration of the 90-day period beginning on the date of enactment of this Act.

SEC. 415. GIFT AUTHORITY.

Section 8(b)(1)(G) of the Small Business Act (15 U.S.C. 637(b)(1)(G)) is amended by striking "section 8(b)(1) of this Act" and by inserting "this Act and to carry out the activities authorized by title IV of the Women's Business Ownership Act of 1988".

SEC. 416. CONFORMING AMENDMENT.

The table of contents for the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking the items relating to title IV and inserting the following:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"Sec. 401. Establishment of the Interagency Committee.
"Sec. 402. Duties of the Interagency Committee.
"Sec. 403. Membership of the Interagency Committee.
"Sec. 404. Reports from the Interagency Committee.
"Sec. 405. Establishment of the National Women's Business Council.
"Sec. 406. Duties of the Council.
"Sec. 407. Membership of the Council.
"Sec. 408. Definitions.
"Sec. 409. Authorization of Appropriations.".

TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994".

SEC. 502. INTENTION OF CONGRESS.

(a) IN GENERAL.—The Small Business Administration shall fully utilize the $30,000,000 appropriated in Public Law 103-317 to reduce, in accordance with this title and the amendments made by this title, prepayment penalties imposed in connection with debentures issued under—

(1) section 303 or 503 of the Small Business Investment Act of 1958, which have been purchased by the Federal Financing Bank; and

(2) Title III to companies operating under section 301(d) of such Act, which have been purchased by the Small Business Administration.

(b) EQUAL OPPORTUNITY.—In order to provide an equal opportunity to participate in the program authorized under this title, the Small Business Administration shall afford each borrower or issuer of a debenture subject to this title, not less than 45 days to elect to participate and to provide an earnest money deposit. The Administration shall subsequently allow a period of not less than 4 months, during which those borrowers or issuers that elect to participate shall be allowed to complete the prepayment process.

(c) RESTRICTIONS ON PARTICIPATION.—In no event shall the Small Business Administration—

(1) allow any borrower or issuer to participate in the program if the borrower or issuer fails to—

(A) make a timely election and provide the deposit on a timely basis; or

(B) complete the prepayment process within the required time; or

(2) allow any borrower or issuer to participate in the program at a percentage rate other than the rate finally determined to be applicable to all other borrowers or issuers with similar terms of years.

SEC. 503. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by section 217, is amended by adding at the end the following new section:

"SEC. 509. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

"(a) IN GENERAL.—

"(1) PREPAYMENT AUTHORIZED.—Subject to the requirements set forth in subsection (b), an issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the Administration under this Act may, at the election of the borrower (in the case of a loan under section 503) or the issuer (in the case of a small business investment company) and with the approval of the Administration, prepay such debenture in accordance with the provisions of this section. A small business investment company operating under the authority of section 301(d) that has issued a debenture that was purchased by and is held by the Administration, may, under the same terms and conditions, prepay such debenture, and the penalty as provided in this section, and shall thereafter be immediately eligible to apply for additional assistance from the Administration.

"(2) PROCEDURE.—

"(A) IN GENERAL.—In making a prepayment under paragraph (1)—

"(i) the borrower (in the case of a loan under section 503) or the issuer (in the case of a small business investment company) shall pay to the Federal Financing Bank an amount that is equal to the sum of the unpaid principal balance due on the debenture as of the date of the prepayment (plus accrued interest at the coupon rate on the debenture) and the amount of the repurchase premium described in subparagraph (B); and

"(ii) the Administration shall pay to the Federal Financing Bank the difference between the repurchase premium paid by the borrower under this subsection and the repurchase premium that the Federal Financing Bank would otherwise have received.

"(B) REPURCHASE PREMIUM.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(i), the repurchase premium is the amount equal to the product of—

"(I) the unpaid principal balance due on the debenture on the date of prepayment; and

"(II) the applicable percentage rate, as determined in accordance clauses (ii) and (iii).

"(ii) APPLICABLE PERCENTAGE RATE.—For purposes of clause (i)(II), the applicable percentage rate means—

"(I) with respect to a 10-year term loan, 8.5 percent;

"(II) with respect to a 15-year term loan, 9.5 percent;

"(III) with respect to a 20-year term loan, 10.5 percent; and

"(IV) with respect to a 25-year term loan, 11.5 percent.

"(iii) ADJUSTMENTS TO APPLICABLE PERCENTAGE RATE.—The percentage rates described in clause (ii) shall be increased or decreased by the Administration by a factor not to exceed one-third, if the same factor is applied in each case and if the Administration determines that an adjustment is necessary, based on the number of borrowers having given notice of their intent to participate, in order to make the program (including the amounts appropriated for this purpose under Public Law 103-317) result in no substantial net gain or loss of revenue to the Federal Financing Bank or to the Administration. Amounts collected in excess of the amount necessary to ensure revenue neutrality shall be refunded to the borrowers.

"(b) REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are that—

"(1) the debenture is outstanding and neither the loan that secures the debenture, if any, nor the debenture is in default on the date on which the prepayment is made;

"(2) State, local, or personal funds, or the proceeds of a refinancing in accordance with subsection (d) of this section under the programs authorized by this title, are used to prepay or roll over the debenture; and

"(3) with respect to a debenture issued under section 503, the issuer certifies that the benefits, net of fees and expenses authorized herein, associated with prepayment of the debenture are entirely passed through to the borrower.

"(c) NO PREPAYMENT FEES OR PENALTIES.—No fees or penalties other than those specified in this section may be imposed on the issuer, the borrower, the Administration, or any fund or account administered by the Administration as the result of a prepayment under this section.

"(d) REFINANCING LIMITATIONS.—

"(1) IN GENERAL.—The refinancing of a debenture under sections 504 and 505, in accordance with subsection (b)(2)—

"(A) shall not exceed the amount necessary to prepay existing debentures, including all costs associated with the refinancing and any applicable prepayment penalty or repurchase premium; and

"(B) except as provided in paragraphs (2) and (3), shall be subject to the provisions of sections 504 and 505 and the rules and regulations promulgated thereunder, including rules and regulations governing payment of authorized expenses, commissions, fees, and discounts to brokers and dealers in trust certificates issued pursuant to section 505.

"(2) JOB CREATION.—An applicant for refinancing under section 504 of a loan made pursuant to section 503 shall not be required to demonstrate that a requisite number of jobs will be created with the proceeds of a refinancing.

"(3) LOAN PROCESSING FEE.—To cover the cost of loan packaging, processing, and other administrative functions, a development company that provides refinancing under subsection (b)(2) may impose a one-time loan processing fee, not to exceed 0.5 percent of the principal amount of the loan.

"(4) NEW DEBENTURES.—Issuers of debentures under title III may issue new debentures in accordance with such title in order to prepay existing debentures as authorized in this section.

"(5) PRELIMINARY NOTICE.—

"(A) IN GENERAL.—The Administration shall use certified mail and other reasonable means to notify each eligible borrower of the prepayment program provided in this title. Each preliminary notice shall specify the range and dollar amount

of repurchase premiums which could be required of that borrower in order to participate in the program. In carrying out this program, the Administration shall provide a period of not less than 45 days following the receipt of such notice by the borrower during which the borrower must notify the Administration of the borrower's intent to participate in the program. The Administration shall require that a borrower who gives notice of its intent to participate to make an earnest money deposit of $1,000 which shall not be refundable but which shall be credited toward the final repurchase premium.

"(B) DEFINITION.—For purposes of this paragraph, the term 'borrower', in the case of a small business investment company or a specialized small business investment company, means 'issuer'.

"(6) FINAL NOTICE.—Based upon the response to the preliminary notice under paragraph (5), the Administration shall make a final computation of the necessary prepayment premiums and shall notify each qualified respondent of the results of such computation. Each qualified respondent shall be afforded not less than 4 months to complete the prepayment.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'issuer' means—

"(A) the qualified State or local development company that issued a debenture pursuant to section 503, which has been purchased by the Federal Financing Bank; and

"(B) a small business investment company licensed pursuant to subsection (c) or (d) of section 301; or

"(2) the term 'borrower' means a small business concern whose loan secures a debenture issued pursuant to section 503.

"(f) REGULATIONS.—Not later than 30 days after the date of enactment of this section, the Administration shall promulgate such regulations as may be necessary to carry out this section.

"(g) AUTHORIZATION.—There are authorized to be appropriated $30,000,000 to carry out the provisions of The Small Business Prepayment Penalty Relief Act of 1994.

TITLE VI—MISCELLANEOUS AMENDMENTS

SEC. 601. SBA INTEREST PAYMENTS TO TREASURY.

Section 4(c)(5)(B)(ii) of the Small Business Act (15 U.S.C. 633(c)(5)(B)(ii)) is amended to read as follows:

"(ii) Following the close of each fiscal year, the Administration shall pay into the miscellaneous receipts of the United States Treasury the actual interest that the Administration collects during that fiscal year on all financings made under this Act.".

SEC. 602. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

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

"(12) impose, retain, and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date, except that the Administrator may, subject to approval in appropriations Acts, impose, retain, and utilize, additional fees—

"(A) not to exceed $100 for each loan servicing action (other than a loan assumption) requested after disbursement of the loan, including any substitution of collateral, release or substitution of a guarantor, reamortization, or similar action;

"(B) not to exceed $300 for loan assumptions;

"(C) not to exceed 1 percent of the amount of requested financings under title III of the Small Business Investment Act of 1958 for which the applicant requests a commitment from the Administration for funding during the following year; and

"(D) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of this Act and the Small Business Investment Act of 1958; and

"(13) collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations, except that amounts collected under this paragraph and paragraph (12) shall be utilized solely to facilitate the administration of the program that generated the excess amounts.".

SEC. 603. JOB CREATION AND COMMUNITY BENEFIT.

Section 7(a)(21) of the Small Business Act (15 U.S.C. 636(a)(21)) is amended by adding at the end the following new subparagraph:

"(E) JOB CREATION AND COMMUNITY BENEFIT.—In providing assistance under this paragraph, the Administration shall develop procedures to ensure, to the maximum extent practicable, that such assistance is used for projects that—

"(i) have the greatest potential for—

"(I) creating new jobs for individuals whose employment is involuntarily terminated due to reductions in Federal defense expenditures; or

"(II) preventing the loss of jobs by employees of small business concerns described in subparagraph (A)(i); and

"(ii) have substantial potential for stimulating new economic activity in communities most affected by reductions in Federal defense expenditures.".

SEC. 604. MICROLOAN PROGRAM AMENDMENTS.

Section 7(m)(9)(B) of the Small Business Act (15 U.S.C. 636(m)(9)(B)) is amended—

(1) by inserting "and loan guarantees" after "for loans"; and

(2) by inserting after "experienced microlending organizations" the following: "and national and regional nonprofit organizations that have demonstrated experience in providing training support for microenterprise development and financing.".

SEC. 605. TECHNICAL CLARIFICATION.

(a) DEFENSE CONVERSION.—Section 7(a)(21)(A) of the Small Business Act (15 U.S.C. 636(a)(21)(A)) is amended by striking "under the" and inserting "on a guaranteed basis under the".

(b) ADDITIONAL TECHNICAL CLARIFICATION.—Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended by striking "section 202" and inserting "this title".

SEC. 606. STUDY AND DATA BASE: GUARANTEED BUSINESS LOAN PROGRAM AND DEVELOPMENT COMPANY PROGRAM.

(a) STUDY AUTHORIZED.—The Administration shall conduct a study of—

(1) the Guaranteed Business Loan program under section 7(a) of the Small Business Act; and

(2) the Development Company program under sections 502, 503, and 504 of the Small Business Investment Act of 1958.

(b) EVALUATION.—For purposes of the study conducted under subsection (a), the Administration shall evaluate the performance of the programs described in paragraphs (1) and (2) of subsection (a), using data from the most recent 4-year period. Such evaluation shall focus on the following factors:

(1) The number, dollar amount, and average size of the loans or financings under each program.

(2) The number, dollar amount, and average size of the loans or financings made to woman-owned and minority-owned businesses under each program.

(3) The geographic distribution of the loans or financings under each program.

(4) The jobs created or maintained attributable to the loans or financings under each program.

(5) The number, dollar amount, and average size of the loans or financings on which borrowers defaulted under each program.

(6) The amounts recovered by the Administration after default, foreclosure, or otherwise under each program.

(7) The number of companies which are no longer in business despite receiving the loans or financings under each program.

(8) The taxes paid by businesses which received the loans or financings under each program.

(9) Such other information as the Administration determines to be appropriate for a complete evaluation of each program.

(c) CONTRACTING WITH INDEPENDENT ENTITIES.—In carrying out subsections (a) and (b), the Administration may contract with an independent entity or entities—

(1) to conduct the study pursuant to subsection (a); and

(2) to develop a database of information to enable the Administration to maintain and access, on an ongoing basis, current information relating to the factors set forth in subsection (b).

(d) DATE.—The study authorized by subsection (a) shall be completed not later than September 30, 1995.

SEC. 607. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1) for a term not to exceed 3 years. Such selection shall be competitive and shall utilize merit-based criteria.".

SEC. 608. PROGRAM EXTENSION.

Section 602(e) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 637 note) is amended by striking "September 30, 1994", and inserting "September 30, 1997".

SEC. 609. PROHIBITION ON THE USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(i) PROHIBITION ON THE USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.—None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States if the Administrator or the official to which the funds are made available receives notification that the individual is not lawfully within the United States.".

SEC. 610. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended—

(1) in the matter preceding paragraph (1), by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1), by striking "ten" and inserting "14".

SEC. 611. PROHIBITION ON THE PROVISION OF ASSISTANCE.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following new subsection:

"(e) PROHIBITION ON THE PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, the Administration is prohibited from providing any financial or other assistance to any business concern or other person engaged in the production or distribution of any product or service that has been determined to be obscene by a court of competent jurisdiction.".

SEC. 612. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

Section 4 of the Small Business Act (15 U.S.C. 633), as amended by section 611, is amended by adding at the end the following new subsection:

"(f) CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.—

"(1) IN GENERAL.—For financial assistance approved after the promulgation of final regulations to implement this section, each recipient of financial assistance under this Act, including a recipient of a direct loan or a loan guarantee, shall certify that the recipient is not more than 60 days delinquent under the terms of any—

"(A) administrative order;

"(B) court order; or

"(C) repayment agreement entered into between the recipient and the custodial parent or State agency providing child support enforcement services,

that requires the recipient to pay child support, as such term is defined in section 462(b) of the Social Security Act.

"(2) ENFORCEMENT.—Not later than 6 months after the date of enactment of this subsection, the Administration shall promulgate such regulations as may be necessary to enforce compliance with the requirements of this subsection.".

SEC. 613. ADVOCACY STUDY OF PAPERWORK AND TAX IMPACT.

The Chief Counsel for Advocacy of the Small Business Administration shall conduct a study of the impact of all Federal regulatory, paperwork, and tax requirements upon small business, and report its findings to the Congress not later than 1 year after the date of enactment of this Act.

And the House agree to the same.

That the House recede from its amendment to the title of the bill, and agree to the same.

JOHN J. LAFALCE,
NEAL SMITH,
RON WYDEN,
JAN MEYERS,
RICHARD H. BAKER,
Managers on the part of the House.

DALE BUMPERS,
SAM NUNN,
LARRY PRESSLER,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The conference agreement establishes authorizations of appropriations for programs of the Small Business Administration, creates several new programs and makes a number of changes in existing programs.

TITLE I: AUTHORIZATIONS

In title I, the conference agreement authorizes appropriations for SBA's several business loan programs and for certain business development programs for fiscal years 1995, 1996 and 1997. Included among the loan programs are section 7(a) loan guarantees, 7(a)(21) defense conversion loan guarantees, section 502 and 504 Development Company loans, Handicapped direct loans, Microloans, Small Business Investment Company (SBIC) debentures, Specialized SBIC preferred stock and debentures, and SBIC participating securities. Also included in the conference agreement for this title is a "such sums as may be necessary" authorization of appropriations for SBA business and homeowner disaster loans, which are direct loans made to individuals and businesses in communities which have been affected by natural disasters.

Except for disaster loan funding, the conferees' agreement as well as the House and Senate authorization levels with respect to funding for SBA's loan programs, and certain business development programs are set forth in the following chart. In general, the conferees agreed to funding levels midway between the House and Senate levels. The conferees adopted the Senate levels for defense conversion guaranteed loans, except for 1997, and reduced levels for Small Business Development Center defense conversion assistance.

The conferees agreed to the House amendment with respect to the SBIC and Specialized SBIC funding levels for the debenture programs and the preferred stock and participating securities programs. Although the conferees strongly support these venture capital programs, especially the new SBIC participating security program which has just begun and has attracted many more well-financed applications than was anticipated, the conferees were concerned about the rapid increases in funding levels of these programs. For example, the Administration's request would have almost tripled the funding for SBIC participating securities to $1.7 billion in fiscal year 1997. The Senate bill, while including lower funding levels than requested, would have more than doubled the program to over $1 billion over the same period. The conferees agreed to the House provisions which are significantly higher than appropriated levels for fiscal year 1995 and which retain existing law with respect to the participating securities program.

The conferees also agreed that, upon completion of the report on the SBIC and Specialized SBIC programs required by section 216, the House and Senate Committees on Small Business will reevaluate the funding levels for fiscal years 1996 and 1997 for all SBIC and Specialized SBIC programs.

CONFERENCE AGREEMENT—SBA REAUTHORIZATION FUNDING LEVELS

Program	Proposed FY95		Conference agreement	Proposed FY96		Conference agreement	Proposed FY97		Conference agreement
	Senate	House		Senate	House		Senate	House	
7(A) Guarantees (billions)	$9	$7.815	$9.15	$10	$10.93	$10.5	$12	$14.2	$13.1
Defense conversion (7(A)(21)) (billions)	2.0	1.5	2	2.5	0	2.5	3.5	0	3
Microloans direct (millions)	110	130	120	175	185	180	250	250	250
Microloan—TA (millions)	45	0	45	65	0	65	98	0	98
Micro guarantee pilot (millions)	15	20	20	20	30	30	20	40	40
Handicapped direct loans (millions)	0	12	10	0	13	11	0	14	12
504/502 Development Cos. (billions)	2.3	2.2	2.25	2.8	2.5	2.65	3.5	3	3.25
SBIC debentures (millions)	230	200	200	250	210	210	310	220	220
SBIC participating (millions)	500	400	400	750	650	650	1.25	900	900
MESBIC stock (SSBIC) (millions)	33	23	23	39	24	24	45	25	25
MESBIC guaranty (SSBIC) (millions)	55	44	44	70	46	46	75	48	48
Surety bond (billions)	1.8	1.8	1.8	2	1.8	1.9	2.2	1.8	2
Score (millions)	3.5	3.5	3.5	3.75	3.67	3.7	4	3.86	3.9
SBI	3	3	3	3.25	3.15	3.25	3.5	3.31	3.4
SBDCs: regular	70	70	70	77.5	77.5	77.5	85	85	85
SBCDs: defense conversion	25	0	5	25	0	10	25	0	15

TITLE II: FINANCIAL ASSISTANCE PROGRAMS

Sec. 201. Microloan financing pilot

Both the Senate bill and the House amendment contained provisions authorizing SBA to establish a guaranteed microloan pilot program. The conferees agreed to the Senate provision with an amendment deleting the language that authorized SBA to subsidize the interest rate to the intermediaries in the guaranteed program. The microloan guarantee program was requested by the Administration and will test the concept of loan guarantees in the place of direct loans to intermediaries.

Sec. 202. Eligibility of Native American Tribal Governments to be microloan intermediaries

The Senate bill contained a provision permitting Native American tribes to participate in the microloan program as intermediaries. The House amendment contained no such provision.

The conferees adopted the Senate provision.

Sec. 203. Microloan program extension

The Senate bill contained a provision which extended the Microloan direct loan program to October 1, 1998. The House amendment had no similar provision. The conferees agreed to extend the program until October 1, 1997, which is consistent with other loan program authorizations.

Sec. 204. Microloan program funding and State limitations

The Senate bill increased the number of microloan programs that SBA is authorized to fund from 110 to 150 in fiscal year 1995 and to 200 thereafter. The House amendment increased the number to 240 programs beginning in fiscal year 1995. The conferees agreed to increase the number to 200 programs beginning in fiscal 1995.

The Senate bill also raised the maximum funding per state in the microloan program from $2.5 million to $10 million. The House amendment repealed the ceiling completely. The conferees agreed to increase the ceiling by permitting each state annually to receive not more than 125 percent of its pro rata share of SBA's microloan program funding for that fiscal year. The state's share is to be

calculated based on the population of the state as compared to the total population of the United States, including its territories and possessions.

The Senate bill also increased from 25 to 50 the number of microloan grant programs funded under paragraph (5)(A) of section 7(m) of the Small Business Act as well as the amount each grantee could receive from $125,000 to $150,000. The House amendment contained no such provision. The conferees agreed to the House amendment which deleted the increases.

Sec. 205. Distribution of intermediaries

The Senate bill contained a provision directing SBA to select microloan intermediaries in a manner to further the goal of making microloans available to small businesses in all industries regardless of their location in a state and especially to those located in economically distressed areas.

The House amendment contained a provision directing SBA to select microloan intermediaries in a manner to ensure that microloans are available in urban and rural areas.

The conferees adopted the House amendment and added the requirement that SBA strive to make microloans available throughout each state to small businesses in all industries. SBA should make every effort to provide appropriate availability of microloans in rural and urban areas.

Sec. 206. Microloan intermediary loan limitation

The Senate bill increased the maximum amount of leverage to an intermediary in the microloan program from $1.25 million to $2 million. The House amendment repealed the cap and based each intermediary's funding on a population-based formula.

The conferees agreed to increase the cap to $2.5 million per intermediary.

Sec. 207. Microloan technical assistance to nonborrowers

The Senate bill included a provision which would permit an intermediary to use up to 20 percent of its microloan technical assistance grant to provide marketing, management, and technical assistance to nonborrowers.

The House amendment contained no similar provision.

The conferees agreed to permit an intermediary to use up to 15 percent of its technical assistance grant to provide assistance to prospective borrowers. The conferees recognize intermediaries hold outreach seminars, perform screening analyses, and provide other assistance prior to the applicant becoming a borrower. The conferees support this practice but also are keenly aware of the increasing difficulty of securing grant appropriations. Therefore, the conferees encourage the intermediaries to use their technical assistance grants as efficiently and cost-effectively as possible. No assistance to nonborrowers should be provided, since many other management assistance and training programs are available to these individuals.

Sec. 208. Microloan technical assistance grants for intermediaries serving economically distressed areas

The Senate bill provides an extra five percent (but in no case more than 30 percent) technical assistance grant to any microloan intermediary making 25 percent of its loans to businesses owned by members of Federally recognized American Indian Tribes. This five percent would not be subject to any matching requirement. In addition, the amendment provided that intermediaries making 50 percent of their loans to businesses owned by members of Federally recognized American Indian Tribes would receive the full 30 percent maximum in technical assistance grants and none of the grant would be subject to the matching requirements. The House bill had no similar provision.

The Conferees agreed to a three-year pilot program identical in structure, but with more broadly based eligibility. The conference report provides an extra five percent (but in no case more than 30 percent) technical assistance grant to an intermediary making 25 percent of its loans to small business concerns located in or owned by one or more residents of an economically distressed area. This five percent would not be subject to any matching requirement. In addition, the conference report provides that intermediaries making 50 percent of their loans to small business concerns located in or owned by one or more residents of an economically distressed area would receive the full 30 percent maximum in technical assistance grants without any matching requirements. For purposes of this section, "economically distressed area" means a county or equivalent division of local government in the state in which the small business concern is located, in which, according to the most recent data available from the United States Bureau of the Census, 40 percent or more of individuals live at or below the poverty level.

Sec. 209 Loans to exporters

Sec. 210 Working capital international trade loans

Sec. 211 Guarantees on international trade loans

The Senate bill contained three provisions which modify SBA's export loan guarantee authority, increase to $750,000 the amount of an international trade loan SBA can make for working capital, and increase the maximum guarantee SBA may make on an international trade loan to 90 percent.

The House amendment contained identical provisions which were adopted by the conferees.

Sec. 212. Accredited lenders program

Both the Senate bill and the House amendment contained provisions establishing an Accredited Lenders program (ALP) for qualified State and local development companies. This program is modeled after the idea of the certified lender program which is a successful SBA program for delivering 7(a) guaranteed loans more efficiently. In the ALP program, well qualified certified development companies which meet certain criteria will be accredited and will receive expedited processing and serving from SBA. The Senate requires SBA to report after one year of the results of this program.

The House amendment contains almost identical provisions for the establishment of an ALP program. The House amendment, however, required an annual report on the program.

The conferees agreed to the Senate provisions with a requirement for a biennial report on the program beginning one year after the enactment of this Act.

Sec. 213. Interest rate on certified development company loans

The Senate bill contained a provision which makes permanent SBA's authority to establish a national interest rate on the SBA guaranteed portion of a 504 development company financing.

The House amendment contained no similar provision.

The House recedes to the Senate provision.

Sec. 214. Certifications of eligibility for SBIC and SSBIC financing

The Senate bill contained an eligibility certification requirement for Small Business Investment Companies and Specialized Small Business Investment Companies with respect to each of their borrowers.

The House contained no similar provision.

The House recedes to the Senate provision.

Sec. 215. Participating securities for smaller SBICs

Both the Senate bill and the House amendment contained provisions generally requiring one-half of each year's appropriation for the participating securities program to be reserved for smaller SBICs, which are defined for this purpose as those with private capital of less than $20 million.

The conferees adopted the provision and clarified that smaller SBICs were those with private capital of $20 million or less.

Sec. 216. Report on SBIC program

The House amendment contained a provision requiring SBA to conduct a comprehensive report on the SBIC and Specialized SBIC programs which was to be completed by April 15, 1995.

The Senate bill contained no similar provision.

The conference substitute adopted the House amendment but changed the due date of the study to May 15, 1995, to enable SBA to use the most current data in its program review.

Sec. 217. Premier Certified Lenders Program

Section 210 of the House amendment would authorize the Administration to establish a Premier Lenders Program for certain certified development companies which provide financing to small businesses for plant and equipment needs. Eligibility for admission to the program would be based upon the company's satisfactory prior performance under the development company program.

Companies participating in the program would receive a delegation of authority from the Small Business Administration and would be authorized to issue guarantees on behalf of the Administration. In order to participate, however, the company would be required to agree to reimburse the Agency for 5% of any loss sustained by the SBA on account of guarantees issued under the delegated authority. Also, the company would be required to establish a monetary reserve equal to 3% of the amount of the financings approved. The reserve could consist of cash, letters of credit or indemnity agreements.

The program would be repealed in 5 years.

The Senate bill contains no comparable provision.

The Conference substitute includes a Premier Certified Lenders Program as a three-year pilot program in which a maximum of 15 development companies could participate.

The contingent exposure of the development company for losses on account of financings approved under the program is set at 10 percent of the amount of the financing. The amount of the loss reserve is required to be an amount equal to 10 percent of the contingent exposure. Only cash can be used to constitute the reserve, but it can be contributed in installments over two years as follows:

One-half of one percent of the financing when each debenture is closed, one-quarter of one percent of the financing within the first year, and the final quarter of one percent of the financing within the second year.

MEASURES NOT INCLUDED IN TITLE II

1. Section 209 of the Senate bill would have permitted a microloan intermediary or a

microloan grant recipient (sometimes called "non-intermediaries") to participate in the other SBA microloan program, provided that other groups of potential microborrowers would be served.

The House amendment contained no similar provision. The House conferees raised concerns about augmenting technical assistance grants and duplication of services.

The Senate recedes to the House on this provision.

2. Section 211 of the House amendment contained a provision establishing an Investment Advisory Council for the Specialized Small Business Investment Company Program. The Advisory Council was to be composed of not less than 12 private sector individuals with expertise in providing venture capital to small business, particularly minority small business.

The Senate bill contained no similar provision.

The House recedes from its amendment, based upon receipt of a letter from Cassandra Pulley, Deputy Administrator of the Small Business Administration (SBA), which follows. The letter informed the Committees that the SBA is forming such an Advisory Council to be operational by November 30, 1994. The Council is to assess the appropriateness and ability of the SSBIOC program to meet the equity venture capital needs of socially or economically disadvantaged small business concerns, the problems affecting the program, and the effectiveness of SBA's administration of the SSBIC program.

The Conferees support the stated direction of this Council and direct the Council to submit its recommendations and report to the House and Senate Committees on Small Business no later than May 31, 1995.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, September 29, 1994.

DEAR MR. CHAIRMAN: As you know, the SBA is currently in the process of reviewing all of our finance programs. As part of this process, we are forming a Specialized Small Business Investment Company (SSBIC) Advisory Council that would be similar to the Small Business Investment Companies (SBIC) Industry Advisory Council that was formed in 1992. Such a Council would suggest improvements to the SSBIC program.

The SBA is reviewing suggestions for the membership of such a Council. It would report on the debt and equity venture needs of socially or economically disadvantaged small business concerns and any needed Federal incentives to assist the private sector to meet such needs. Further, the SBA will recommend that the Council report on the history of the SSBIC program in providing assistance to such concerns and the impact of its assistance on the economy, as well as the appropriateness and ability of the program to meet these needs, problems affecting the SSBIC program, the effectiveness of the program and its administration by the SBA.

In preparation for the Council's activity, the SBA has contacted Professor Timothy Bates of Wayne State University, who is best known for his landmark book "Banking on Black Enterprise: The Potential of Emerging Firms for Revitalizing Urban Economics." We expect shortly to issue a 7(j) award to Wayne State University for Professor Bates to conduct background studies and make recommendations for consideration by the Council.

The SBA expects the Council to be named and operational within 60 days, and expects its review and suggestions to be wide-ranging. Structurally, the SBA believes the Council can best operate as an independent body, with staff support from the Agency. In this way, we expect it will best meet the objectives which prompted the House to recommend its formation.

Yours sincerely,

CASSANDRA M. PULLEY,
Deputy Administrator.

Establishment of Size Standards (Sec. 301)

The Senate bill contained a provision (Sec. 301) that clarified Section 3 of the Small Business Act regarding the establishment of size standards for determining whether a business concern is a small business concern.

The House amendment (Sec. 301) contained a similar provision.

The Senate recedes with a technical amendment.

Pilot Preferred Surety Bond Guarantee Program Extension (Sec. 302)

The Senate bill contained a provision (Sec. 302) that would extend the termination date of the pilot Preferred Surety Bond Guarantee Program from September 30, 1994 to September 30, 1995, a one year extension.

The House amendment contained a three-year extension of the Preferred Surety Bond Guarantee (SBG) Program.

The House recedes.

The Conference Agreement adopts the Senate provisions, providing only for a one-year extension of the Preferred SBG Program to provide time to review the performance of the Program in light of the matters described in the report accompanying the Senate bill (S.Rpt. 103-332).

The Conferees also note that the SBA's programs which help small business concerns to obtain access to surety bonding will need to be fully reviewed because of recent major statutory changes relating to Federal procurement policy and regulatory changes pertaining to the SBG Program. In addition to the Preferred Surety Bond Guarantee Program, SBA operates the Regular or Prior-Approval SBG Program.

First, the "Federal Acquisition Streamlining Act of 1994" (S. 1587), recently passed by Congress, increases from $25,000 to $100,000 the threshold for the application of the Miller Act, which requires the contractor to furnish a performance bond and payment bond on any Federal construction contract covered by the Act. Based on SBA data for Fiscal Year 1993, the average dollar value of a contract receiving surety bonds guaranteed through the SBA SBG Program was $136,114. The Miller Act threshold increase will make available substantial amounts of the SBG Program's resources towards larger contracts if certain statutory program changes are made. For example, the current statutory limitation on the size of a contract eligible for an SBA guaranteed bond could be substantially increased from the $1.25 million cap established in 1986. Larger contracts are becoming increasingly common as Federal procuring agencies consolidate or "bundle" requirements to reduce the number of contracts to administer. In Fiscal Year 1993, approximately 65 percent of the dollars awarded by Federal agencies for construction contracts were awarded through contracts in excess of $1 million.

Second, on June 21, 1994, the SBA increased the size standard for participation in the SBG Program from $3.5 million in average annual gross receipts to $5.0 million. This new size standard is still well below the otherwise applicable $17 million size standard for general contractors and the $7 million size standard for so-called specialty contractors (e.g., excavation, masonry, and electrical) who generally operate as subcontractors. SBA estimates that the increased size standard for SBG Program eligibility will make approximately 11,000 firms eligible for SBA assistance in obtaining access to surety bonding. These small businesses will now be able to more readily obtain the surety bonding they must have to even compete for these larger Federal contracting opportunities.

Manufacturing Contracts Through Manufacturing Application and Education Centers (Sec. 303)

The Senate bill contained a provision (Sec. 303) to promote access to Federal contracting opportunities requiring manufacturing for small business concerns participating in Manufacturing Application and Education Centers (MAECs). The Senate provision directs the SBA to work with the Department of Commerce and other Federal agencies to identify contracting opportunities for manufactured products, especially subsystems or components that are currently obtained from foreign sources. The Senate provision expires on September 30, 1994.

The House amendment (Sec. 705) contained a provision requiring the SBA to establish a Manufacturing Modernization Pilot Program to assist small business participating in MAECs by promoting the identification and award of contracting opportunities for certain manufactured products to such firms. The program was authorized through September 30, 1999.

Under the provisions of the House amendment, the SBA could certify existing MAECs as eligible to furnish assistance to small business concerns or establish additional MAECs. In establishing new centers, the House provisions directed that SBA rely on the model of existing MAECs and enumerated the types of technology assistance to be provided.

The House provision also charged SBA, working with the various Federal agencies, to identify contracting opportunities for manufactured products, particularly critical items or those being procured from foreign sources, and to urge the award of such contracts through contract competitions restricted to small business concerns pursuant to section 15(a) of the Small Business Act. In performing such a contracting opportunity at a MAEC, small business contractor would be freed of the limitations on subcontracting otherwise required by section 15(o)(1)(B).

The House provision contained an unspecified authorization of appropriations for the new pilot program.

The House recedes with an amendment.

The Conference Agreement adopts the provision of the Senate bill with the addition of the authorization for appropriations from the House amendment. The Conference Agreement does not require SBA to initiate a new program, to establish any new MAECs, or to certify any existing MAECs.

It is the intent of the conferees for the SBA to utilize the authority provided by this section, with its established programs, to support the adoption and deployment of advanced manufacturing technologies and practices by small business concerns participating in MAECs. The SBA Administrator, the Under Secretary of Commerce for Export Administration, and the heads of the procuring agencies shall jointly seek to identify contracting opportunities with an aggregate value of not more than $10 million dollars for performance by small manufacturers at each MAEC.

The Conferees recommend that the SBA work with the National Center for Manufacturing Sciences (NCMS) to conduct a set of

pilot demonstrations with NCMS-affiliated MAECs operating in Oregon, Arkansas, Ohio, Missouri, New York, West Virginia, and other states.

MAECs often operate as a consortium of resource partners. One notable example is the Oregon Advanced Technology Consortium (OATC), a network of 12 community colleges which operates a teaching factory which focus on precision metal fabrication, teaching participants how to implement new manufacturing technologies.

Pilot Program for Very Small Business Concerns (Sec. 304)

The House amendment contained a provision (Sec. 304) establishing a pilot program to expand the participation of very small business (VSB) in Federal contracting opportunities. The House provision defined a very small business as a small business concern with: (a) 10 or fewer employees; or (b) average annual gross receipts of $1 million or less. The House provision, modeled after the preferential contracting authority of section 8(a) of the Small Business Act, called for SBA to identify Federal contracting opportunities suitable for award under the new program, enter into a contract with the Federal agency having the contracting opportunity, and then subcontract performance, after conducting a competition restricted to VSBs. The House provision also called for SBA to provide VSBs participating in the contracting program with: (a) business development assistance "in the same manner and to the same extent" as such assistance is provided, pursuant to section 7(j) of the Act, to small business concerns owned and controlled by socially and economically disadvantaged individuals; and (b) pre-qualification for financial assistance authorized by section 7(a) of the Act. The pilot program was authorized for a three-year period; Fiscal Year 1995 through Fiscal Year 1997.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The Conference Agreement authorizes the establishment of a Pilot Program for Very Small Business Concerns. Under the Conference Agreement, a very small business is a small business concern with: (a) 15 or fewer employees; and (b) averages annual gross receipts of $1 million or less.

The Conference Agreement contemplates the identification of suitable contracting opportunities by SBA working with the various procuring agencies, the conduct of competitions restricted to VSBs, and contract award by the agency having the contracting opportunity. Otherwise, the Conference Agreement leaves to SBA to specify in regulations the operating details of the program.

The Conferees note that the Pilot Program does not establish a new goal for the participation of VSBs in Federal contracting. Contracts awarded to VSBs will be counted toward the appropriate goals established pursuant to section 15(g) of the Act, depending on the status of the VSB. Moreover, the Conferees expect SBA to ensure that the Pilot Procurement Program for VSBs does not detract from or conflict with existing contract assistance programs for small business concerns owned and controlled by socially and economically disadvantaged individuals, including contract awards pursuant to section 8(a) of the Act, and the various statutory authorities restricting competitions to such small business concerns (e.g., DOD's Small Disadvantaged Business Program, 10 U.S.C. 2323).

Public participation in the program formulation process is assured by providing a timetable for the issuance of proposed and final regulations. The Conferees expect that SBA will afford at least 60 days for public comment on the proposal.

Although the Conference Agreement leaves the program's operating details to SBA, the Conferees explicitly rejected the use of the three-party, prime contract-subcontract process currently used in the award of contracts pursuant to section 8(a) of the Act. The Conferees also made explicit that the status of a small business concern as a VSB would be accomplished by self-certification, subject to a size protest under existing regulations and procedures.

Finally, the Conference Agreement limits the scope of the Program to implementation in at least 5 but not more than 10 SBA districts. It does, however, extend the Program's duration until September 30, 1998 to: (a) afford SBA adequate time to formulate proposed program regulations, a 60-day public comment period, and time to fashion final regulations in response to those comments; (b) permit approximately two and one-half years of experience under the Program; and (c) afford Congress adequate time to consider the required report from SBA on the Program (which is due by April 30, 1997), hold hearings, and, if appropriate, consider legislation relating to the Program.

Handicapped Workshop Participation in Small Business Set-Aside Contracts (Sec. 305)

The House amendment (Sec. 701) contained a provision amending section 15(c) of the Small Business Act reinstating an expired five-year test program permitting public or private organizations for the handicapped (as defined in section 3(e) of the Small Business Act) to be eligible to compete for Federal contracting opportunities "set-aside" for competition among for-profit small business concerns under the authority of section 15. The House amendment would have made permanent the authority for the participation of these organizations. Under the House amendment, the aggregate dollar value of contract awards to such organization under the authority of section 15(c) would be $50 million per year.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

Under the Conference Agreement, the authority provided by section 15(c) is reinstated for Fiscal Year 1995. Aggregate awards under such authority are limited to $40 million.

The Conferees note that the authority for handicapped workshops to participate in contract opportunities restricted to small business competitions lapsed after the conclusion of the five-year test. The one-year reinstatement of the authority will permit an opportunity for further evaluation by the Congress.

TITLE III—LEGISLATIVE PROVISION NOT ADOPTED

Competitive Demonstration Project Size Standards

The House amendment contained a provision (Sec. 301) that repealed that portion of section 732 of the "Small Business Competitiveness Demonstration Program Act of 1988" (Title VII of Public Law 100-656) that prohibited the changing of size standards for the SIC (standard industrial classification) Codes pertaining to the four designated industry groups covered by the Competitiveness Demonstration Program. The designated industry groups are: construction (other than dredging); architect-engineering services; refuse systems and related services; and non-nuclear ship repair.

The Senate bill contained no similar provision.

The House recedes.

While noting that the SBA published revised size standards for essentially all other SIC Codes on April 7, 1994 (generally reflecting upward adjustments for inflation), the Conferees agreed that validity of the data collected by the participating Federal agencies (since January 1, 1989) and analyzed in annuals report to the Congress by the Office of Federal Procurement Policy would lose its comparability if the size standards for the four designated industry groups were modified during the term of the program (which expires on September 30, 1996).

TITLE IV: BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

Sec. 401. Sunset on cosponsored training

The Senate bill extended SBA's authority to enter into cosponsorship agreements with for-profit concerns to September 30, 1997.

The House amendment contained a similar provision.

The conference agreement retains this provision.

Sec. 402. Small business development center program level

The Senate bill provided for an increase in the minimum grant to an small business development center (SBDC) from $200,000 to $300,000 beginning in fiscal year 1996. It also provided an increase from $100,000 to $200,000, beginning in fiscal year 1996, in the additional funding increment to which SBDC is entitled annually. The Senate bill also provided that the increases would not take effect if insufficient appropriations were made available in fiscal year 1996 or any year thereafter. Finally, the Senate bill increased the authorization for the SBDC national program, which does not include the additional funding increments, to $70 million in fiscal year 1995, $77.5 million in fiscal year 1996, and $85 million in fiscal year 1997.

The House amendment contained a provision which retained the existing floor of $200,000, but increased the additional funding increment from $100,000 to $125,000 beginning in fiscal year 1995.

The House amendment also contained increased funding levels for the national program.

The conferees agreed to eliminate the minimum grant and increase the additional funding increment to $125,000 in fiscal year 1995 and to $200,000 thereafter. The conferees eliminated the provision of the Senate bill which would retain existing funding levels if insufficient appropriations were made in any fiscal year. The conference substitute also increases the national program but delays its implementation by one year to phase in the demand for increased appropriations. The conferees set the national program level at $70 million in fiscal years 1995-96, $77.5 million in fiscal year 1997 and $85 million in fiscal year 1998.

Sec. 403. Federal contracts with small business development centers

The Senate bill allowed Small Business Development Centers to enter into agreements with federal agencies other than SBA to provide services to small business concerns, provided that such agreements are approved by SBA and not inconsistent with the SBDC's mission. It further provided that federal contractual arrangements with SBDCs do not count toward an agency's small and minority business goals.

The House amendment contained a similar provision.

The conference agreement retains this provision and also clarifies that such arrangements are not subject to the usual program matching requirements.

Sec. 404. Small business development center program examination and certification

The Senate bill provided for biennial review of Small Business Development Centers by SBA in place of the current "on-site review" process, and also provided for SBA to support the Association of Small Business Development Center Directors to develop parameters for a certification program.

The House amendment contained no similar provision.

The conference agreement retains the Senate provision.

Sec. 405. Central European small business development

The House amendment provided for an extension of authority for the Central European Commission through the end of fiscal 1995.

The Senate bill contained no similar provision.

The conference agreement retains the House provision.

Sec. 406. Mobile resource center pilot program

The House amendment allows SBA to create a Mobile Resources Center pilot program to provide outreach and expanded access to SBA programs in underserved areas.

The Senate bill contained no such provision.

The conference agreement allows for a three-year pilot program using not more than four mobile resource vehicles, two of which shall be in urban areas and two in rural areas. The program is subject to appropriations.

Sec. 407. Information concerning franchising

The Senate bill contained an amendment requiring SBA to provide information on the risks and benefits of franchising to small business clients.

The House amendment contained no similar provision.

The conference agreement retains the Senate provision.

Subtitle B—Development of Women-Owned Businesses

Sec. 411. Extension of authority for demonstration projects

Both the Senate bill and the House amendment contained identical language extending the authority for women's demonstration project grants from 1995 to 1997.

The conference agreement includes the provision.

Sec. 412. Establishment of Office of Women's Business Ownership

The Senate bill and the House amendment contained almost identical provisions authorizing the establishment of an Office of Women's Business Ownership within the Small Business Administration. The Senate bill requires that the office, like other SBA offices of comparable stature, be headed by an Assistant Administrator. The House amendment requires that a director head the office.

The conference agreement adopts the House amendment with an amendment to reflect that the head of the new Office of Women's Business Ownership is to be an Assistant Administrator.

Sec. 413. Development of Women's business enterprise

Sec. 414. Transition reimbursement

Sec. 415. Gift authority

Sec. 416. Conforming amendment

Although both the Senate bill and the House amendment contained new structures for the current National Women's Business Council, the proposals differed substantially. The Senate bill created a new body comprised of 14 members from both the public and private sectors. The House amendment created both a 15-member private sector council and a 17-member Interagency Committee. The conference adopts the structure from the House amendment and incorporates additional amendments addressing the Senate's concerns about the size and scope of the new entities.

The Conference Agreement establishes an Interagency Committee on Women's Business Enterprise (Committee) and restructures the National Women's Business Council. The Conferees prefer the creation of the Committee and a revision of the Council to a mere extension of the Council because the public structure of the Committee coupled with a private sector advisory function is a more effective way to address the priority issues facing women business owners.

The Interagency Committee will include high ranking policy-making officials from the following: the Departments of Commerce, Defense, Health and Human Services, Labor, Small Business Administration, Transportation, Treasury, the General Services Administration, the Federal Reserve, and the Executive staff of the President. The Assistant Administrator of the Small Business Administration Office of Women's Business Ownership shall represent the Small Business Administration and serve as the Vice-Chairperson of the Committee. Within 45 days of enactment of this title, the President, in consultation with the Administrator of the Small Business Administration, is required to appoint the Committee Chairperson from among members of the Committee.

The Committee's duties include the promotion of women's business ownership in the public sector, women-owned businesses' access to credit and capital, and assistance with data collection on women-owned businesses. The Committee is responsible for the annual submission of a report to Congress outlining its activities and recommendations concerning women's business ownership.

The Interagency Committee on Women's Business Enterprise is authorized until September 30, 1997.

The Conference agreement also revises the National Women's Business Council to be comprised of 9 members appointed by the Administrator of the Small Business Administration, in consultation with the Assistant Administrator of the Office of Women's Business Ownership. Such appointments must be completed within 60 days of the enactment of this title. Of the 9 members four will be owners of small businesses who are representative of both political parties and five shall be representatives of national women's business organizations. In making the appointments, the Administrator shall consider suggestions as to possible candidates who meet the defined statutory criteria submitted by House and Senate majority and minority leadership, in consultation with the Small Business Committee members. In addition, within 45 days of enactment of this title, the President is required, in consultation with the Administrator of the Small Business Administration, to appoint a prominent businesswoman to be the Chairperson of the Council.

The Council's investigative and reporting duties include reviewing, promoting and coordinating women-owned businesses' access to credit and capital, and their development and growth in both the public and private sectors. The Council is also charged with assisting with data collection on women-owned businesses. The Council will meet periodically and serve as a truly independent, objective and bi-partisan source of advice and policy recommendations for the Interagency Committee, the President, and the Congress.

To facilitate the Council's duties, the Administrator of the Small Business Administration, in consultation with the Chairperson of the Council, shall appoint an Executive Director. The Chairperson, upon the recommendation of the executive director, may appoint as necessary, and as funds allow, up to four additional employees.

The National Women's Business Council is authorized until September 30, 1997. Authorization levels are $350,000 in fiscal years 1995, 1996, and 1997. It is the intent of the Conferees that authorized funds be used solely for the purpose of carrying out the responsibilities of the National Women's Business Council pursuant to sections 405–407 of the Women's Business Ownership Act of 1988. It is assumed that Interagency Committee members will use the resources of the agency from which they come to carry out the Committee's responsibilities. Due to the Conferees' recognition of limited appropriated funds, the Conferees have provided the Council with authority to receive contributions from for-profit and non-profit entities through the Small Business Administration's gift authority under Section 8(b) of the Small Business Act. The Council is responsible for expending any funds which it receives either through appropriations or by donations in the most economical manner possible.

In order to ensure a smooth transition from the former National Women's Business council, the conferees have provided the Administration the authority to approve reimbursement for transition activities by key personnel associated with the Council, namely the Chairperson, the Executive Director and key staff. All transition activities must be completed within 90 days of enactment of this title. Funds required for reimbursement shall be expended from fiscal year 1995 appropriations.

MEASURE NOT INCLUDED IN TITLE IV

The Senate bill contained an amendment requiring the Service Corps of Retired Executives (SCORE) to work with the Corporation for National and Community Service and the Points of Light Foundation.

The House amendment deletes this provision.

The Senate recedes to the House amendment.

TITLE V: RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

Sec. 501. Short Title

This title may be referred to as the Small Business Prepayment Penalty Relief Act of 1994.

Sec. 502. Prepayment of development company debentures

The House amendment provided for the use of appropriated funds to reduce the interest rate on outstanding debentures issued by Certified Development Companies, Small Business Investment Companies and Specialized Small Business Investment Companies which were purchased by the Federal Financing Bank in the early to mid-1980s. These debentures carry extremely high interest rates by today's standards. Many borrowers would like to prepay or refinance their loans but have been precluded from doing so by harsh penalty clauses contained in the debentures. The House amendment would have permitted

relief only for loans bearing an interest rate of 10.3% and higher.

The Senate bill established a different scheme for prepayment penalty relief using both appropriated funds and a refinancing premium paid by borrowers. Relief was limited to Certified Development Company borrowers, and a sliding scale was established governing the refinancing premium which varied from 9.5 percent to 11.5 percent depending on the original length of the loan.

The Conference agreement resolves this long-standing problem by adopting a substitute similar to the Senate plan but including both regular and Specialized Small Business Investment Companies among those eligible for relief. The conferees intend that SBICs and SSBICs be treated essentially the same as Sec. 503 borrowers. The conferees modified the refinancing premiums in the Senate bill in two ways. First, ten-year loans are pegged at an 8.5% refinancing premium rather than the Senate's 9.5%. Second, the Administration is required to raise or lower the pegged rates as needed to ensure that when the premiums collected are added to the $30 million appropriated, there is no loss to the Federal Financing Bank.

The Conferees are concerned that the plan as implemented must make relief available to all eligible borrowers. To accomplish this aim, the Administration is directed to notify borrowers of the terms and conditions of the program, including the potential range of refinancing premiums which may be required of that borrower depending on the length of the original loan. The Administration shall establish a period of not less than 45 days during which interested borrowers must register their intent to participate in the program. The Administration shall require an "earnest money" deposit of $1000 from those choosing to participate. This deposit is nonrefundable but will be credited toward the finally determined refinancing premium. The final premium will be set by the Administration based on the statute's pegged rates for differing length loans, as adjusted in order to compensate for the number of actual participatants.

The Appropriations Committee has provided $30 million to cover the cost of this program in the 1995 appropriations measure for the Departments of Commerce, Justice, State, and Judiciary and Related Agencies (Pub. L. 103–317). Amounts collected from borrowers in the form of repurchases premiums will supplement this amount as necessary in order to make the program essentially revenue neutral. If a small number of borrowers elect to participate, the repurchase premiums will be less than the peg rates, while a large number of participants will require the peg rates to be increased. The peg rates were established based on staff estimates that approximately 75% of borrowers might be expected to participate. The conference agreement makes clear that all eligible borrowers may participate if they notify SBA of their intent to do so within the time frame provided for such purpose. The Conferees also expect that all who elect to participate will be treated equitably by the Administration. Moreover, if amounts finally collected, together with the appropriated funds, exceed revenue neutrality, the excess funds should be deemed to be excess private funding and should be refunded to borrowers.

The conference agreement makes clear that borrowers under the former Sec. 503 program may refinance their loans under the Sec. 504 program and that all costs of refinancing, including the refinancing premium, may be included in the new 504 debenture. Moreover, the job creation requirement usually applicable to the 504 program is waived for Sec. 503 refinancings. Borrowers under the SBIC or SSBIC programs will be permitted to prepay under the terms set forth in this title and to roll their debentures over under the rules otherwise applicable under each program.

TITLE VI: MISCELLANEOUS AMENDMENTS

Sec. 601. SBA interest payments to Treasury

The Senate bill provided for the consolidation of several SBA accounts in the Treasury and modified the calculation of interest payments by SBA to the Treasury. Section 702 of the House bill did not provide for the consolidation of accounts but did provide for the change in interest payments. The conferees deleted the Senate provision for consolidation of accounts and adopted the joint provision concerning interest payments to allow SBA to simply pass on to the Treasury the amount of interest it collects from its borrowers.

Sec. 602. Imposition of fees

The Senate bill allowed for SBA to impose and collect user fees for loan servicing actions and for publications. Section 703 of the House amendment provided for similar fees up to a level of $100 rather than $300 in the Senate bill. The conference agreement allows for fees in connection with loan servicing actions not to exceed $100, except for loan assumption where fees may be as much as $300. Fees collected by the Administration and by fiscal and transfer agents may be retained by the Agency and used to support the operation of loan programs.

Additionally, the conferees expressly approved the collection of a fee not to exceed one percent for the issuance of "forward funding commitments" for SBIC and SSBIC financings.

Sec. 603. Job creation and community benefit

The Senate bill directed SBA to consider the job creation and retention aspects of proposals for financing under the new defense conversion loan program authorized by Sec. 7(a)(21). The House bill contained no similar provision. The conferees adopted the Senate provision.

Sec. 604. Microloan program amendments

The Senate bill expand the category of entities with whom SBA may contract in order to provide training and support for microloan intermediary organizations to include national and regional organizations with experience in providing training and support for microenterprise development and financing.

The House bill contained no similar provision.

The conferees adopted the Senate provision. The provision is intended to encourage SBA to expand its efforts to provides information, training and outreach to organizations which may be suitable for participation in the microloan pilot program. The conferees are concerned that some areas of the country remain unserved by any microloan intermediary. SBA is directed to move aggressively to establish nationwide coverage and to give priority to financially underserved areas. At the same time, it is important that SBA maintain the program's emphasis on quality business training which must be provided by intermediaries to all microloan borrowers if the program it to fulfill its intended purposes of economic opportunity for people who have little opportunity or access to credit otherwise.

Sec. 605. Technical clarifications

The Senate bill clarifies that loans made under Sec. 7(a)(21) are loan guarantees rather than direct loans, and also clarifies the scope of duties for employees of the Office of Advocacy. The House bill contained no similar provision. The conferees adopted the Senate provision.

The Senate bill also amended the due date for a report concerning the secondary market in SBA loans. Since the report has been completed, this provision was deleted by the conferees.

Sec. 606. Study and data base: guaranteed business loan program and development company program

The Senate bill required a comprehensive report on the economic impact of the Sec. 7(a) and 504 programs.

The House bill contained no similar provision.

The conferees adopted the Senate provision which is similar to language contained in the 1995 appropriations bill and report for SBA. The conferees intend that SBA follow up, to the extent practicable, on the results of the Price-Waterhouse evaluation of the 7(a) program released in 1991. Data used for that report is now several years old.

Congress, the President and the public need to know whether these programs represent sound investments of the taxpayers' dollars in terms of jobs created or retained and taxes paid by firms receiving SBA assistance. SBA is urged to complete this report in the most timely fashion possible consistent with quality and reliability of data. Outside contractors may be used as needed, as well as in-house resources of the Office of Advocacy or other government agencies.

The Conferees wish to make clear that as to factor number eight (Sec. 606(b)(8)), "taxes paid by businesses which received the loans or financings under each program", the Conferees expect, to the greatest extent practicable, that the Administration will include within the definition of "taxes paid," all applicable Federal taxes withheld by a business on behalf of its employees. In other words, the phrase "taxes paid by businesses" is to include, if such figures are easily obtainable, taxes owed by individuals employed by such businesses as the result of their employment.

Sec. 607. SBIR vendors

The Senate bill contained a provision that extended from one year to three years the maximum term for contracts under which private sector vendors provide technical assistance to recipients of awards under the Small Business Innovation Research (SBIR) Program, pursuant to section 9(q) of the Small Business Act.

The House amendment (Sec. 608) contained an identical provision.

The Conference Agreement includes this provision.

Sec. 608. Program extension

The Senate bill extended the authority of Native American tribes to enter into joint ventures with firms certified under the Sec. 8(a) program, a business development program for firms owned by socially or economically disadvantaged individuals. The House bill contained no similar provision. The conferees adopted a provision extending the current joint venture authority for three years.

Sec. 609. Prohibition on the use of funds for individuals not lawfully within the United States

Both bills and the conference agreement prohibited SBA financial assistance to individuals who are known by SBA to be illegal aliens.

Sec. 610. Office of Advocacy Employees

The Senate bill modifies the authority of the Chief Counsel for Advocacy to hire the employees provided for under 15 U.S.C. 634d by eliminating the requirement that the Chief Counsel obtain the approval of the SBA Administrator. In addition, the Senate bill provided the Chief Counsel an increase of four employees in the personnel ceiling of the Office of Advocacy. Such employees are to be compensated at a rate not in excess of GS-15, step 10.

The House amendment contained a similar provision and receded to the Senate provision.

Sec. 611. Prohibition on the provision of assistance

The Senate bill prohibits the Administration from providing assistance to businesses engaged in the production and distribution of obscene products and services. This section was written in response to the recent repeal of SBA's "opinion molder rule". With the repeal of the rule, businesses such as newspapers, movie theaters, radio stations and bookstores now are eligible for SBA assistance. This means businesses involved in the production and distribution of obscene products and services also could seek Administration support. This section makes clear that the Administration is not authorized to provide any assistance to those engaged in any class of "obscene" business as defined by the U.S. Supreme Court (and thus not entitled to First Amendment protection). The section is intended to cover the narrow range of adult theme businesses, including adult book stores, adult theaters, adult film and video producers, and adult film and video distributors. It is not meant to apply to businesses such as convenience stores carrying adult materials that do not fall within the Supreme Court's definition of obscenity.

The House bill had no similar provision.

The conferees adopted the Senate provision with a clarification that any materials in question must have been judicially determined, in either a civil or criminal action, to be legally obscene under prevailing constitutional standards in order for the ban to apply.

Sec. 612. Certification of compliance with child support obligations

Both bills contained provisions requiring SBA borrowers to certify that they are not in violation of any court order or agreement requiring the payment of child support. The conference report contains the same provision with a clarification that the prohibition refers to a substantial non-compliance with court orders, administrative orders, or agreements, specifically 60 days or more in arrears.

While intending to strengthen federal policy in support of family support obligations, the conferees recognize that economic circumstances may from time to time cause a parent to be late in such payments. It is not the intent of the conferees to subject minor lapses to the severe criminal and civil penalties contained in both the Small Business Act and the False Statements Act for false representations made to the agency in the course of a loan application or other application for assistance. Hence, the conference agreement provides for a certification that the applicant is not more than 60 days late in making any child support payment required by court order or agreement. Loan applicants should be advised of this provision at the outset of the application process, but certification pursuant to this section may be made as part of the loan closing.

Sec. 613. Advocacy study of paperwork and tax impact

The House amendment contained a provision (sec. 708) that would require the Chief Counsel for Advocacy of the Small Business Administration (SBA) to conduct a comprehensive study of the impact of all Federal regulatory, paperwork and tax requirements on small business. State and local regulations, paperwork or tax burdens are not within the scope of this study.

Under this provision, the Chief Counsel for Advocacy must report the findings of this comprehensive study to Congress within one year of the enactment of this provision. One of the primary responsibilities of the Office of Advocacy of the SBA is to interface with all Federal regulatory agencies during the rulemaking process. Another responsibility of the Office of Advocacy is to serve as an Ombudsman for the interests of small business throughout the Federal government. The study required by the provision will greatly assist the Office of Advocacy in fulfilling its mission.

The Senate bill contained no similar provision, and receded to the House amendment.

JOHN J. LAFALCE,
NEAL SMITH,
RON WYDEN,
JAN MEYERS,
RICHARD H. BAKER,
Managers on the part of the House.

DALE BUMPERS,
SAM NUNN,
LARRY PRESSLER,
Managers on the part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. PASTOR (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. CALLAHAN (at the request of Mr. MICHEL) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. HUNTER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, on October 8.

Mr. HORN, for 5 minutes, on October 8.

Mr. DORNAN, for 5 minutes, on October 8.

Mr. WELDON, for 5 minutes today and 5 minutes on October 4.

Mr. GOSS, for 5 minutes, on October 4, 5, 6, and 7.

Mr. MANZULLO, for 5 minutes, on October 4 and 5.

Mr. SAXTON, for 5 minutes, on October 4, 5, 6, and 7.

(The following Members (at the request of Mr. ORTON) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, 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. THOMAS of Wyoming) and to include extraneous matter:)

Mr. GEKAS.

Mr. GILMAN, in two instances.

Mr. STUMP.

(The following Members (at the request of Mr. VENTO) and to include extraneous matter:)

Mr. BONIOR.

Mr. PASTOR.

Mr. LANTOS.

Mr. ANDREWS of New Jersey.

Mr. FINGERHUT.

Mr. CLYBURN, in two instances.

Mr. LEWIS of Georgia.

Mr. REED, in three instances.

Mr. FAZIO, in two instances.

Mr. PALLONE.

Mr. RICHARDSON.

Mr. RAHALL.

Mr. SERRANO, in two instances.

Mr. WILSON.

Mrs. MALONEY, in five instances.

Mr. DEUTSCH.

Mr. DINGELL.

Ms. VELÁZQUEZ.

Mr. LANCASTER.

(The following Members (at the request of Mr. ORTON) and to include extraneous matter:)

Mr. BONILLA.

Mr. UPTON.

Mr. GILLMOR.

Mrs. MALONEY in five 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. 3694. An act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgement against an annuitant for physically, sexually, or emotionally abusing a child.

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

H.R. 4543. An act to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the "Matthew J. Perry, Jr. United States Courthouse".

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 30, 1994:

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

ADJOURNMENT

Mr. ORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 4, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3890. A letter from the Deputy Assistant Secretary, Department of the Air Force, transmitting notice that the Air Force plans to conduct a cost comparison of aircraft maintenance at Altus Air Force Base, OK, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

3891. A letter from the Acting Chief Executive Officer, Resolution Trust Corporation and Executive Director, Thrift Depositor Protection Oversight Board, transmitting the semiannual report of unaudited financial statements pursuant to section 21A(k)(5)(C) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

3892. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the President's determination (94–53 that it is in the national interest for the Export-Import Bank to extend a loan to the People's Republic of China; to the Committee on Banking, Finance and Urban Affairs.

3893. A letter from the Secretary of Health and Human Services, transmitting her recommendations on performance standards for the Job Opportunities and Basic Skills Training [JOBS] Program, pursuant to Public Law 100–485; to the Committee on Education and Labor.

3894. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing the use in fiscal year 1994 funds for assistance to establish and sustain a Palestinian police force in the West Bank and Gaza Strip, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3895. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a determination of the President the intent to exercise his authority under section 614(a)(1) and section 226(b) of the FAA regarding the Loan Guarantees to Israel Program for fiscal year 1995 and the reduction of the amount, pursuant to 22 U.S.C. 2364(c) and 22 U.S.C. 2186(b); to the Committee on Foreign Affairs.

3896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for the President's determination to authorize issuance of loan guarantees to Israel in lieu of their statutory deduction under the Loan Guarantees for Israel Program, pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

3897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's report on the outstanding investment disputes of U.S. persons, pursuant to Public Law 103–236, section 527(f); to the Committee on Foreign Affairs.

3898. A letter from the Acting Director, Office of Management and Budget, transmitting MOB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 3474, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3899. A letter from the Acting Archivist of the United States, National Archives, transmitting notification that the Archivist has requested the Attorney General to initiate an action to recover improperly alienated Federal records, the War Department records from the immediate post-Civil War era, pursuant to 44 U.S.C. 2905(a), 3106; to the Committee on Government Operations.

3900. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to approve the location of a World War II memorial; to the Committee on National Resources.

3901. A letter from the Attorney General, Department of Justice, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar year 1992, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

3902. A letter from the Commissioner of Customs, U.S. Customs Service, transmitting a copy of the Customs reorganization plan report; to the Committee on Ways and Means.

3903. A letter from the Chairman, U.S. International Trade Commission, transmitting the ninth annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers, pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

3904. A letter from the Chairman, United States International Trade Commission, transmitting the first annual report on the impact of the Andean Trade Preference Act on U.S. industries and consumers and on Andean drug crop production, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

3905. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's triennial report on the state of their knowledge of the Earth's upper atmosphere; jointly, to the Committee on Science, Space, and Technology and Energy and Commerce.

3906. A letter from the Secretary of Health and Human Services, transmitting the annual report on Medicare for fiscal year 1992, pursuant to 42 U.S.C. 139511(b); jointly, to the Committee on Ways and Means and Energy and Commerce.

3907. A letter from the Comptroller General, General Accounting Office, transmitting a report on issues affecting the development of an information superhighway (GAO/RCED–94–285); jointly, to the Committee on Energy and Commerce, the Judiciary, and Government Operations.

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. 4495. A bill to amend the Federal Aviation Act of 1958 to prohibit smoking on all scheduled airline flight segments in air transportation or intrastate air transportation; with an amendment (Rept. 103–771). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4781. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney general of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; with an amendment (Rept. 103–772). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. S. 1233. An Act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes (Rept. 103–773, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1233. An Act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes (Rept. 103–773, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4896. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact (Rept. 103–774). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4999. A bill to amend the United States Commission as Civil Rights Act of 1983; with an amendment (Rept. 103–775). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 546. A bill to limit State taxation of certain pension income, and for other purposes; with an amendment (Rept. 103–776). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4608. A bill to authorize appropriations for the Patent and Trademark Office in the

Department of Commerce for fiscal year 1995, and for other purposes; with an amendment (Rept. 103-777). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4833. A bill to reform the management of Indian trust funds, and for other purposes; with an amendment (Rept. 103-778). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4777. A bill to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees; with amendments (Rept. 103-779). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 2129. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; with an amendment (Rept. 103-780). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4180. A bill to prohibit the withdrawal of acknowledgement or recognition of an Indian tribe or Alaska Native group or of the leaders of an Indian tribe or Alaska Native group, absent an Act of Congress; with an amendment (Rept. 103-781). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4462. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; with an amendment (Rept. 103-782). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 720. An act to clean up open dumps on Indian lands, and for other purposes; with an amendment (Rept. 103-783). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 967. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides; with amendments (Rept. 103-784). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2289. A bill to amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes; with an amendment (Rept. 103-785, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary H.R. 5102. A bill to amend title 18, United States Code, with respect to certain crimes relating to Congressional Medals of Honor (Rept. 103-786). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4439. A bill to expand the scope of the Belle Fourche irrigation project, and for other purposes (Rept. 103-787). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4083. A bill to amend the Wild and Scenic Rivers Act by designating the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 103-788). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3954. A bill to expand the Mni Wiconi Rural Water Supply Project, and for other purposes; with amendments (Rept. 103-789). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4523. A bill to provide for private development of power at the Mancos Project and for other purposes; with amendments (Rept. 103-790). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4615. A bill to make applicable the provisions of the Act commonly known as the "Warren Act" to the Central Utah Project, Utah, and for other purposes; with amendments (Rept. 103-791). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4525. A bill to authorize the transfer of a certain loan contract to the Upper Yampa Water Conservancy Project, and for other purposes; with an amendment (Rept. 103-792). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4533. A bill to promote entrepreneurial management of the National Park Service, and for other purposes; with an amendment (Rept. 103-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 5096. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for fiscal year 1995 for operating and administrative expenses and to require a plan for the orderly dissolution of the Corporation (Rept. 103-794). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4925. A bill to extend for 1 year the authority of the Bureau of Reclamation to sell certain loans to the Redwood Valley Water District (Rept. 103-795). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4746. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; with amendments (Rept. 103-796).

Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4642. A bill to provide for the restoration of Washington Square in Philadelphia and for its inclusion within Independence National Historical Park, and for other purposes; with an amendment (Rept. 103-797). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4665. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; with an amendment (Rept. 103-798). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4697. A bill to modify the boundaries of Walnut Canyon National Monument in the States of Arizona; with amendments (Rept. 103-799). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1784. An act to restore the Central Council of Tlingit and Haida Indian Tribes of Alaska to the Department of the Interior list of Indian entities recognized and eligible to receive Services from the U.S. Bureau of Indian Affairs; with an amendment (Rept. 103-800). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 5050. A bill to restore Federal recognition to the Pakenta Band of Nomlaki Indians of California; with an amendment (Rept 103-801). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 5025. A bill to eliminate a maximum daily diversion restriction with respect to the pumping of certain water from Lake Powell, and for other purposes (Rept. 103-802). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4784. A bill to modify the Mountain Park Project in Oklahoma, and for other purposes; with an amendment (Rept. 103-803). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 233. A bill to apply certain provisions of the Wild and Scenic Rivers Act to a segment of the North Fork of the Payette River in Idaho; with an amendment (Rept. 103-804). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3612. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; with an amendment (Rept. 103-805). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 562. Resolution providing for the consideration of the bill (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes (Rept. 103-806). Referred to the House Calendar.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3204. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; with an amendment (Rept. 103-807). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3559. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; with amendments (Rept. 103-808). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3554. A bill to require the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; with amendments (Rept. 103-809). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 1474. A bill to increase the irrigable acreage for the San Angelo Federal reclamation project, Texas, and for other purposes (Rept. 103-810). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 2614. A bill to direct the Secretary of the Interior to convey certain lands of the Shoshone Federal reclamation project, Wyoming, to the Big Horn County School District, Wyoming, and for other purposes (Rept. 103-811). Referred to

the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1146. An act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, AZ, and for other purposes; with an amendment (Rept. 103-812). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 986. An act to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes; with an amendment (Rept. 103-813). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 359. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; with an amendment (Rept. 103-814). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 316. An act to establish the Saguaro National Park in the State of Arizona, and for other purposes (Rept. 103-815). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4814. A bill to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact; with amendments (Rept. 103-816, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3678. A bill to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf, sand, gravel, and shell resources; with an amendment (Rept. 103-817, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1517. A bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes (Rept. 103-818). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee on Foreign Affairs. House Joint Resolution 416. Resolution providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti (Rept. 103-819, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. S. 1919. An act to improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region; with amendments (Rept. 103-820, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4944. A bill to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes; with amendments (Rept. 103-821, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3613. A bill entitled, "The Kenai Natives Association Equity Act"; with an amendments (Rept. 103-822, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4948. A bill to designate Building No. 137 of the Tuscaloosa Veterans' Medical Center in Tuscaloosa, AL, as the "Claude Harris, Jr. Building" (Rept. 103-823). Referred to the House Calendar.

Mr. LAFALCE: Committee of Conference. Conference report on S. 2060. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes. (Rept. 103-824). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor H.R. 1280. A bill to revise the Occupational Safety and Health Act of 1970; with an amendment (Rept. 103-825, Pt. 1). Ordered to be printed.

Mr. GIBBONS: Committee on Ways and Means. H.R. 5110. A bill to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations (Rept. 103-826, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5110. A bill to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations (Rept. 103-826, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

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. HAMILTON (for himself and Mr. GILMAN):

H.R. 5155. A bill to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Foreign Affairs.

By Mr. DE LA GARZA:

H.R. 5156. A bill technical correction to the Food Stamp Act of 1977; to the Committee on Agriculture.

By Mr. STUMP:

H.R. 5157. A bill to amend the Immigration and Nationality Act with respect to the authority of the Attorney General to parole aliens into the United States; to the Committee on the Judiciary.

By Mr. TEJEDA:

H.R. 5158. A bill to authorize the Secretary of the Army to convey certain excess real property located at Fort Sam Houston, TX; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. WISE (for himself, Mr. ABERCROMBIE, Ms. FURSE, Mr. HINCHEY, Mr. HUGHES, Mr. LANCASTER, Mr. LIPINSKI, Mrs. MINK of Hawaii, Mr. NADLER, Mr. POMEROY, Mr. THORTON, and Mr. TRAFICANT):

H.R. 5159. A bill to establish the Capital Budget Commission; to the Committee on Government Operations.

By Mr. WILLIAMS (for himself and Mrs. ROUKEMA):

H. Con. Res. 304. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of the bill S. 1312; Rules suspended, considered and agreed to.

By Ms. FURSE:

H. Con. Res. 305. Concurrent resolution expressing the sense of Congress that the total amount appropriated for fiscal year 1996 for defense programs should not exceed the amount appropriated for those programs for fiscal year 1995 reduced by 10 percent; to the Committee on Armed Services.

By Mr. OBERSTAR:

H. Res. 558. Resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2440: Rules suspended, considered and agreed to.

By Mr. DE LA GARZA:

H. Res. 559. Resolution concurring in the Senate amendment to H.R. 4217 with an amendment; Rules suspended, considered and agreed to.

By Mr. PAYNE of New Jersey (for himself, Mr. JOHNSTON of Florida, Mr. BISHOP, Mr. BLACKWELL, Ms. BROWN of Florida, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HASTINGS, Mr. HILLIARD, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MFUME, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. REYNOLDS, Mr. RUSH, Mr. SCOTT, Mr. STOKES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. TUCKER, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr. WHEAT, Mr. WYNN, Mr. OBERSTAR, Mr. ACKERMAN, Mr. ENGEL, Mr. EDWARDS of California, Mr. FALEOMAVAEGA, Mr. BROWN of Ohio, and Mr. SCHUMER):

H. Res. 560. Resolution concerning United States support for the new South Africa; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts (for himself and Mr. GILMAN):

H. Res. 561. Resolution expressing the sense of the House of Representatives with respect to the prospects for peace in Northern Ireland; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

495. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to Federal mandates to States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RAMSTAD introduced a bill (H.R. 5160) for the relief of Oscar Salas-Velazquez; 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. 702: Mr. GEKAS.

H.R. 1056: Mr. BARCA of Wisconsin and Mr. LANCASTER.

H.R. 1277: Mr. POSHARD.

H.R. 1280: Mr. COSTELLO.

H.R. 1671: Mr. ORTIZ and Mr. MARTINEZ.

H.R. 1843: Mr. CANADY.

H.R. 2145: Mr. GALLEGLY, Mr. YATES, and Ms. NORTON.

H.R. 2229: Mr. PENNY, Mr. BROWN of California, and Mr. TORRES.

H.R. 2444: Mr. MANZULLO and Mr. FAWELL.

H.R. 2586: Mr. TALENT.

H.R. 3646: Mr. SMITH of Texas and Mr. HEFNER.

H.R. 3943: Mr. SMITH of Michigan.

H.R. 3970: Mr. MCDERMOTT.

H.R. 4019: Mr. TAUZIN.

H.R. 4210: Mr. HINCHEY, Mr. KLECZKA, Mrs. MORELLA, Mr. PETRI, Mrs. KENNELLY, Mr. SAXTON, Mr. GEJDENSON, Mr. TORRES, Ms. LOWEY, Mr. FRANKS of New Jersey, and Mr. LAZIO.

H.R. 4395: Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON, and Mr. GENE GREEN of Texas.

H.R. 4456: Mr. JACOBS, Mr. PARKER, Mr. DIAZ-BALART, Mr. JOHNSON of South Dakota, Mr. HAYES, Mr. UNDERWOOD, Mr. LEWIS of Georgia, Mr. FROST, and Mr. WATT.

H.R. 4507: Ms. FURSE.

H.R. 4570: Mr. HOYER, Mr. BARRETT of Wisconsin, Mr. PARKER, and Mr. HOLDEN.

H.R. 4719: Mr. BORSKI.

H.R. 4803: Mr. LEWIS of Georgia and Mr. SWIFT.

H.R. 4841: Mr. PARKER and Mr. DEFAZIO.

H.R. 4938: Ms. WAXMAN and Mr. WILSON.

H.R. 4944: Mr. LEHMAN.

H.R. 4948: Mr. STUMP.

H.R. 5083: Mr. FLAKE and Mr. NADLER.

H.R. 5111: Mr. ESHOO, Mr. SPENCE, Mr. GILMAN, Mr. POMEROY, Mr. COSTELLO, Ms. DANNER, Mr. JOHNSON of South Dakota, and Mr. MORAN.

H.R. 5141: Mr. DEFAZIO, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. PAYNE of New Jersey, Mr. HOCHBRUECKNER, Mr. MATSUI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. TORRICELLI, Mr. BERMAN, Ms. ESHOO, Mrs. UNSOELD, Ms. NORTON, Mr. TORRES, Mr. SKAGGS, and Mr. REED.

H.J. Res. 184: Mr. BARCA of Wisconsin and Mr. MCNULTY.

H.J. Res. 385: Mr. SABO, Mr. RAMSTAD, Mrs. THURMAN, Mr. HEFNER, and Mr. NADLER.

H.J. Res. 405: Mr. LEWIS of Florida, Mr. LUCAS, Mr. EWING, Mr. EVERETT, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. DELAY, and Mr. TAUZIN.

H.J. Res. 409: Ms. FURSE.

H. Con. Res. 148: Mr. UNDERWOOD, Mr. SPENCE, Mr. DERRICK, Mr. SANTORUM, and Mr. DREIER.

H. Con. Res. 201: Mr. ROYCE.

H. Con. Res. 207: Mr. CASTLE.

H. Con. Res. 254: Mr. DELLUMS and Mr. KLEIN.

H. Con. Res. 256: Mr. ZIMMER and Mr. KLUG.

H. Con. Res. 262: Mr. FROST.

H. Con. Res. 302: Mr. SCHUMER.

H. Res. 531: Mr. GOODLATTE and Mr. BEREUTER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5044

By Mr. ALLARD:

—Page 73, strike line 19 and all that follows through line 3 on page 78.

By Mr. GRAMS:

—Page 18, after line 4, insert the following:

(3) MEMBERSHIP.—A management entity for an American Heritage Area should, to the fullest extent possible, consist of diverse governmental, business, and nonprofit groups within the geographic area of the American Heritage Area.

—Page 22, line 12, strike "No" and all that follows through line 15.

By Mr. SMITH of Oregon:

—Page 9, after line 24, insert the following:

(9) CONSENT OF PRIVATE PROPERTY OWNERS.—No privately owned property shall be included within the area unless written consent to such inclusion is submitted to the management entity for the proposed American Heritage Area by all of the persons who own the property. This paragraph shall not apply to any American Heritage Area designated under title II.

—Page 14, line 19, after the period insert the following: "No privately owned property shall be included on such list unless written consent to such inclusion is submitted to the management entity for the area by all of the persons who own the property; Provided, that this sentence shall not apply to any American Heritage Area designated under title II."

—Page 15, line 18, strike "approval" and insert "submission".

—Page 16, strike line 1 and all that follows through * * *

—Page 16, line 7, strike "or management plan".

—Page 16, line 8, strike "or".

—Page 16, line 9, strike "management plan".

—Page 16, line 10, strike "or plan".

—Page 16, line 15, strike "or management plan".

—Page 16, line 19, strike "or plan".

—Page 16, line 21, strike "or plan".

—Page 16, strike line 23 and all that follows through line 3 on page 17.

—Page 18, beginning on line 20, strike "for approval".

—Page 19, line 22, insert "and" after the semicolon.

—Page 20, line 2, strike "; and" and insert a period.

—Page 20, strike line 3 and all that follows through line 6.

—Page 20, line 22, strike "for the" and all that follows through line 23 and insert a period.

—Page 24, line 14, strike "approved" and insert "submitted".

—Page 24, line 15, strike "106(b)" and insert "107(c)(1)".

—Page 25, strike line 13 and all that follows through line 15 and insert the following:

SEC. 109. DUTIES AND AUTHORITIES OF SECRETARY.

The duties and authorities of the Secretary under this title shall include the following:

—Page 25, line 16, insert "(A)" after "GRANTS.—".

—Page 26, after line 4, insert the following:

(B) The Secretary may not, as a condition of the award of a grant under this section, require any recipient of such a grant to enact or modify land use restrictions.

—Page 29, strike line 19 and all that follows through line 14 on page 30.

—On page 9, after line 24, insert the following:

(9) CONSENT OF PRIVATE PROPERTY OWNERS.—No privately owned property shall be included within the area unless written consent to such inclusion is submitted to the management entity for the proposed American Heritage Area by all of the persons who own the property; Provided, that this paragraph shall not apply to any heritage area designated in Title II of this Act.

—On page 14, line 19, insert "No privately owned property shall be included on such list unless written consent to such inclusion is submitted to the management entity for the area by all of the persons who own the property." after the period; Provided, that this paragraph shall not apply to any heritage area designated in Title II of this Act.

—On page 15, line 18, strike "approval" and insert "submission".

—On page 16, strike line 1 and all that follows through line 2 and insert the following:

(b) APPROVAL AND DISAPPROVAL OF COMPACTS.—

—Page 16, line 7, strike "or management plan".

—Page 16, line 8, strike "or".

—Page 16, line 9, strike "management plan".

—Page 16, line 10, strike "or plan".

—Page 16, line 15, strike "or management plan".

—Page 16, line 19, strike "or plan".

—Page 16, line 21, strike "or plan".

—Page 16, strike line 23 and all that follows through line 3 on Page 17.

—Page 18, line 20, strike "for".

—Page 18, line 21, strike "approval".

—Page 19, line 22, insert "and" after the semicolon.

—Page 20, line 2, strike "; and" and insert a period.

—Page 20, strike line 3 and all that follows through line 6.

—Page 20, line 22, strike "Secretary" and all that follows through line 23 and insert a period.

—Page 24, line 14, strike "approved" and insert "submitted".

—Page 24, line 15, strike "106(b)" and insert "107(c)(1)".

—Page 25, strike line 13 and all that follows through line 15 and insert the following:

SEC. 109. DUTIES AND AUTHORITIES OF SECRETARY.

The duties and authorities of the Secretary under this title shall include the following:

—Page 25, line 16, insert "(A)" after "GRANTS.—".

—Page 26, after line 4, insert the following:

(B) The Secretary may not, as a condition of the award of a grant under this section, require any recipient of such a grant to enact or modify land use restrictions.

—Page 29, strike line 19 and all that follows through line 14 on Page 30.

—On page 31, line 20, strike "$10,000,000" and insert "$5,000,000".

—On page 31, line 24, strike "75" and insert "25".

—On page 33, line 6, strike "50" and insert "25".

—On page 33, line 15, strike "$25,000,000" and insert "12,500,000".

—On page 33, line 19, strike "50" and insert "25".

—On page 33, line 22, strike "10" and insert "5".

—On page 34, line 2, strike "$10,000,000" and insert "$5,000,000".

—On page 73, strike line 19, and all that follows through line 3 on page 78.

By: Mr. TAUZIN:

—Page 9, after line 24, insert the following:

(9) CONSENT OF PRIVATE PROPERTY OWNERS.—No privately owned property shall be included within the area unless informed written consent to such inclusion is submitted to the management entity for the proposed American Heritage Area by all of the persons who own the property.

—Page 14, line 19, after the period insert the following: "No privately owned property shall be included on such list unless informed written consent to such inclusion is submitted to the management entity for the area by all of the persons who own the property."

—Page 15, line 18, strike "approval" and insert "submission".

—Page 16, strike line 1 and all that follows through line 2 and insert the following:

(b) APPROVAL AND DISAPPROVAL OF COMPACTS.—

—Page 16, line 7, strike "or management plan".

—Page 16, line 8, strike "or".

—Page 16, line 9, strike "management plan".

—Page 16, line 10, strike "or plan".

—Page 16, line 15, strike "or management plan".

—Page 16, line 19, strike "or plan".
—Page 16, line 21, strike "or plan".
—Page 16, strike line 23 and all that follows through line 3 on page 17.
—Page 18, beginning on line 20, strike "for approval".
—Page 20, line 22, strike "for the" and all that follows through line 23 and insert a period.
—Page 19, line 22, insert "and" after the semicolon.
—Page 20, line 2, strike "; and" and insert a period.
—Page 20, strike line 3 and all that follows through line 6.
—Page 24, line 14, strike "approved" and insert "submitted".
—Page 24, line 15, strike "106(b)" and insert "107(c)(1)".
—Page 25, strike line 13 and all that follows through line 15 and insert the following:

SEC. 109. DUTIES AND AUTHORITIES OF SECRETARY.

The duties and authorities of the Secretary under this title shall include the following:
—Page 25, line 16, insert "(A)" after "GRANTS.—".
—Page 26, after line 4, insert the following:

(B) The Secretary may not, as a condition of the award of a grant under this section, require any recipient of such a grant to enact or modify land use restrictions.
—Page 29, strike line 19 and all that follows through line 14 on page 30.
—Page 5, line 2, after "generations" insert ", consistent with the protection of the rights of private property owners"
—Page 5, line 11, strike ", and to encourage" and all that follows through "trails" on line 12.
—Page 5, line 25, strike "; and" and insert a semicolon.
—Page 6, line 5, strike the period and insert "; and".
—Page 6, after line 5, insert the following:

(7) to recognize that ownership and productive use of privately owned property are essential elements of the American Heritage and is fundamental to democracy.
—Page 9, after line 24, insert the following:

(9) CONSENT OF PRIVATE PROPERTY OWNERS.—No privately owned property shall be included within the area unless informed written consent to such inclusion is submitted to the management entity for the proposed American Heritage Area by all of the persons who own the property.
—Page 14, strike lines 13 through 19.
—Page 14, line 20, strike "(B)" and insert "(A)".
—Page 15, line 5, strike "(C)" and insert "(B)".
—Page 15, line 12, strike "(D)" and insert "(C)".
—Page 15, line 15, strike "(E)" and insert "(D)".
—Page 14, line 19, after the period insert the following: "No privately owned property shall be included on such list unless informed written consent to such inclusion is submitted to the management entity for the areas by all of the persons who own the property."
—Page 15, line 18, strike "approval" and insert "submission".
—Page 16, strike line 1 and all that follows through line 2 and insert the following:

(b) APPROVAL AND DISAPPROVAL OF COMPACTS.—
—Page 16, line 7, strike "or management plan".
—Page 16, line 8, strike "or".
—Page 16, line 9, strike "management plan".
—Page 16, line 10, strike "or plan".
—Page 16, line 15, strike "or mangement plan".
—Page 16, line 19, strike "or plan".
—Page 16, line 21, strike "or plan".
—Page 16, strike line 23 and all that follows through line 3 on page 17.
—Page 18, beginning on line 20, strike "for approval".
—Page 20, line 22, strike "for the" and all that follows through line 23 and insert a period.
—Page 19, line 22, insert "and" after the semicolon.
—Page 20, line 2, strike "; and" and insert a period.
—Page 20, strike line 3, and all that follows through line 6.
—Page 23, after line 24, insert the following:

(g) PROTECTION OF PRIVATE PROPERTY.—The management entity for an American Heritage Area shall publish procedures to ensure that the rights of owners of private property are protected. Such procedures shall include an administrative process to provide compensation to the owner of private property if the use or value of all or any portion of the private property is substantially diminished as a result of the designation of the American Heritage Area or the management plan for the American Heritage Area.
—Page 24, line 14, strike "approved" and insert "submitted".
—Page 24, line 15, strike "106(b)" and insert "107(c)(1)".
—Page 25, strike line 13 and all that follows through line 15 and insert the following:

SEC. 109. DUTIES AND AUTHORITIES OF SECRETARY.

The duties and authorities of the Secretary under this title shall include the following:
—Page 25, line 16, insert "(A)" after "GRANTS.—".
—Page 26, after line 4, insert the following:

(B) The Secretary may not, as a condition of the award of a grant under this section, require any recipient of such a grant to enact or modify land use restrictions.
—Page 29, strike line 19 and all that follows through line 14 on page 30.

By Mr. VENTO:

—Page 12, after line 13, insert the following:

(E) An inventory of the amount of land in the area owned by public, private, and private nonprofit entities, respectively.
—Page 17, after line 3, insert the following:

(3) NO REQUIREMENT FOR LAND USE REGULATION AS CONDITION FOR APPROVAL.—No provision of this title shall be construed to require any change in land use regulation as a condition of approval of a compact, management plan, or revision of a compact or management plan by the Secretary.
—Page 26, line 2, insert "under this section" after "grants".
—Page 29, line 20, strike "directly affecting" and insert "within".
—Page 31, line 20, strike "$10,000,000" and insert "$8,000,000".
—Page 33, line 15, strike "$25,000,000" and insert "$14,500,000".
—Page 53, strike lines 11 through 16 and insert the following:

(d) BOUNDARIES.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the lands generally depicted on the map entitled "Hudson river Valley National Heritage Area", numbered P50-8002, and dated August 1994. The map shall be on file and available for public inspection in the office of the director of the National Park Service.

(2) LOCAL AGREEMENT TO INCLUSION.—Each of the following counties, cities, and towns in the State of New York shall not be included within the boundaries of the Heritage Area unless the government of such county, city, or town agrees to be so included and submits notification of such agreement to the Secretary.

(A) The counties of Greene and Columbia.

(B) Any city or town within the county of Green or Columbia.

(C) The counties of Rensselear and Dutchess.

(D) Any city or town (except the town of Hyde Park) within the county of Rensselaer or Dutchess and located entirely within the 22d Congressional District of New York.
—Page 72, line 17, strike "additional".
—Page 72, line 18, strike ", which the city" and all that follow through "provision of law," on line 20.
—Page 72, line 23, after "subsection" insert the following: ", unless the city is obligated to perform the work or pay the expenses under a statute other than this Act".

By Mr. YOUNG of Alaska:

—Page 35, after line 11, insert the following:

SEC. 115. FISHING AND HUNTING SAVINGS CLAUSE.

(a) NO DIMINISHMENT OF STATE AUTHORITY.—The designation of an American Heritage Area shall not diminish the authority of the affected State or States to manage fish and wildlife, including the regulation of fishing and hunting within such Area.

(b) NO CONDITIONING OF APPROVAL AND ASSISTANCE.—Limitations on fishing, hunting, or trapping may not be made a condition for the approval of a compact or management plan, the provision of assistance for early actions pursuant to section 106(a)(4), the determination of eligibility for Federal funds, or the receipt, in connection with the American Heritage Area status of an area, of any other form of assistance from the Secretary or other Federal agencies.