SENATE—*Wednesday, October 5, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

The PRESIDING OFFICER. The prayer will be offered by Dr. James R. Newby of the Earlham School of Religion, Richmond, IN.

PRAYER

The guest chaplain, Dr. James R. Newby of Earlham School of Religion, offered the following prayer:

Let us pray:

God of love and infinite wisdom, we gather today in a spirit of expectancy and hope. May we so act that we may bring help to those in need and credit to the Nation we serve.

For those who are discouraged,
We pray for encouragement.
For those who are weak,
We pray for strength.
For those who are ill,
We pray for healing.
For those who are ravaged by conflict,
We pray for peace.
For those who are treated unjustly,
We pray for justice.
And for all who are feeling a loss of spirit
and distance from Thee,
We pray for transformation.

Keep us, O God, ever sensitive to the needs around us as we enjoy our own abundance. May we be given a good disposition, Lord, that in all of our difficulties we may be part of the solution, and not part of the problem.

Gracious God, may Thy light guide us so that this Nation may be strong in truth and righteousness, to the glory of Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 5, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the time until 9:30 a.m. shall be under the control of the Senator from Nevada [Mr. REID] or his designee.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. Senator REID is recognized, the Senator from Nevada.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN pertaining to the introduction of S. 2501 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

REGISTRATION OF MASS MAILINGS

The filing date for 1994 third quarter mass mailings is October 25, 1994. If a Senator's office did no mass mailings during this period, a form should be submitted that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

QUARTERLY REPORTS—OCTOBER 1994

The mailing and filing date of the October quarterly report required by the Federal Election Campaign Act, as amended, is Saturday, October 15, 1994. All principal campaign committees supporting Senate candidates in the 1994 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 12 noon until 4 p.m. on October 15, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

TWELVE-DAY PRE-GENERAL REPORTS—1994

The filing date of the 12-day pre-general report required by the Federal Election Campaign Act, as amended, is Thursday, October 27, 1994. The mailing date for the aforementioned report is Monday, October 24, 1994, if postmarked by registered or certified mail. If this report is transmitted in any other manner it must be received by the filing date. All principal campaign committees supporting Senate candidates in the 1994 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 9 p.m. on Thursday, October 27, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

FORTY-EIGHT-HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12 noon until 4 p.m. for the purpose of accepting 48-hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 22 and 23, October 29 and 30, and November 5 and 6. All principal campaign committees supporting Senate candidates in 1994 must notify the Secretary of the Senate regarding contributions of $1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48-hour notifications may also be transmitted by facsimile machine. The Office of Public Records fax number is (202) 224–1851.

THIRTY-DAY POST-GENERAL REPORTS—1994

The mailing and filing date of the 30-day post-general report required by the Federal Election Campaign Act, as amended, is Thursday, December 8, 1994. All principal campaign committees supporting Senate candidates in the 1994 races must file their reports

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 9 a.m. until 5 p.m. on Thursday, December 8, to receive these filings. For further information, please contact the Office of Public Records on (202) 224-0322.

FAREWELL TO MOU-SHIH DING, WELCOME TO THE HONORABLE BENJAMIN C. LU

Mr. JOHNSTON. Mr. President, on September 20, many of my distinguished colleagues gathered together to bid farewell to Mou-Shih Ding, the outgoing representative of Taiwan in the United States. During his tenure, Mou-Shih Ding carried forward the strong traditions of his predecessor, Dr. Fred Chien, who made a lasting name for himself and his government by strengthening ties between the United States and Taiwan. It has been a pleasure to work with this distinguished career diplomat, who has been a great advocate of continued cooperation between Taiwan and the United States.

Mr. Mou-Shih Ding has had a lengthy and impressive diplomatic career, having served his nation in Taiwan's Ministry of Foreign Affairs; as a delegate to the United Nations; as an Ambassador to Rwanda, Zaire, and Korea; and as Representative of Taipei in the United States. I know Mr. Mou-Shih Ding will be a great asset to the National Security Council, and it is a pleasure for me to extend best wishes and congratulations to him.

I would also like to take this opportunity to welcome the Honorable Benjamin C. Lu, Taiwan's former Representative to Belgium, as Mr. Mou-Shih Ding's successor. Mr. Lu is currently serving as the Taipei Cultural and Economic Representative in the United States and has also represented Taipei at the United Nations. He also brings considerable economic expertise, having served as Deputy Director General on the Board of Foreign Trade in the Ministry of Economic Affairs and as Director of the Majestic Trading Company in London, as well as Director of the Far East Trade Service in Belgium.

I am confident Mr. Lu will be a worthy replacement for Mr. Mou-Shih Ding and look forward to working with him on matters of mutual interest in the future.

THE 50TH ANNIVERSARY OF THE U.S. ARMY LEGISLATIVE LIAISON

Mr. DOLE. Mr. President, I rise today to pay tribute to the soldiers and civilians of the U.S. Army's Office of the Chief of Legislative Liaison [OCLL]. For over 50 years this office has provided invaluable service to the Congress by providing timely information assisting us with constituent inquiries, and assisting Members of Congress on fact finding missions.

In June of this year, I stepped back in time for a few days as I attended several World War II commemorative activities in Europe. From Anzio, Italy where I fought with the 10th Mountain Division to the beaches of Normandy where so many soldiers fought and died for freedom on D-day, I was joined by over 150 of my colleagues in the Congress who came to remember and to say thank you to the veterans that freed a continent from tyranny.

Those who attended these ceremonies will recall just how well planned, well coordinated, and finely executed the events were. The quality of the support we collectively received was no accident. The men and women of Army OCLL, soldiers and civilians worked diligently for months to ensure that success. They are to be commended for their extraordinary efforts on our behalf.

This event only typifies the quality of support this fine organization has conscientiously provided to Congress for over 50 years. Formed during World War II to provide a single point of contact for Members of Congress to obtain information about soldiers for anxious families, war department programs, or war-related activities, their contribution was quickly recognized as an essential service, not only during war, but during peacetime as well.

Since those early years, the Army's OCLL has escorted thousands of congressional delegations on fact finding trips worldwide, often to places in harms way. No doubt about it, each of these missions have been well planned, meticulously coordinated, and flawlessly executed. It is a standard of excellence we have come to expect as routine and take for granted. However, the work of OCLL should not be taken for granted. It is a key reason why we in the Congress are able to get the facts we need.

Additionally, we all frequently request detailed information about the myriad of Army activities, especially during the authorizations and appropriations cycle. Again, the responsiveness of OCLL is outstanding. The ultimate judge, however, is our constituents. Their requests for information or assistance often lead us to OCLL for answers and help. Annually, OCLL responds to over 50,000 written inquiries from Members of Congress and thousands more telephonic inquiries. Army OCLL handles these inquiries conscientiously, with thoroughness, and in a timely manner.

Mr. President, Army OCLL has repeatedly distinguished itself as an agency which goes beyond the call of duty. They have served the Army, the Congress and the Nation admirably, faithfully, and well over the past 50 years. I am certain the men and women who serve in OCLL, and serve us will continue in this fine tradition. I ask my colleagues to join me in paying tribute to those who serve in Army OCLL, past, present, and future. Thank you for your service to the Congress, the Army, and to America.

A TRIBUTE TO MAJ. GEN. JOHN J. CLOSNER III, FOR HIS SERVICE AS CHIEF OF THE AIR FORCE RESERVE

Mr. NUNN. Mr. President, today I want to recognize Maj. Gen. John J. Closner for his distinguished service to our Nation. General Closner epitomizes our Air Force Reserve citizen-soldier. He has demonstrated exceptional leadership as chief of Air Force Reserve, Headquarters U.S. Air Force, Washington, DC., and commander, Air Force Reserve, Robins Air Force Base, GA for the past 4 years.

General Closner performed these duties in an outstanding manner despite the dramatic fiscal and structural changes brought about by the end of the cold war. Responding to these challenges, General Closner effectively reorganized the Air Force Reserve. He confronted tough decisions head on, directing numerous unit conversions as well as downsizing aircraft inventory and personnel while maintaining key capabilities.

Commissioned through the Reserve Officer Training Corps Program at Texas A&M University, General Closner's early training prepared him well for his later assignments commanding fighter units in Oklahoma, Louisiana, Utah, and Texas. Ultimately, he rose to command the 81,000 member Air Force Reserve.

General Closner is a highly decorated veteran of the Vietnam war. He flew over 300 combat missions in the F-100 as an instructor pilot with the 615th Tactical Fighter Squadron in the Republic of Vietnam in 1967. His military awards and decorations include the Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal, Air Medal with 14 oak leaf clusters, Air Force Commendation Medal, and Air Force Outstanding Unit Award with three oak leaf clusters.

Still current in the F-16 at age 54, General Closner has flown over 5,000 hours as a command pilot in the A-10, A-37, F-16, F-100, and F-105. Perhaps his proudest moment was being the first wing commander of an Air Force Reserve F-16 Wing. Under his leadership this wing won the prestigious Gunsmoke competition for the best air-to-ground fighter unit in the entire Air Force.

General Closner's greatest contribution as chief of the Air Force Reserve

was his sustained leadership during a period that stressed resources to their limit. He embraced and led the total quality management revolution within the Air Force Reserve and received praise from the Executive Office of the White House for this quality leadership. He led the Air Force Reserve through Operations Desert Shield/Desert Storm, Provide Promise, Deny Flight, Provide Comfort, Southern Watch, and most recently, our multinational operation in Haiti. Despite the highest operational pace in the history of our Reserve forces, the Air Force Reserve always accomplishes its mission under his leadership.

The United States is indebted to General Closner for his many contributions to this Nation. As his hallmark, he left a stronger Air Force Reserve. We thank Jay and his wife Angela for their selfless service to the men and women of the Air Force Reserve, and wish them continued success in the future.

JAMIE WHITTEN RETIRES

Mr. COCHRAN. Mr. President, when my friend and distinguished colleague in the other body, JAMIE L. WHITTEN, retires at the end of this session as the Congressman for the First Congressional District of Mississippi, he will have served the people of his district, our State, and our Nation, for 53 years.

He came to Congress when rural electricity was just becoming a reality. He will leave when space travel is common and satellites can flash news and information around the globe in seconds.

Throughout his career, JAMIE WHITTEN has been first and foremost a champion of the interests of those who live in rural America. He has been a true friend of our farmers and their families. He has been a successful advocate for conservation of our soil and water resources, sound flood control policies, and support from the Government in time of special hardship and disaster.

JAMIE WHITTEN has been a friend and mentor for me, and I will truly miss him when he retires. I have learned much by studying his example, his seriousness of purpose, and his conscientious devotion to duty. He has always been courteous, and he has always been a gentleman.

It has been a great pleasure for me to have worked very closely with Congressman WHITTEN on Appropriations Committee matters, especially on the subcommittee on agriculture, rural development and related agencies.

He is the most knowledgeable person in Congress on the subject matter within the jurisdiction of that subcommittee.

And for me, he is, and has been during the 22 years we have served together in the Congress, a very helpful friend and colleague.

I will never forget when we Republicans won control of the Senate in 1980 and for 6 years I served as chairman of the same Appropriations Subcommittee in the Senate that JAMIE chaired in the House. As we began the first conference on the subcommittee's bill in 1981, he said to me: "You have to be careful what you ask for now, you may get it."

JAMIE WHITTEN was born in Cascilla, MS, in 1910. He married the former Rebecca Thompson of Saltillo, MS, and they have two children, a son, Jamie Lloyd Whitten, and a daughter, Beverly Rebecca Merritt. He attended the public schools at Cascilla, and at Charleston, the nearby county seat which he still calls home. He attended the literary and law schools of the University of Mississippi at Oxford and served 1 year as principal of the Cowart School in Tallahatchie County.

After beginning the practice of law in Charleston, JAMIE WHITTEN was elected to the State legislature from Tallahatchie County at the age of 21, the first year he was eligible to vote. He then was elected district attorney at age 23 from the 17th District, which included at that time Tallahatchie, Yalobusha, Panola, Tate, and DeSoto counties.

In November 1941, in a special election, JAMIE WHITTEN was elected to Congress and sworn into office during the 77th Congress. He was re-elected the next year to the 78th Congress, and has been returned by the people of his district by substantial margins to every succeeding Congress.

He has served honorably and exceptionally well for 53 years. He is the dean of the House of Representatives as well as the senior member of the Appropriations Committee, which he served ably and effectively as chairman from 1979 until 1992. As longtime member and chairman of the Subcommittee on Agriculture Appropriations, he has fondly, and I might add, accurately, been called "The Permanent Secretary of Agriculture." He has served with 11 Presidents of the United States, beginning with Franklin D. Roosevelt, and with more Secretaries of Agriculture than anyone can remember.

As his remarkable and historic career as a U.S. Congressman ends this session, I congratulated him for a job well done. Our Nation, and especially our State of Mississippi, are grateful for him for a record of honorable and very distinguished service.

We wish for him and his gracious wife, Rebecca, much happiness in the years ahead.

IN MEMORIAM: CAPT. HARRY SEAGROVE SELLERS

Mr. WARNER. Mr. President, I rise today to pay tribute to one of the outstanding citizens of my State, Capt. Harry Seagrove Sellers, who recently passed away at his Arlington home after a long and valiant battle against cancer. Captain Sellers was a superior naval officer who served in World War II, the Korean war and in Vietnam, and was also a prominent leader in the local community. His contributions to his country and to his community deserve the highest and most enduring praise.

Captain Sellers was born in Glendora, in 1924. He earned a bachelors degree in mathematics at the University of California at Los Angeles. After the outbreak of the Second World War, he entered the Aviation Cadet Program and earned his navy wings of gold, becoming a skilled pilot. Captain Sellers was assigned to a newly formed night torpedo squadron. Later, as 1 of 5 pilots in Project Cadillac, he performed the original flight test of high powered airborne radar against captured German snorkel submarines. During these tests, he alternated between days in the cockpit and days as a crew member of the German sub.

During the Korean war he served on the U.S.S. *Valley Forge* and in Composite Squadron 35. In 1954, he graduated from the U.S. Naval Postgraduate School with a masters of science in nuclear physics. His thesis on solid state physics and radiation effects was later presented to the American Physics Society.

From 1956 to 1958, Captain Sellers was assigned as a project officer to China Lake, where he worked in a program experimenting with nuclear propulsion for aircraft. There, Sellers also worked as a test pilot in jet fighters testing delivery systems for nuclear weapons on naval aircraft.

His next assignment was to the Naval War College in Rhode Island after which this rising officer became the commanding officer of a jet attack squadron assigned to the U.S.S. *Constellation* on her maiden deployment to the western Pacific.

During 1965, Captain Sellers was assigned as the navigator of the U.S.S. *Coral Sea* and had the opportunity to serve aboard this well-known ship as it participated in a period of intense combat operations. It was during this tour that the United States began the air war against Vietnam, and the U.S.S. *Coral Sea* served as the launch site for these aircraft. Sellers' management skills during this period of intense combat operations insured a rapid and effective response for U.S. forces operating from the U.S.S. *Coral Sea*. His outstanding performance earned him the Navy Commendation Medal.

From 1966 to 1968, Captain Sellers worked as a Navy representative in the Strategic Plans and Policy Division of the Joint Chiefs of Staff. There, Sellers was commended for his dynamic leadership, diligence, and foresight and for his efforts which greatly enhanced the war-planning effectiveness of U.S. Armed Forces and the security of our

Nation. For his distinguished performance, Captain Sellers was awarded the Legion of Merit.

Following his tour in the Joint Chiefs of Staff, Captain Sellers returned to Vietnam in October 1968 as commanding officer of the U.S.S. *Wrangel*, an ammunition ship operating in the Gulf of Tonkin. During combat operations, Captain Sellers displayed exceptional leadership qualities while directing his ship in providing mobile logistic support to combat units. He was awarded the Bronze Star Medal for his meritorious wartime service during this period.

In 1969, he took command of the aircraft carrier U.S.S. *Franklin D. Roosevelt*, which deployed to the Mediterranean as the flagship of the U.S. Sixth Fleet. Captain Sellers was responsible for the exceptional performance of the ship as a member of Task Force Sixty during her first deployment. Captain Sellers' exemplary guidance and direction ensured the maintenance of an ever-increasing level of readiness in both the ship and the air wing.

From September 1971 to June 1972, Captain Sellers served as the program manager for the Sea Control Ship System Operations. He was instrumental in establishing the Sea Control Ship System as a viable program of great potential value to the Navy of the future. For his distinguished service, Captain Sellers was once again awarded the Legion of Merit with gold star. After this final tour on the staff of the Chief of Naval Operations, he retired in 1972 with a wartime mobilization role as a convoy commodore.

Captain Sellers not only distinguished himself as a superior military officer, he also distinguished himself as a successful entrepreneur. In 1974, Harry Sellers formed the U-Store Co. to build and operate self-service storage facilities, then a new concept in real estate development. As owner and chief executive officer, he designed and built their first facility in Daytona Beach, FL. The immediate success and profitability facilitated nine more projects now totaling over 5,000 rental spaces and 420,000 square feet of floor space expanding into four States.

Captain Sellers was a man of extraordinary talent and he used those talents in serving his community. He was a member of the Masonic Order, the Scottish Rite and the Shrine. While on active duty in the Navy, he was a member of the Naval Institute and the Society of Experimental Test Pilots. On his post-Navy career, he served two terms on the board of directors and one term as president of the Self-Service Storage Association, southeast region; and also served for 15 years as the national treasurer of the American Defense Preparedness Association.

Captain Sellers was a deeply religious man who was very involved in his church and community. A lifelong Methodist, Harry Sellers held leadership positions in several churches across the country. A talented musician, he was active in church music programs where he contributed as a pianist and organist. He also composed and published original music.

Captain Sellers was also an avid sportsman with a love for skiing, scuba diving, and sailing. Following a distinguished naval career of 30 years, Captain Sellers fulfilled a lifelong dream as he and his wife bought a sailboat and spent most of a year sailing the Caribbean.

Captain Sellers will be remembered for his energy, discipline, dedication, and humility combined with his great love for God and church. He was a loyal and loving husband, father, patriot, and Christian of the first rank. He will not only be cherished and remembered by his wife, Helen Heald Sellers of 48 years, their two sons. Darrow and Richard, and his grandchildren, but he will also be remembered and honored as a distinguished career naval officer and an outstanding public citizen by all who knew him.

NEED TO PASS SEC FUNDING LEGISLATION

Mr. RIEGLE. Mr. President, last week I took this floor to discuss the urgent need to provide funding to the Securities and Exchange Commission. We face a very serious situation: the SEC has not yet been provided with funding sufficient to carry it through the new fiscal year that began on October 1.

As I remind the Senate last week, the Congress has provided the agency with only a portion of the funding that it needs for the next 12 months. Legislation that would provide the needed full funding was passed by the House of Representatives last week. That bill, H.R. 5060, is now at the Senate desk. It is crucial that the Senate immediately take up and pass this bill.

In the absence of full funding, the SEC has begun preparing to shut down. I ask unanimous consent to enter into the RECORD a letter I received yesterday from Arthur Levitt, Chairman of the SEC. He writes, "the SEC has been forced to suspend vital services." He notes that an examination of brokerages and investment advisers have been halted. The agency has had to stop seeking to recover funds from offshore accounts. The electronic filing system for all publicly traded companies will shut down next week, slowing down the process of filing registration statements for every public company in America. In addition, Congress's failure to pass the SEC funding bill is costing the U.S. Treasury an estimated $740,000 every day, because of the reduced fee schedule now in place.

If Congress adjourns without providing the needed funds, the SEC will have to shut down. This would be a catastrophe, because the SEC is crucial to the smooth operation of the capital markets that stand at the heart of our economy. The success of the U.S. financial markets is due, in large part, because the markets and their investors know that the SEC is a vigilant "cop on the beat." Leaving the SEC in budgetary limbo jeopardizes investor confidence in the market.

An SEC operating on a partial budget will not have the ability to police the markets or effectively respond to a market emergency. This needlessly places the stability of the markets and the personal savings of millions of individual investors at risk. In turn, the Nation's economy as a whole could be severely harmed. We cannot run that risk.

Mr. President, we can avoid that fate by taking up and passing H.R. 5060. The language contained in H.R. 5060 passed the Senate earlier this year. This legislation enjoys the strong support of both of the SEC's regulated industries and the administration. It is crucial that the Senate take up and pass this legislation today, to protect the smooth operation of our markets, to ensure that investors are protected, and to guarantee the efficient operation of our Government. I urge all my colleagues to give their consent so that the Senate can today take and pass this crucial bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, October 4, 1994.

RE H.R. 5060.

Hon. DONALD W. RIEGLE,
U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: I know you share my commitment to protecting U.S. investors by maintaining the integrity and efficiency of our nation's capital markets. I am deeply distressed that the interests of U.S. investors and U.S. corporations are being jeopardized because H.R. 5060, the SEC's funding legislation which was approved by the House last Tuesday, has not yet been approved by the Senate.

I am most troubled that the SEC has been forced to suspend vital services. This has affected enforcement investigations and examinations of mutual funds, brokerage firms and investment advisers. Because of a mandated reduction in our fee schedule, the U.S. Treasury will continue (as of October 3) to needlessly forego $740,000 every day without a funding bill.

Although the agency is doing everything possible to maintain critical operations, this delay in the agency's funding has already impacted our program operations. For example, during the last 24 hours, six SEC examination staff members were recalled from an exam of a brokerage firm in Tennessee. An inspection of a $250 million investment adviser was cancelled. In addition, in a legal proceeding, the Commission is seeking the return of some $330,000 in funds belonging to defrauded investors which were transferred to offshore accounts. The Commission is unable to obtain the return of these funds for investors without being able to contract with foreign attorneys. Further, the agency

today issued a "stop-work" order to its electronic filing system contractor. The effect of this action is that all electronic filings will cease effective 8:00 a.m., Tuesday, October 11. This action affects approximately 3,400 public companies throughout the nation and will slow the processing of filings for every registrant in this country.

We must maintain our preeminent position as the world's leading capital market, where last year American companies raised $868 billion. I urge you to move swiftly to approve H.R. 5060 and restore full protection for American investors.

Sincerely,

ARTHUR LEVITT.

WORLDWIDE REFUGEE PROBLEMS

Mr. KENNEDY. Mr. President, as required by the Refugee Act of 1980, on September 29, 1994, Acting Secretary of State Strobe Talbott held a consultation with members of the Judiciary Committee on the number of refugees to be admitted to the United States next year, and to review worldwide refugee programs.

On September 30, the committee completed the consultation process by sending the following letter to the President, which I ask be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 29, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Under the provisions of the Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representative, Acting Secretary of State Strobe Talbott, on the proposed admissions of refugees for Fiscal Year 1995.

We are gratified that the Administration is putting into practice its commitment to reorient the refugee resettlement program toward serving refugees who face imminent threats to life and safety, and away from the defacto "pipeline" of in-country processing that developed in certain countries over recent years. We would encourage the Administration to expedite the entry of "pipeline" refugees, to permit an even more rapid completion of those programs.

Over the next few months we will monitor with particular interest the Administration's resettlement efforts in Africa, the former Yugoslavia, and other volatile parts of the world. The Administration is to be commended on its efforts in many unstable and difficult areas, such as the Sudan. We would urge you, however, to keep in close communication with us on your plans for resettlement of refugees from countries such as Bosnia, Liberia, and Rwanda, where it appears that major challenges remain.

We appreciate your work in ensuring a continuation of eight months of federal reimbursement for refugee resettlement for Fiscal Year 1995. We continue to believe, however, that this level still falls short of meeting actual assistance needs at the state and local level. As in the last year's refugee consultation, we again urge the Administration to request a level of funding for the domestic refugee program that more closely matches the number of refugees to be admitted.

The Committee continues to support the objectives of our Nation's program to assist refugees of "special humanitarian concern" to the United States. We accept your proposals to do so during Fiscal Year 1995, and look forward to working with you on this important program in the coming months.

With best wishes,

Sincerely,

ORRIN G. HATCH,
Ranking Member, Committee on the Judiciary.

ALAN K. SIMPSON,
Ranking Member, Subcommittee on Immigration and Refugee Affairs.

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary.

EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.

Mr. KENNEDY. Mr. President, I would also like to share with my colleagues two tables that review fiscal year 1994 refugee admissions ceilings and actual refugee admissions, and proposed refugee admissions ceilings for fiscal year 1995. I would ask Senators to note particularly that the proposed overall ceiling is 112,000 refugee admissions. This is 9,000 fewer numbers than the fiscal year 1994 ceiling.

I ask that these tables be included in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—REFUGEE ADMISSIONS IN FISCAL YEAR 1993 AND FISCAL YEAR 1994

Region	Fiscal year 1993 actual	Fiscal year 1994 ceiling	Fiscal year 1994 arrivals thru 7/94	Projected fiscal year 1994 arrivals
Africa	6,969	7,000	4,566	6,000
East Asia	49,858	45,000	33,558	42,000
Eastern Europe [1]	2,651			
Latin America/Caribbean	4,126	[2] 9,000	4,688	8,000
Near East	7,000	6,000	3,903	6,000
Former Soviet Union [1]	48,627			
Former Soviet Union/Eastern Europe [1]		[2] 53,000	40,073	48,000
Unallocated reserve		(2)		
PSI	251	1,000	0	0
Total	119,482	121,000	86,788	110,000

[1] Former Soviet Union and Eastern Europe ceilings were combined in fiscal year 1994.

[2] Reallocations: 3,000 admissions numbers initially assigned to the Unallocated Reserve were reallocated during the year to the Latin America/Caribbean ceiling. An initial allocation of 55,000 numbers to the Former Soviet Union/Eastern Europe ceiling was reduced by 2,000 to 53,000, with the 2,000 numbers reallocated to the Latin America/Caribbean ceiling. The initial 4,000 numbers allocated to the Latin America/Caribbean ceiling were thus augmented by an additional 5,000 to accommodate a surge in Haitian admissions during the year.

TABLE II.—PROPOSAL FOR U.S. REFUGEE ADMISSIONS IN FISCAL YEAR 1995

Area of origin	*Proposed ceiling*
Africa	7,000
East Asia	[1] 40,000
Former Soviet Union/Eastern Europe	48,000
Latin America and the Carribbean	8,000
Near East	5,000
Unallocated reserve	2,000
Subtotal, funded admissions	110,000
Private Sector Initiative	2,000
Total	112,000

[1] This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.

Mr. KENNEDY. Mr. President, as my colleagues review these two tables, would I point out with satisfaction that the two resettlement programs requiring the most concerted attention of the United States over the past decade—those in East Asia and the former Soviet Union—are moving in the direction of completion.

This is a testament to the generosity of the United States and the international community, which have accepted an unprecedented number of at-risk persons from these regions. It is also a tribute to the hundreds of American men and women—working for the State Department, the Immigration and Naturalization Service, the Office of Refugee Resettlement, voluntary agencies, and State and local governments, that have made possible resettlement of individuals who have a compelling connection to the United States.

In response to the emerging shift in U.S. resettlement policy, we are advised that the administration has revised its formulation of the worldwide priority system. This revision was communicated to the committee in the President's consultation documents. I anticipate that the committee will have occasion to discuss the formulation and ramifications of this new priority system in some detail with the administration at a later date.

I would ask that the section of the report to the Congress on proposed refugee admissions for fiscal year 1995 that describes the revised worldwide priority system be included in the RECORD.

There being no objection, the priority system was ordered to be printed in the RECORD, as follows:

THE WORLDWIDE PRIORITY SYSTEM

The worldwide processing priority system sets guidelines for the orderly management of refugee applications for admission within the established annual regional ceilings. The priority system has been revised for FY-95 to reflect trends over the past several years in the world-wide refugee resettlement caseload.

The issues of whether a person meets the definition of a refugee under U.S. law and the priority that person may be assigned for consideration of his case are separate and distinct. Assignment of an individual to a particular processing priority does not reflect any judgement as to whether that individual ultimately will qualify for admission to the U.S. as a refugee. Just as qualifying for refugee status does not confer a right to resettlement in the United States, assignment to a particular priority does not entitle a person to admission to the United States as a refugee.

The U.S. refugee priorities system sets guidelines for the orderly management of refugee admissions into the United States within the established annual regional ceilings and is subject to change during the fiscal year. Over the years, it has become increasingly apparent that the six processing priorities originally established in the early years of the huge Indochinese refugee outflows are less relevant to the refugee populations in need of resettlement today. For example, former USG employees, who were in Priority Two of the old system, are not inherently at risk in today's non-Indochinese refugee situations in which there often is no anti-American sentiment, whereas journalists opposing a repressive regime may be vulnerable even in a country of first asylum.

Accordingly, the old processing priorities have been revised to reflect the U.S. intent of providing resettlement to those most in need, relying to a greater extent on UNHCR to refer such individuals to our program. We also have included discrete categories of individuals of concern to the U.S. for selected nationalities. Since it makes sense that refugees with relatives in the U.S. be resettled here rather than in other countries, some family-based priority groups are still included in the revised list. The refugee processing procedure will remain unchanged; that is, refugees in Priority One are interviewed before those in Priority Two, etc.

REFUGEE PROCESSING PRIORITIES—FY 1995

Priority One: UNHCR-referred or Embassy-identified persons in immediate danger of loss of life.

UNHCR-referred or Embassy-identified cases of compelling concern such as former political prisoners or dissidents.

UNHCR-referred vulnerable cases including women at risk, victims of violence, torture survivors, and individuals in urgent need of medical treatment not available in the first-asylum country.

UNHCR-referred cases of individuals for whom the other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution.

Groups of special concern to the U.S. to be established as needed by nationality (see listing below for FY 1995).

Priority Two: Spouses, unmarried sons and daughters, and parents of persons lawfully admitted to the U.S. as Permanent Residents Aliens, refugees, or asylees.

Unmarried sons and daughters, of any age, of U.S. citizens; parents of U.S. citizens under 21 years of age. (Spouses and minor children of U.S. citizens and the parents of U.S. citizens who have attained the age of 21 are required by law to apply for admission on immigrant visas.)

Priority Three: Married sons and daughters and siblings of U.S. citizens and persons lawfully admitted to the U.S. as Permanent Resident Aliens, refugees, or asylees.

Priority four: Grandparents, grandchildren, uncles, aunts nieces, nephews and first cousins of U.S. citizens and persons lawfully admitted to the U.S. as Permanent Resident Aliens, refugees, or asylees.

PRIORITY ONE: GROUPS OF SPECIAL CONCERNS FOR FY 1995

Burma: Students/dissidents who are referred by UNHCR, arrived in Thailand between March 15, 1988 and May 1, 1992, and have a well-founded fear of persecution due to pro-democracy activities in Burma.

Laos: Highlands (mostly Hmong).

Vietnam: Former reeducation camp detainees who spent more than three years in detention camps:

Certain former USG employees and other specified individuals or groups of concern;

On a case-by-case basis, other individuals who have experienced persecution because of post-1975 political, religious, or human rights activities.

Former Soviet Union: Soviet Jews, Evangelical Christians, members of the Ukrainian Catholic or Orthodox churches.

Bosnia: Bosnian Muslims, and on an exceptional basis non-Muslim Bosnians, referred by UNHCR, such as women victims of violence, torture victims, ex-detainees, and other individuals identified by UNHCR as requiring resettlement in the U.S.

Vulnerable Bosnians in mixed marriages of any ethnic group referred by UNHCR.

Parents and siblings of minor U.S. citizen children who have been displaced by the conflict in Bosnia-Herzegovina.

Bosnian Muslims, and on an exceptional basis non-Muslim Bosnians, referred by the International Organization for Migration (IOM) for medical treatment in the U.S.

Cuba: Former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, dissidents, and other refugees of compelling concern to the U.S.

In third countries, Priority One Cubans may be processed if they fled Cuba before November 20, 1987.

Haiti: Senior and mid-level Aristide government officials; close Aristide associates; journalists and educational activists and high profile members of political, development, and social organizations who have experienced significant and persistent harassment by the de facto authorities, or who have a credible fear because of their activities; others of compelling concern to the U.S. and in immediate danger because of their actual or perceived political beliefs or activities; and others who appear to have a credible claim that they will face persecution as defined in the Refugee Convention. (The 1951 Convention on the Status of Refugees defines a refugee as someone who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion.)

Iran: Refugees who have served in positions of leadership or played a conspicuous role within a religious denomination whose members are subjected to discrimination, including the clergy, prominent laymen, those who have served in denominational assemblies, governing bodies or councils; refugees who because of their minority religious affiliations have been deprived of employment, have been driven from their homes, have had their business confiscated or looted, have been denied educational opportunities available to others similarly situated in the same area, or have been denied pensions that would otherwise be available.

THE DEATH OF CLAUDE HARRIS

Mr. SHELBY. Mr. President, the State of Alabama suffered a great loss Sunday with the passing of Claude Harris. Known for his integrity, strength of character, and conviction, Claude Harris spent his entire life serving the people of Alabama—as a prosecutor, a judge, a congressman, an officer in the National Guard. Honor and integrity were the hallmark of his tenure in every position that he held.

Claude Harris's dedication to public service spanned over three decades, from his early beginnings as an assistant district attorney for Tuscaloosa County to his most recent post as U.S. attorney for the Northern District of Alabama.

Although only recently appointed to this position by President Clinton in 1993, his short tenure is no measure of the significant contribution he had already made to this office.

This is no surprise to those who knew him well. Claude Harris' professional career was built on a strong record for effectiveness and hard work.

Eight years on the circuit court for Tuscaloosa County bench earned him a reputation as an even-handed, fair-minded jurist. As presiding judge for the circuit court, he was widely recognized and respected for his work on the bench and it was only his election to the U.S. House of Representatives that cut short his contributions there.

In 1986 he was elected to fill my former congressional seat serving the Seventh District of Alabama. As a congressman, Claude earned a reputation as a champion of the welfare of veterans, active duty military personnel and guard and reserve members. His support for a strong national defense and the well being of military personnel is hardly surprising given his long-standing service in the Alabama National Guard—rising to the rank of lieutenant colonel.

Claude Harris retired from the Congress last year after three terms rather than run again in a significantly reconfigured congressional district. West

Alabama was deeply saddened by his retirement, as in his 6 years in the House, Claude served his constituents with honesty and diligence.

As a fellow resident of Tuscaloosa, I shared a close personal relationship with Claude Harris and his wife, Barbara, a relationship that transcended the everyday world of politics in which we worked.

I extend my deepest sympathies to Claude Harris' family for their loss. I share that loss, and mourn his friendship, but, I would also note how much richer the state of Alabama, it's citizens—and I am—for the time he was here with us.

AGRICULTURE EXTENSION SERVICE YOUTH AT RISK PROGRAM

Mr. COCHRAN. Mr. President, so often we hear about Federal programs that fail to meet our expectations and even worse waste taxpayer dollars. We see these disappointing efforts highlighted on the evening news and on the front page of newspapers and it seems everybody knows about them.

On the other hand, when a Federal program excels in the quality of service it provides or makes maximum use of modest Federal funding through matching contributions of local public and private resources, it's not unusual for that program to go unnoticed.

A meritorious program that should be talked about more is Youth and Families at Risk funded through the Agriculture Department's Extension Service. Funded at $10 million in each of the past fiscal years, cash from State and local resources, and in kind services have doubled and even tripled that amount.

The U.S. Department of Agriculture Cooperative Extension Service has an office in almost every county in the country. Some extension offices, particularly those in poor rural areas, also have a Youth at Risk project coordinator who works with local schools, 4-H Programs, parent groups and others to provide youth development activities. Small grants averaging less than $100,000 are provided to support Youth at Risk activities on a 5-year cycle, with Federal funds gradually phasing out over that time period. In the sixth year the program is expected to be self-sustaining.

In Mississippi, there are three outstanding programs in varying stages of development. One, the After School Child Care Education program is a collaborative effort of Alcorn State University and Mississippi State University and local school districts which targets children grades K-4 in the two rural Mississippi communities of Fayette and Greenville. The program is in its fifth year of funding and will become self-supporting next year. Children performing below their potential are identified by teachers, school administrators, or primary care givers to participate in the program after school hours. The program's purpose is to improve academic performance, build self-confidence and prepare students to become more productive in later life. Children are divided into small groups where they receive a nutritious snack, help with homework, and tutoring. Parents are also involved through activities to help improve their parenting skills, support, and encourage their children's educational progress, and increase their own educational attainment.

Classroom teachers report that children in the Extension Service After School Program come to school with a much greater understanding of why they are in school and bring in completed homework assignments much more frequently. School principals report less disruptive behavior and parents have noticed more self-confidence and enthusiasm for learning. Standardized reading tests show the children participating in the after school program improve reading skills by an average of one grade level. The program has been so successful in raising academic competencies of youth it has caught the attention of the local chapter 1 program, which will continue to provide funding to sustain and expand these programs when extension funds complete their cycle.

Another exciting program is an Oktibbeha County program called SOARS [Science Opportunities Activities and Responsibilities Series] which holds Super Science Days at Mississippi State University, where students from that county learn firsthand about science, engineering, and medicine from scientists themselves. Extension staff provide supplemental math and science instruction during the school day. Among the program's goals is to introduce African-American females to a wide range of engineering disciplines. SOARS began in 1992 as a youth-at-risk project designed to increase math and science awareness among the county's fourth through sixth grade students. Partners in the program include the county school system, Extension office, and Project Brickfire, a low-income housing area. Mississippi State University faculty and students provide time and resources to the 265 volunteers serving as tutors and summer camp instructors. Local contributions match the Federal funding two to one.

After the second year, test scores showed 35.8 percent of the students improved in math, 43.7 percent improved in science, and 48.5 percent increased in overall SAT scores.

The newest of Mississippi's Youth at Risk Program is Project GESTALT [Growth and Education for Students, Teachers, and Advocates Linked Together]. Students in the Jackson area public school system are selected to participate in this math and science oriented after school program. Junior and high school students are paired with elementary school students in after school care programs for tutoring and mentoring. The purpose is to enrich learning experiences for younger and older students. Parents receive training in academic support, communication, conflict resolution and are encouraged to participate in career education programs. After just 1 year, Project GESTALT has served over 1,000 students and parents. Project GESTALT is a collaborative effort of the Cooperative Extension Service, Jackson public schools, Mississippi Public Education Forum, the Federal Learn and Serve National and Community Service Program, and six other community civic organizations.

These projects offer many opportunities for some of our Nation's most vulnerable youth and their families to develop leadership skills and acquire knowledge needed to build strong communities. I am particularly proud of the Mississippi programs and am pleased to highlight their accomplishments. The U.S. Department of Agriculture Youth at Risk Program is one Federal program that is truly making a difference in youth development.

TRIBUTE TO SENATOR MATHEWS

Mr. JOHNSTON. Mr. President, when the Senate reconvenes next year, HARLAN MATHEWS will not be with us. He was appointed 2 years ago to fill the unexpired term created when AL GORE became Vice President. He said at the time that he would not seek reelection and he is making good that pledge.

Senator MATHEWS' presence will be missed. He brought to the Senate a lifetime's experience in State government. He began his career with the State of Tennessee in 1950 as a member of the Governor's planning staff and rose through the ranks over the next four decades to become Deputy to the Governor, cabinet secretary, and one of the most influential voices in the statehouse.

Much of Senator MATHEWS' time in State government was spent in the demanding field of public finance. He served as finance commissioner for 10 years and as treasurer for 13 years. He held both jobs longer than anyone else in Tennessee's history.

During his stewardship of the State's finances, Tennessee prospered. It became the fastest growing State in the Mississippi Valley. It provided the economic climate necessary to capture General Motors' Saturn plant and attract more Japanese investment than any other State save California. All the while, it managed to provide a high level of public services without resorting to a State income tax—one of only nine States without one.

At a time when cutting the Federal deficit and improving the national

economy have dominated the Senate's agenda as never before, Senator MATHEWS' perspective and experience have been invaluable. We have benefitted from his wise counsel and will miss it when he retires.

Much of Senator MATHEWS' long and distinguished career has been spent out of the public eye. The press has said that because he never ran for office, he is unknown to many Tennesseans. Perhaps so, but whether the people of Tennessee know it or not, Senator MATHEWS has served them well. Like his predecessor, AL GORE, and his senior colleague, JIM SASSER, HARLAN MATHEWS comes from the old school of Tennessee Democrats who believe that government should be a positive force in people's lives; a friend of the common man, not his enemy.

I saw that side of Senator MATHEWS in my role as chairman of the Energy and Water Appropriations Subcommittee. Senator MATHEWS worked tirelessly to get funding for the Spring City flood damage reduction project. Spring City is a poor community in southeastern Tennessee that has long been beset by flooding. Senator MATHEWS obtained the funds needed to purchase flood-prone lands and build levees.

He has also promoted rural health initiatives and has joined me in sponsoring legislation to revitalize the Lower Mississippi Delta.

As a member of the Committee on Energy and Natural Resources, Senator MATHEWS has been a strong supporter of Tennessee's premier research and development center, the Oak Ridge National Laboratory. He has been a leader in our effort to make our national laboratories engines of economic growth by making the intellectual resources of these facilities and the technological innovations they produce available to American businesses and educational institutions. He has also been a strong defender of Tennessee's coal industry and a vigorous protector of the Great Smoky Mountains National Park.

On the Foreign Relations Committee, he has championed stronger trade ties with the Pacific rim to improve our own economic future. On the Commerce Committee, he has represented Tennessee's interests in high technology, transportation, small businesses, and tourism.

Although his stay has been brief, his presence has been felt. He has worked hard and served his constituents well. the press once called him "the Silent Senator" because he was quoted in the papers less than the more talkative among us. But he has labored day in and day out neither for the headlines nor for the history books, but for the greater good of his country and his State.

Mr. President, over a century ago, Mark Twain was asked to write an essay on the Declaration of Independence. He responded by producing one of his few serious works, a short biography of one of the Declaration's signers. He passed over the celebrated Jefferson, Adams, and Franklin, and instead wrote about a little known delegate named Francis Lightfoot Lee.

Francis Lightfoot Lee "made no brilliant speeches" and "left no phosphorescent splendors" in his wake, Mark Twain said. He was a "good citizen," who engaged in "no juggling or wire-pulling" to gain office, but went reluctantly when called. He worked industriously during his term, "never seeking his own ends, but only the public's," and retired gladly when the job was done.

If Mark Twain were alive today and wrote about a Member of the Senate, I think he would choose Senator MATHEWS. Senator MATHEWS exhibits the same solid purpose, the same strength of character, the same devotion to public service that Mark Twain admired in Francis Lightfoot Lee.

It has been a privilege to serve with Senator MATHEWS and to know his wonderful wife, Patsy. Their time with us has been all too brief, but the people of Tennessee and this institution are better because they were here. I am sure that I speak for all Senators when I offer Senator MATHEWS our gratitude for his service and extend to him and Patsy our best wishes for the next step in his career.

TRIBUTE TO JAMES M. OAKES

Mr. JOHNSTON. Mr. President, later this month, my State staff director, Jim Oakes, will become the new athletic director for Louisiana Tech.

Jim joined my staff 15 years ago, in 1979, just a few years out of Louisiana Tech, with two all-consuming interests, his alma mater and politics. Jim is from Homer, and his roots are deep in north Louisiana. His father, "Snap" Oakes, was sheriff of Claiborne Parish for 24 years before being sworn in as U.S. Marshall for the western district earlier this year. It is easy to see Jim learned a great deal from his father.

He began his Senate career by directing my Shreveport office, but later came to Washington as my administrative assistant, and since 1990 he has directed all of my State operations. He has been advisor, friend, campaign manager, and I can honestly say that I have never had a better informed, better organized, more loyal, and better liked staff member.

If genius is the infinite capacity for taking pains, Jim is the Albert Einstein of Louisiana. He is a tireless perfectionist. For Jim, no detail of an event is too small, no legislative issue too peripheral, and no Louisianian is too unimportant for his urgent attention. He not only works hard and effectively himself, but persuades others to give their best efforts as well. Any event organized by Jim Oakes runs like clockwork because he has foreseen all the problems and ironed out all the glitches.

Over the years, a number of those events seem to have involved Louisiana Tech. His lovely wife Tammie and their dog Homer come first, but Tech and its athletic teams run a close second in Jim's affections. He might have gone without sleep, but Jim would never miss a game by the three-time national champions, the Lady Techsters. By the way, the Lady Techsters have competed in 11 final fours and every single NCAA tournament for women. Jim would tell you that, and also that Karl "Mailman" Malone of the Utah Jazz and P.J. Brown of the New Jersey Nets, came from Tech. In a sense, Jim has already been working for Tech—he is the hardest working and best informed Tech booster alive.

I know that the energy and attention to detail that has characterized Jim's career in politics will now be directed to football, basketball, baseball, and all of Louisiana Tech's athletic programs. I have worked closely with Jim for 15 years now, and based on what I know of his character and drive, it is safe to predict a long string of winning seasons for Louisiana Tech.

IN MEMORY OF JUDGE WILLIAM DANIEL "DUB" MURRAY

Mr. BAUCUS. Mr. President, Montanans lost a good friend, as well as a bit of history, this week with the passing of Judge William Daniel "Dub" Murray of Butte. The son of James E. Murray, who served Montana in the U.S. Senate from 1936 to 1961, Dub's life was deeply rooted in public service.

Harry S. Truman would have been proud to know that the young man he nominated for the U.S. district court post in 1949 would leave such a proud legacy. Like President Truman, Judge Murray unfailingly exhibited the highest integrity, ability, and character.

As the Montana Standard reported in its October 4, 1994, issue, Judge Murray refused to be intimidated by authority figures like J. Edgar Hoover, and, indeed, incurred his wrath by dismissing criminal cases which were based on evidence obtained illegally by the FBI.

Judge Murray believed in the Nation's court system and insisted that the process be carried out to its conclusion.

Dub is survived by his wife, Lulu; sons, W.D. Murray, Jr. and Timothy J. Murray; and daughter, Gael Buckley.

My thoughts and prayers are with his family, as we pay tribute to the memory of this exemplary man.

CONFERENCE COMMITTEE CONCLUDES WITHOUT RECOMMENDATION ON MINING LAW

Mr. JOHNSTON. Mr. President, legislation to reform the Mining Law of 1872

has been in conference committee since May of this year. I regret that, as chairman of the conference, I must inform the Senate and the public that the conference has concluded without the conferees reporting a recommendation.

Reform of the Mining Law of 1872 has a long and controversial history. This latest attempt to reform the law began in 1987. In May of this year, after the appointment of conferees, and in an attempt to reconcile the disparate interests, I put together a chairman's mark. My goal was to provide for a fair return to the public for federally owned minerals and to increase environmental protection, but in a manner that would not shut down mines and cause job losses.

During the ensuing negotiations with all parties, I drafted numerous proposals in an attempt to find a compromise. These attempts ended last week when it became apparent that the mining industry could not accept the latest proposal. In a meeting with the Senate conferees on Thursday, September 29, 1994, I and all of the Senate conferees declared that efforts to reform the Mining Law of 1872 were ended for the year. The 103d Congress will adjourn sine die without having enacted reform. I regret this, and anticipate that further attempts to update this law will be made in the 104th Congress.

TRIBUTE TO MAJ. GEN. ANSEL STROUD

Mr. BREAUX. Mr. President, I rise this morning to pay tribute to a good friend and one of my State's most distinguished citizens and military officers, Maj. Gen. Ansel Stroud, who recently reached an important milestone in his career. Earlier this year, Buddy Stroud completed 50 years of exemplary military service. As adjutant general of Louisiana since 1980, General Stroud is a popular, respected and well-known figure throughout Louisiana. Under his able command, the Louisiana National Guard has enjoyed widespread popular support and has become recognized as a crucial lifeline in times of crisis in our State.

Just 2 years ago, when Hurricane Andrew pounded the south Louisiana coast and inflicted heavy damage on a number of communities from the New Orleans area west to Lafayette, General Stroud and his National Guard were on the scene almost immediately. I dare say that without General Stroud's leadership—and the dedicated, hardworking guardsmen under his command—Louisiana's recovery from Andrew would have been much more painful and prolonged.

The Louisiana military personnel under General Stroud's command also distinguished themselves in another endeavor. During 1990–91, more than 6,400 men and women were activated for duty in Desert Shield/Desert Storm in the Persian Gulf. In all, 2,000 Louisiana Guardsmen saw duty in the Persian Gulf war. Our Nation and the people of Kuwait owe these men and women—and thousands of other guardsmen from other States—our sincere gratitude for their service in this noble cause.

And all of us owe Buddy Stroud our thanks for what he has done over the years to ensure that Louisiana's military reserves are among the best trained and most devoted men and women in our Nation's military.

Buddy Stroud was born on April 5, 1927 in Shreveport, LA. After his high school graduation, he attended college at Baylor and Texas A&M and graduated with his B.S. degree from the University of the State of New York. His long and distinguished military career began with his enlistment in the Army in 1944 and culminated in 1981 with his promotion to the rank of major general.

In addition, General Stroud has served his Nation in a number of other capacities. He is former president of the National Guard Association of the United States and has served on that organization's executive council for the last 4 years. He is also the current president of the Adjutants General Association of the United States.

Among General Stroud's professional achievements is a 1977 study which he directed for the Department of the Army on full-time training and administration for the Army Guard and the Army Reserve. The study, known as the Stroud Study, was accepted by the Army as a guideline for requirements of the National Guard and Army Reserve for full-time manning programs and was the basis for launching the AGR Program.

Mr. President, in a day when heroes are so hard to come by, I suggest that men like Buddy Stroud should be held up as role models for all our young people. His discipline, his work ethic, his leadership and his love of his country all make Buddy Stroud a truly extraordinary American.

I know I speak for all Louisianians and all Americans when I salute General Stroud for his half century of distinguished service to his country and his State.

KEEPER OF THE FLAME AWARDED TO CONGRESSMAN JON KYL

Mr. COCHRAN. Mr. President, on a recent occasion Representative JON KYL of Arizona received the Center on Security Policy's distinguished Keeper of the Flame Award.

At the award dinner he made some very cogent remarks on the subject of ballistic missile defense, a matter of critical importance to the security of the United States, her allies, and forces deployed abroad.

His timing was excellent. Currently the Clinton administration is entering negotiations which may preclude development and deployment of the Navy's Upper Tier Program and which may adversely affect the Army's Theater High Altitude Area Defense [THAAD].

As Mr. KYL was writing his remarks a number of candidates for the House of Representatives stood together, on the Capitol steps and pledged their support for such systems, calling them an "immediate national priority."

At the same time various key Democrats including Representatives MURTHA, SISISKY, and MONTGOMERY signed a strongly worded, bipartisan letter to President Clinton urging him to "use the upcoming summit to create new latitude to develop and field effective theater and global antimissile systems and to reject any initiative that would further impinge upon the early acquisition of such systems."

I am afraid, Mr. President, that the administration is moving in precisely the opposite direction. As Mr. KYL expressed it, "the administration has endorsed a deterrence policy based on mutual assured destruction. MAD assumes that governments won't use nuclear weapons in anger because they will be deterred from doing so by the certainty of their own annihilation. As I said, the alternative is mutual assured survival, based on strategic defenses."

JON KYL has long been a leader in an effort more and more people are recognizing as vital. I commend him on his speech. Mr. President, I request that the attached remarks of Representative KYL be included at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF CONGRESSMAN JON KYL AT THE KEEPER OF THE FLAME AWARD DINNER

I am deeply honored to receive the 1994 "Keeper of the Flame Award." To become a member of a group which includes Secretary Caspar Weinberger, Senator Malcolm Wallop, Malcolm Forbes, and Garry Kasparov is profoundly humbling to me.

The name of the award states a commitment to protect freedom. My role in helping to set national policy, including defense policy, is limited—as a member of the minority party in the House of Representatives. I have no illusions about my contributions compared, for example, to the thousands of men and women whose sole job is to protect that freedom—through use of arms if required. They are the real honorees tonight.

I have been given the honor of receiving this award tonight, perhaps more as a symbol of our continuing struggle than because of a great victory. It is true that the policies we have supported have resulted in the collapse of the biggest threat ever to freedom and even our very existence, the threat of Communism. But we have failed to consolidate our victory, and new threats loom at a time when the people are less galvanized to confront them.

So we continue to our efforts. As you might have inferred from my name, I am of

Dutch ancestry. So perhaps the symbol of the Dutch boy with his finger in the dike is not inappropriate for our struggle.

There is a sign posted outside the Marine Air Corps Station in New River, NC, that says "Pardon our noise, that's the sound of freedom." Some of those Marines are in Haiti right now risking their lives for a policy they don't understand and the American people don't support. These young marines are being asked to mesh their well-honed, professional skills with a very confused message coming from the White House, the United Nations, and Jimmy Carter. It is a message born of the same attitude that afflicted some British politicians before World War II. Winston Churchill described the attitude and policy vacillation as one in which those "leaders" could only "Decide to be undecided, resolve to be irresolute, adamant for drift, solid for fluidity, all-powerful to be impotent." Britain risked its security for peace and got neither. Under the Clinton administration, the United States has charted the same course. In the name of multilateralism, appeasement towards the Russians and endorsement of the supremacy of the United Nations, this administration and liberals in Congress are on the brink of risking American security because of course, "peace is at hand"—the cold war is over. Reversing that policy is our challenge for the future. I will discuss three specific manifestations of that policy.

One program which is absolutely critical for the security of the United States is the strategic defense initiative, now called ballistic missile defense, which liberals have nearly succeeded in decimating. Russian leaders have acknowledged its role in bringing down the Soviet Union. Conservatives tried to maintain funding for SDI to develop and deploy a missile defense system. Our goal seemed to us to be fundamental and unquestionably right. How could anyone be opposed to defending America from a ballistic missile attack? Yet, the ultimate irony is that after using the prospect of deploying SDI to convince the Soviets to hoist the white flag, we are now shutting down the program. The symbolism of Churchill's role in winning War World II and losing reelection is a sad reminder that greatness in people or ideas is not always recognized.

A glance at the headlines reveals the urgent need for defenses.

Yesterday's Washington Times carried the headline "Yeltsin can't curtail arms spread."

A Clinton administration official says yesterday, "The out-of-control weapons of mass destruction industries in Russia are the No. 1 national security issue facing the United States."

North Korea could have as many as five nuclear weapons and just announced again its unwillingness to allow inspection of its key facilities.

China has sold to Saudi Arabia the CSS-2, a medium range missile capable of reaching any place in Europe.

Iraq was merely 18 months away from reaching its goal of developing a nuclear bomb.

Iran is desperately shopping the blackmarket for the technology to develop nuclear weapons, and Russia wants to sell to Iran.

The threat is real. As former Director of the CIA, Bob Gates, said, "History is not over. It was merely frozen and is now thawing with a vengeance."

The CIA claims that 25 nations could acquire chemical, biological and nuclear weapons by the end of the decade. That's 20 more than we have today. And, potentially, 20 nations that are lead by despots that see it as their duty to annihilate the United States. One of those leaders could be Abul Abbas, head of the Palestinian Liberation Front, who promised revenge on the United States for attacking Iraq. He said, "Revenge takes 40 years. If not my son then the son of my son will kill you. Someday we will have missiles that can reach New York."

In day-to-day terms, the proliferation of weapons of mass destruction among the Third World and the lack of defenses against those weapons could radically alter the manner in which the United States carries out its foreign policy. Would we have 15,000 troops in Haiti today if General Cedras had a weapon of mass destruction and a missile that could reach Florida? Probably not. Would America stand up for human rights and democracy in a starving nation if warloads had stolen nuclear weapons from Russia? Probably not. Would the Persian Gulf war have been fought if Hussein had succeeded in his quest and acquired a deliverable nuclear weapon? Probably not.

The world will be dramatically different in the 21st century. We cannot predict the future. We don't know who will do it or when it will happen. But, ladies and gentlemen, it will happen. Some day, someone, somewhere will launch a ballistic missile at the United States.

When the warning comes, most Americans will believe that we will be able to defend ourselves. We can't. When the codes to launch a nuclear ballistic missile are entered and the keys are turned, there is no way to prevent the missile from reaching its target. We cannot intercept it. We cannot interfere with its guidance system. We cannot make it self destruct. There is nothing we can do to stop even one single missile from reaching the United States of America. Nothing.

Under the Clinton administration that situation won't change. In fact, it's getting worse. The Clinton administration and congressional liberals have destroyed any future strategic capability to defend the United States, and are on their way to destroying potential theater defenses as well.

This is being done by their decision to "clarify" the ABM Treaty to define our next theater defense missile as an illegal missile. The ABM Treaty, recall, was signed in 1972 by Leonid Brezhnev and Richard Nixon. It shouldn't have been endorsed in 1972, and it shouldn't be re-endorsed in 1994, 22 years later. It most certainly should not be redefined.

The threat has changed. Technology has improved. And the Soviet Union doesn't even exist. But, the Clinton team insists on deliberately drawing a distinction between strategic and theater ballistic missiles, something that was left undefined in 1972.

What Clinton's negotiators have accomplished is not only to negotiate away strategic systems—which came as no surprise—but, also to negotiate away the only advanced theater systems in research and development in the United States. The Clinton administration has done this by arbitrarily placing speed limits on interceptors. If an interceptor breaks 3km/sec, it is defined as a strategic ABM interceptor and would not be deployable as a theater missile under the new terms of the ABM Treaty. Key theater defense systems including THAAD and Navy Upper Tier have capabilities beyond 3km/sec. and, thus, could not be further developed as designed.

Over the last 2 years, the liberals have won significant budget cuts in ballistic missile defenses and have succeeded in canceling all space-based options. This is especially disturbing because space based sensors and interceptors are critical to the success of any global strategic defense system. They provide worldwide, instanteous detection of and protection against missiles launched from anywhere in the world, and are both cheaper and more effective than their ground based counterparts.

Missiles launched—either by accident or in anger—against the United States, its friends and allies, could be destroyed in the early stages of flight, before the release of the warheads, if, but only if, we have space based interceptors. This is especially important with multiwarhead missiles or missiles with chemical or biological weapons. With the latter, the early intercept results in more danger for the attacking nation because the chemical and biological agents would be dispersed over the enemy territory.

During Operation Desert Shield, it took the United States 6 months and 400 airlifts to put in place the Patriot interceptors that were used to shoot down some of the Iraqi Scuds. With space based interceptors, coverage would be instanteous. Yet, all systems capable of accomplishing that mission have been zeroed. Zeroed, because using space for military purposes is politically unpopular.

This narrow mindedness and refusal to view space for what it is—the High Frontier—will have serious consequences for our future military successes. Like earlier forays into the air and the sea, the use of space will change the course of warfare. It's already happening. The United States should not deny itself that capability.

The failure to consolidate support for SDI is just one of our failures. Another is our lack of success in derailing Clinton's defense cutbacks. We're on a path toward reducing America's armed forces to the "hollow force" of the 1970's—a military that is understaffed, poorly equipped, and demoralized.

The Pentagon has attempted to correct some of the quality of life issues by directing the Services to reduce $80 billion from major weapons programs over the next 5 years. President Clinton has forced Secretary Perry to chose between a well trained forced or advanced weaponry. They're busy scuttling the programs that will be necessary to win the next major conflict. The decisions Bill Perry makes today as Secretary of Defense will be felt for the next 25 years. That's how long it takes to train an officer to command a modern armor division in combat. It takes 13 years to develop a new type of Navy aircraft and 9 years, from authorization to completion, to build a new aircraft carrier. The President is gambling on our future defense capability in order to maintain today's ill-advised and poorly conceived military policy.

A third area in which our security is steadily slipping is our strategic nuclear force. Nuclear weapons have kept the peace for 40 years. Since the nuclear genie is out of the bottle, it is unfortunate, but true, that we always have to retain a nuclear deterrent capability, either that or a fail safe 100 percent effective defense system.

Today, the reliability, security, and viability of the nuclear weapons stockpile is in serious jeopardy under the management of the Clinton administration. The production complex is virtually dismantled; critical nuclear materials are not replenished; core scientists capable of designing and maintaining nuclear weapons are leaving our national labs

or are encouraged to pursue more "politically correct" fields; and even the very existence of the national weapons labs is threatened by goals to consolidate, reduce and diversify the research conducted there. Testing is on hold regardless of whether other nations test.

The administration's new nuclear posture review is astonishing. It is based purely on an assumption that the Russians will comply with the START Treaties despite evidence to the contrary.

Start I has been agreed to, but only the United States is complying. Start II is unratified. Implementation of either treaty by Russia is far from assured, yet authors of the review speak of the possibility of future cuts in a Start III. A CIA analysis proposed for the Yeltsin-Clinton summit this week confirms that Yeltsin "will have difficulty implementing" existing Russian commitment. United States forces have been cut in half since 1989 while Russian forces have remained essentially static.

Further, by recognizing the integrity of the ABM Treaty, the administration has endorsed a deterrence policy based on mutual assured destruction [MAD]. MAD assumes that governments won't use nuclear weapons in anger because they will be deterred from doing so by the certainty of their own annihilation. As I said, the alternative is mutual assured survival, based on strategic defenses, but the administration has rejected that policy outright.

The Nuclear Posture Review directly undercuts MAD by refusing to support the need for a nuclear weapons production complex to manufacture and maintain our capability. In effect, what the administration has done is to select neither MAD nor mutual assured survival and has left the security of the United States to a highly deadly crap-shoot.

Members of the Clinton administration give new meaning to the immortal words of baseball great Yogi Berra: "When you come to a fork in the road, take it."

Of greatest concern is the short supply of tritium and our lack of capability to produce it. Tritium is critical to the successful functioning of a strategic weapon. It is a rare gas that greatly enhances the explosive power of a warhead. The problem is that tritium is an element with a half life of only 12 years. That means that as soon as it is added to a warhead it begins to deteriorate, losing its destructive force. It must be replenished on a regularly scheduled basis. We are running out of tritium. Because it deteriorates so rapidly, it does no good to create a large stockpile of tritium. It must be continually produced. The Clinton administration, however, stopped all production, dismantled our production facilities, and has made no plans for future production.

Since the beginning of the nuclear age, tritium has been produced at the K reactor at the Savannah River site, South Carolina. Not any more. The Clinton administration shut down the K reactor and has begun to cannibalize its parts after the Bush administration spent a lot of money to keep it going. The United States, therefore, has no ability to produce tritium. Russia does. Canada does too; neither will sell us tritium.

The United States will need new tritium no later than 2009. If it starts tomorrow, it will take the Department of Energy 15 years to build a new production reactor to produce tritium. The Department won't start tomorrow. DOE will not even begin the process of selecting a production source or begin preconstruction until 1996. And the Energy Secretary has made it clear that environmental considerations will dictate whether and when a new production facility will be constructed.

All of this means tritium won't be available until 2011, at best. If anything goes wrong, one environmental license held up or one construction date set back, it will be longer. Meanwhile, during this period, the strategic forces will continue to deteriorate. Questions will be raised about the viability of our deterrent. The Russians, Chinese, and every other Third World nuclear power will know this. Those with disputes will test us.

I've focused on just three challenges in our continuing struggle. There are many more; but the opposition to an effective missile defense system, the new "hollow force," and the deliberate destruction of our nuclear deterrent require our immediate attention. To keep the flame alive we will have to be more effective in galvanizing public opinion.

To the extent we have succeeded it is because of entities like the Center for Security Policy and previous recipients of the Keeper of the Flame Award. I salute Frank Gaffney and all who have worked so hard on behalf of our precious freedom. We have much to do. But, we are sustained by the knowledge that we are right. As we go forth tonight, let us not forget what President Abraham Lincoln said in his address at Coopers Union, New York: "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." Good night.

URUGUAY ROUND AGREEMENTS ACT

Mr. MOYNIHAN. Mr. President, I am in receipt of a letter from U.S. Trade Representative Mickey Kantor indicating that, in reviewing the Statement of Administrative Action [SAA] accompanying the Uruguay Round Agreements Act (S. 2467), submitted to the Congress on September 27, 1994, his Office had discovered six minor errors. Four of these involve the omission of a few lines of text at the bottom of pages as a result of printing problems. The other two involve descriptive errors. All are technical in nature.

In order to ensure that all Members are aware of these corrections, I ask unanimous consent to insert in the RECORD, immediately following my statement, the letter from Ambassador Kantor and accompanying corrected pages to the SAA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TRADE REPRESENTATIVE,
Washington, DC, October 3, 1994.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In reviewing the Statement of Administrative Action (SAA) accompanying the Uruguay Round implementing bill, S. 2467, we have found that a few lines of text were omitted from the end of several pages of the SAA due to printing errors. The omissions occurred on pages 20, 24, and 367 of the SAA and at the conclusion of the endnotes following the document.

In addition, on page 45, the words "soda ash" were omitted in the fifth line of the second full paragraph and in the second line of the third full paragraph. The same words erroneously appear in the third line of the sixth full paragraph on that page.

Finally, in the first full paragraph on page 77, the words "WTO member" were erroneously inserted in place of the word "country." The sentence should read: "Combatting subsidized competition in third country markets will remain a high priority for the United States for two reasons."

I am enclosing with this letter corrected copies of those pages of the SAA pages mentioned above. I hope that they will clarify the Administration's intent with regard to the matters discussed on those pages and will permit the Committee to take the corrections into account in preparing its report on the bill.

Sincerely,

MICHAEL KANTOR.

EXCERPTS FROM THE STATEMENT OF ADMINISTRATIVE ACTION

F. PRIVATE LAWSUITS

Section 102(c) of the implementing bill precludes any private right of action or remedy—including an action or remedy sought by a foreign government—against a federal, state, or local government, or against a private party, based on the provisions of the Uruguay Round agreements. This would include any such suit brought against a federal, state, or local agency or against an officer or employee of any such agency. A private party thus could not sue (or defend suit against) the United States, a state or a private party on grounds of consistency (or inconsistency) with those agreements. The provision also precludes a private right of action attempting to require, preclude, or modify federal or state action on grounds such as an allegation that the government is required to exercise discretionary authority or general "public interest" authority under other provisions of law in conformity with the Uruguay Round agreements.

With respect to the states, section 102(c) represents a determination by the Congress and the Administration that private lawsuits are not an appropriate means for ensuring state compliance with the Uruguay Round agreements. Suits of this nature may interfere with the President's conduct of trade and foreign relations and with suitable resolution of disagreements or disputes under those agreements. Moreover, as section 102(c)(2) makes clear, through its approval and implementation of the Uruguay Round agreements Congress will have "occupied the field" with respect to any cause of action or defense that seeks, directly or indirectly, the private enforcement of those agreements. That means that private parties may not bring suit or raise defenses:

directly under those agreements;

on the basis of a successful judgment against a state in a suit brought by the Attorney General under the agreements; or

on any other basis, including Congress' Commerce Clause authority.

In sum, the language of section 102(c)(2) is intended to make clear that Congress seeks the complete preclusion of Uruguay Round agreement-related actions and defenses in respect of state law in any action or proceeding brought by or against private parties.

The prohibition of a private right of action based on the Uruguay Round agreements, or on Congressional approval of those agreements in section 101(a), does not preclude any agency of government from considering, or entertaining argument on, whether its action or proposed action is consistent with the Uruguay Round agreements, although any change in agency action would have to be authorized by domestic law.

L. WORKING PARTY ON WORKER RIGHTS

Section 131 of the bill directs the President to seek in the GATT and the WTO the establishment of a working party to examine the relationship of internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974, to GATT and WTO articles, objectives, and related instruments. Section 131 sets out four U.S. objectives for the working party:

To explore the linkage between international trade and internationally recognized worker rights, taking into account differences in the level of development among countries; to examine the effects on international trade of the systematic denial of such rights; to consider ways to address such effects; and to develop methods to coordinate the work program of the working party with the International Labor Organization.

Section 131 also directs the President to report to the Congress within one year on the progress made in establishing the working party and on U.S. objectives with respect to the working party's work program.

M. COUNTRIES PARTICIPATING IN BOYCOTT

Section 133 of the bill calls on the Trade Representative to oppose the admission into the WTO of any country that participates in a boycott of the type described in section 8(a) of the Export Administration Act of 1979.

N. AFRICA POLICY

Section 134 of the implementing bill provides that the President should develop and implement a comprehensive trade and development policy for the countries of Africa. Section 134 also requires the President to submit reports to the House Ways and Means and Foreign Affairs Committees and the Senate Finance and Foreign Relations Committees and other appropriate Congressional committees within twelve months of enactment of the bill and annually for the next four years thereafter on its trade and development policy for the countries of Africa and on progress made toward implementing it.

Sections 113 and 114 of the bill amend the Harmonized Tariff Schedule (HTS) and other provisions of U.S. law to permit the Secretary of the Treasury to liquidate or reliquidate entries of specified products and, on request, to refund any duty paid. These provisions are necessary to correct long-standing errors in classification of certain products in the HTS that are corrected prospectively in Schedule XX, or to correct omissions in the preparation of that Schedule.

B. ADDITIONAL TARIFF PROCLAMATION AUTHORITY

During the Uruguay Round, the United States sought the reciprocal elimination of duties among major trading countries in a wide range of sectors of key interest to U.S. firms. This zero-for-zero initiative consisted of the following sectors: pharmaceuticals, electronics, furniture, distilled spirits, medical equipment, non-ferrous metals, paper and paper products, wood products, soda ash, steel, agricultural equipment, construction equipment, scientific equipment, oilseeds, and oilseed products and toys. These products represent key U.S. import and export interests.

In some sectors, namely wood products, electronics, distilled spirits, non-ferrous metals, soda ash, and oilseeds and oilseed products, agreement on complete duty elimination was not achieved. Obtaining further reductions and elimination of duties in these sectors is a priority objective for U.S. multilateral, regional and bilateral negotiations.

The Administration was particularly disappointed over the failure of Japan to agree to further reductions of tariffs on wood products. Every effort will be made to negotiate reductions toward the elimination of the tariffs facing our exports in this sector.

Moreover, U.S. exports of items such as high value oilseed products would especially benefit from tariff reductions below that achieved in the Uruguay Round. U.S. interests have identified specific products that should be subject to intensified efforts to achieve duty reductions and elimination and the Administration intends to pursue negotiations on these products.

For those sectors in which the United States achieved duty elimination, acceleration of the phase-out of duties in certain sectors, such as paper, and paper products, should grant these U.S. industries improved access to key markets. The Administration will also pursue accelerated staging of tariff reductions as a priority objective with our trading partners, such as an accelerated reduction of the EU tariffs on paper and paper products.

Combatting subsidized competition in third country markets will remain a priority for the United States for two reasons. First, the European Union, in general, has higher export subsidy ceilings than does the United States. Therefore, there will continue to be a need to protect U.S. export markets abroad from subsidized competition. Secondly, the Agreement on Agriculture requires further multilateral negotiations on trade-distorting agricultural subsidies and import protection in five years. The use of U.S. subsidies in the interim should help induce the European Union and others to agree on further reductions in those negotiations.

The CCC will also administer egg EEP initiatives in a manner to maximize benefits to the entire U.S. egg industry. In particular, the CCC will make efforts to enable the U.S. egg industry to maintain a strong presence in Hong Kong.

B. DAIRY EXPORT INCENTIVE PROGRAM

Section 153 of the Food Security Act of 1985 requires the CCC to operate a Dairy Export Incentive Program (DEIP). The program operates in a manner similar to the EEP, but is limited to dairy products. Section 411(b) of the implementing bill extends the DEIP through 2001.

C. CCC DAIRY EXPORT SALES

Section 1163(a) of the Food Security Act of 1985 currently requires the Secretary of Agriculture annually through fiscal year 1995 to sell for export not less than 150,000 metric tons of dairy products, including not less than 100,000 metric tons of butter and not less than 20,000 metric tons of cheese, out of CCC-owned stocks. Because export sales are usually at world prices, which normally are lower than domestic prices, the export sale of these products by CCC under section 1163(a) is likely to constitute a "sale or disposition for export by governments or their agencies of non-commercial stocks of agricultural products at a price lower than the comparable price charged for the like product to buyers in the domestic market," within the meaning of Article 9:1(b) of the Agreement. Accordingly, CCC dairy export sales made at prices meeting this standard are subject to U.S. export subsidy volume and budgetary outlay commitments under the Agreement.

Just as the United States may now choose to take section 301 actions that are not GATT-authorized, governments that are the subject of such actions may choose to respond in kind. That situation will not change under the Uruguay Round agreements. The risk of counter-retaliation under the GATT has not prevented the United States from taking actions in connection with such matters as semiconductors, pharmaceuticals, beer, and hormone-treated beef.

Finally, nothing in the DSU will affect application of section 301 against practices by governments that either are not WTO members or by WTO members to which the United States does not apply the Uruguay Round agreements. The Trade Representative will address section 301 investigations of unfair trade practices by such countries on a bilateral basis.

C. ANTICOMPETITIVE PRACTICES

Among the foreign government practices that section 301(d)(3)(B) of the Trade Act of 1974 defines as "unreasonable" are those that deny fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities. The Administration will enforce vigorously the "toleration of * * * anticompetitive activities" provision in section 301 when appropriate to address foreign anticompetitive behavior. The practices covered by the provision include, but are not limited to, toleration of cartel-type behavior or toleration of closed purchasing behavior (including collusive coercion of distributors or customers) that precludes or limits U.S. access in a concerted and systematic way.

The Trade Representative, in consultation with the Attorney General, will look to a variety of information sources in evaluating a foreign government's toleration of anticompetitive practices. Issues to be addressed include the existence of the anticompetitive practices and whether there was an unreasonable failure to take timely action against them. In making an assessment, the Trade Representative will consider whether the pertinent foreign government, and especially its competition authorities, have been made aware of the alleged practices and, if so, how they were informed, the relevant evidence that has been provided to, or is known to be available to, the foreign authorities, and the nature of response those authorities have made.

The evidence provided to, or known to be available to, a foreign authority normally should include, among other things, the identity of the enterprises allegedly involved and the relevant markets affected, a description of the specific practices, and an indication of their duration and pervasiveness. In keeping with the Congressional intent in adopting this provision, the Trade Representative will also take into account whether the anticompetitive activities are inconsistent with the foreign country's own laws, how systematic and pernicious those activities have been, and their degree of effect on U.S. domestic or foreign commerce.

56. This method is also known as the frozen initial method.

57. Under this funding method, the normal cost is generally determined by dividing (1) the actuarial present value of future benefits less the sum of the actuarial value of the assets and the unfunded liability by (2) a weighted temporary annuity factor that spreads the cost of the plan over future years. If the sum of the actuarial value of assets and the unfunded liability exceed the present value of future benefits, the normal cost under the method will be negative.

58. For these purposes, plans with no unfunded vested benefits and plans not subject to title IV of ERISA are disregarded.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody ever does anything about it.

A lot of politicians talk a good game, when they are back home, about bringing Federal deficits and the Federal debt under control. But just look at how so many of these same politicians regularly vote in support of bloated spending bills that roll through the Senate.

As of Tuesday, October 4, at the close of business, the Federal debt stood—down to the penny—at exactly $4,692,027,127,611.35. This debt, don't forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until the spending had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big-spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,692 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at four trillion, 692 billion, 027 million, 127 thousand, 611 dollars and 35 cents. It'll be even greater at closing time today.

TRIBUTE TO SUSAN HAMILTON FOR 25 YEARS OF SERVICE TO THE SMITHSONIAN INSTITUTION

Mr. WARNER. Mr. President, I rise today to pay tribute to an outstanding individual, Ms. Susan Hamilton. Ms. Hamilton has served as a senior administrator and sometime unit director for several Smithsonian Institution organizations and who is currently the associate director of the Archives of American Art.

In the later 1960's, Ms. Hamilton was hired to direct the nascent Smithsonian Associates program. She established the innovative character now widely imitated in the museum community.

In the 1970's, she was director of the summer Folklife Festival on the Mall, and in fact may have been the founder of that idea also. Here again she was pivotal in defining the character of the program, enabling it to become the classic it now is.

She developed and coordinated the activities for the Smithsonian's celebration of the Nation's Bicentennial. In the process she was instrumental in winning millions of dollars in Federal appropriation. But a better measure of their effectiveness was in the universal acclaim they brought, the fact that the primary exhibit, "1876", still occupies most of the Arts and Industries Building; and she was the primae mover of the most believed and longest running exhibition in the Great Hall of the Castle: "The Federal City: Plans and Realities."

Ms. Hamilton has served as Deputy to Dr. Charles Blitzer in the Castle, when his scope included oversight of several of the installations on the Mall, including the Museums of Natural History, and History and Technology. At that time she was the highest ranking woman at the Smithsonian Institutes administrative structure. She was a model for dramatically increasing numbers of professional women over the better part of a decade in the not-for-profit sector of the Institution, and could well take pride in the fact that now the Smithsonian is thoroughly integrated by race and especially by gender at all levels.

Her most recent move to Archives of American Art took place about 1983. She has been associate director since then, and acting director for much of the time. Through a secession of several appointments of different directors, some of whom did not serve long enough to really settle in the job she has provided continuity and stability.

Again, Mr. President let me commend Ms. Susan Hamilton for her 25 years of service and outstanding contributions to the Smithsonian Institute.

THE INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT

Mr. LEAHY. Mr. President, I rise to commend our Assistant Attorney General of the Antitrust Division of the Department of Justice on the passage of this measure, which is due in no small measure to the commitment and diligence of Anne Bingaman and her staff. The Attorney General and the President can be justifiably proud of the manner in which this matter, the debate and this legislative resolution have been accomplished.

Chairman BROOKS and Mr. FISH have done an excellent job in moving this measure through the House in short order. My fellow cosponsors here in the Senate, Chairman BIDEN, Senators KENNEDY, METZENBAUM, SIMON, THURMOND, HATCH, SIMPSON, GRASSLEY, and SPECTER have all joined in a bipartisan fashion to create this opportunity for strengthening our antitrust enforcement efforts.

In the days ahead we must be vigilant to see that the confidentiality provisions of the bill accomplish their intended purposes and that this measure leads to fair and reciprocal efforts by foreign enforcement authorities. But we have responded to a call for action and assistance and provided the Assistant Attorney General for the Antitrust Division with additional tools that she needs to protect competition in our global economy.

ARMS SALES ARTICLE

Mr. HATFIELD. Mr. President, recently, I introduced a piece of legislation with Congresswoman MCKINNEY which creates requirements foreign nations must meet in order to be eligible to purchase weapons from the United States. It is time Congress did something to eliminate the great danger created by weapons sales, to ensure the security of this Nation, and to save innocent lives. Recently Father Robert Drinan, a noted professor of law at Georgetown University and former Member of Congress, published an article in the Catholic weekly, "America", which supports this idea of restriction. Father Drinan's piece provides a realistic look at the behavior of countries purchasing weapons from the United States. Action must be taken to stop the reckless sale of arms to nations which continue to endanger human lives. I commend him for producing an article capable of drawing attention to this issue; I hope his message does not go unheard.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the America, Sept. 24, 1994]

WHY IS THE UNITED STATES THE WORLD'S MERCHANT OF DEATH?

(By Robert F. Drinan)

The Holy See, Amnesty International and observers everywhere on the globe are denouncing the vast amount of weapons being transferred from rich nations to poor nations. On June 21, 1994, the Pontifical Council for Justice and Peace, in an unprecedented 36-page statement, deplored the worldwide increase in weapons sales and told the nations that it is "difficult to find any moral justification for supplying arms to authoritarian states."

The Vatican noted that in some developing states the military budget had become a matter of prestige and that spending on arms and armaments often exceeded expenditures for education, health or housing. On June 22, 1994, Amnesty International, in its third annual 77-page edition of "Human Rights and

U.S. Security Assistance," reviewed the sad state of human rights in 19 countries that received significant amounts of U.S. military aid. Amnesty deplored America's sales of military equipment to Turkey, Colombia, Saudi Arabia and other nations where internationally recognized human rights are violated in egregious ways. The London-based human rights group lamented the fact that the Clinton Administration plans to sell nearly $30 billion in conventional weapons to U.S. allies that engage in the systematic violation of human rights.

The reports of the Holy See and of Amnesty call for a rethinking of a problem that, since the end of the cold war, has apparently run out of control in the United States. In the last four years the United States has emerged as never before as the principal merchant of death to the human race. In the first year of the Clinton Administration, the United States sold or gave $31 billion in arms for training to some 140 nations. In 1993, the sale of $35 billion in arms sales was arranged in Washington—a sum unprecedented in history. In the same year the Russian figure dropped to $2.3 billion—down from $23 billion in the period from 1988 to 1992.

SALES TO DEVELOPING NATIONS.

The United States now controls 67 percent of the sales of arms to underdeveloped nations. The United States, moreover, provides indirect subsidies with $7 billion each year to promote arms exports. The companies pushing exports are the defense contractors whose orders in the United States have fallen off sharply. One of the hottest markets is Asia and Southeast Asia, where India, Pakistan, Bangladesh, Malaysia and Thailand are buying fighter jets and similar sophisticated military equipment. China and Russia are vying with the United States for sales in that part of the world, although Russia's total sales have dropped to only 11 percent of the world market.

In the 1970's, Congress developed a system by which it could checkmate the granting of permission by the White House to U.S. corporations seeking permission to sell arms abroad: It is given notice of proposed significant transfers of arms with the right to block them within a set period of time. But it has hardly ever been successful in stopping the sale of arms to foreign nations. The pressure on Congress by the corporations in this business, always intense, has increased.

A recently published book by William D. Hartung, And Weapons for All, is a graphic exposé of how American corporations, with the silent acquiescence of the U.S. Government, have victimized the nations of the world by the sale of arms that these nations do not need and cannot afford.

In the United States, the home of 9 of the world's 10 largest arms-making companies, there is very little visible sentiment to curb the sale of arms to other nations, however dangerous such transfers could be in the near or long future. President Bush set out to curb the proliferation of arms in the Mideast as the Gulf war ended in 1991. But since that time the United States, according to the Arms Control Association, a watchdog group in Washington, has sold $43.9 billion worth of arms in that area of the world.

On Jan. 28, 1994, The Wall Street Journal ran a 12,000-word story on the new escalation of arms sales. It is the first substantial account in a national journal of America's new role as the superpower merchant of death around the world. From 1989–92, the United States sold 917 fighter jets, 4,948 military tanks, 848 helicopters, 33 warships and 484 long range missiles. These figures have sharply increased since 1992.

In December 1991 the massive increase in the sale of arms prompted the United Nations to establish the U.N. Register of Conventional Arms. Its first report in October 1993 offered some hope that stabilizing trends might be developing. The next report of the U.N. Register of Conventional Arms, due in October 1994, will be more complete. But it will be acutely inadequate because nations are not required to report on the number or quality of weapons they manufacture for themselves, rather than purchase from other nations.

OUR MILITARISTIC MIND-SET.

At the root of the expanding sales of arms by the United States is the basic fact that America continues to live as a nation thought to be threatened by a vast world enemy. The United States existed for 40 years with that mentality and is having great difficulty in even thinking of substantial disarmament. The three legs of the triad remain: On the land, in the sea and in the air the United States threatens annihilation with thousands of nuclear weapons. The Navy has 85 submarines, designed to support a mission that has ended. The Air Force has 1,160 planes scheduled to bring troops and supplies to fight the nations of the Warsaw Pact—an organization that has been dissolved. In 1991, the U.S. spent $42 billion on weapons research—$37 billion of which was spent on the creation of new weapons.

The American corporations that have been an essential part of this military-industrial complex now see new opportunities fading away. As a result, they are moving rapidly into the arms markets that were abandoned by the Soviets. These corporations are marketing military hardware asserted to be useful for police work, for anti-terrorists protection and the interdiction of narcotics merchants. The Pentagon and the White House, anxious to postpone or prevent the inevitable massive restructuring of defense-related industries, are assisting U.S. corporations to merchandise their deadly weapons abroad.

It is hard not to be alarmed at what the United States is now doing to transfer an avalanche of weapons to poor and unstable nations. The consequences almost inevitably will be serious. More American soldiers will discover, as U.S. military personnel discovered in Panama, Iraq and Somalia, that they are facing adversaries armed with weapons exported from the United States.

A coalition of over 50 religious and arms control organizations, including Amnesty International, is proposing that limitations on the sale of arms be made a top legislative priority of the Congress and the White House. The coalition is supporting legislation filed by Senator Mark Hatfield (R., Ore.) and Congresswoman Cynthia McKinney (D., Ga.) that would require the President to certify, before any significant transfer of arms, that the recipient nation is not engaged in violations of internationally recognized human rights.

The recent statement on the transfer of arms by the Vatican also urged, in the strongest terms, that all nations curb the sale and use of guns within their own borders. The statement endorsed basic gun control measures, saying that it is "indispensable" for every nation to impose a "strict control on the sale of handguns and small arms." Could it be that the reluctance of the United States to eliminate guns in its own cities and schools makes it more difficult for it to curb the reckless escalation of the sale of arms abroad?

The vast exportation of arms in which the United States is now engaged clearly conveys a message from America that nations should prepare for war and that, with enough advanced hardware, these nations will prevail. It is almost self-evident that such a position is ill advised, anachronistic and even un-Christian. The United States should be assisting the United Nations with its 17 peacekeeping missions and all the other world entities that are working to eliminate the causes of war.

Over the last 30 years, the United States transferred $1.3 trillion worth of military equipment to foreign nations. Of the 48 nations in which some kind of ethnic warfare was under way in 1993, some 26 had received weapons from the United States prior to the onset of the conflict.

The Vatican, in its thoughtful and compelling plea for restrictions on the sale of arms, noted that five members of the Security Council, including the United States, have begun to discuss the preparation of common guidelines for arms transfers. The time has come for the United States and the world to prepare for the farewell to arms.

COMMENDING THE WORK OF CPSC CHAIRMAN ANN BROWN

Mr. BRYAN. Mr. President, 6 months ago Ann Brown appeared before the Senate Consumer Subcommittee, which I chair, as President Clinton's nominee for chairman of the Consumer Product Safety Commission. She was eminently well qualified for the position, having served as a leader of consumer health and safety organizations for many years. The subcommittee and the Senate quickly approved her nomination.

On taking office, she promptly revitalized the Commission, made it the national leader on product safety issues, and restored the visibility of the Commission to both business and consumers. I am pleased and proud of the work she has done.

Recently, the New York Times and Washington Post profiled Chairman Brown. The articles describe how she revived the CPSC and has again made it an effective consumer protection agency.

Mr. President, on September 16, 1994, Chairman Brown addressed the Consumer Product Safety Coalition. Her speech outlined her well balanced regulatory philosophy, emphasizing voluntary compliance over mandatory action, and her willingness to listen to all points of view. I commend Chairman Brown's statement to all those who are interested in Government regulation as an excellent model for regulation in the 1990's.

I ask unanimous consent that the text of her speech and the text of the above mentioned articles be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY CHAIRMAN ANN BROWN

At the outset, I want to thank Sandy Trowbridge for his advice and friendship. He has been a good friend and mentor for many years.

I am pleased to see so many of those who attended an earlier discussion in February, shortly before my confirmation by the Senate. Since I have been Chairman for only a few months, we are still getting to know each other. Most of you recognize, however, that I have a different agenda and approach from my recent precedessors. I am action oriented. I want to move the Commission to the forefront of product safety. I intend to make the Commission the leader in a national effort to improve product safety. I have no hidden agenda. In fact my agenda could not be more open.

Back in February, I said my three initial goals would be to revitalize the Commission into an effective, proactive agency, to make it a recognized player on major issues involving product safety and to increase the visibility of the Commission to both consumers and business.

After six months, we are well on the way to achieving these goals. In this brief time we have initiated four ANPRs, (baby walkers, upholstered furniture, 5-gallon buckets and multiple tube fireworks) more than the Commission issued in the previous three years, conducted four press conferences announcing recalls of millions of dangerous and defective products (crayons, toddler beds, multiple tube fireworks and rayon skirts) encouraged voluntary removal of strings from outerwear and their elimination from future production of these garments, and issued three commendations to companies for significant advances in product safety (P&G, Hasbro and Sunbeam). The Commission has been both active and productive.

As the Commission approaches a new fiscal year, (October 1) it is appropriate to look back at the principles underlying the actions we have taken, and forward to the agenda for the coming year.

At my confirmation hearing, I told the Senate I would adopt a balanced approach to regulation, favoring voluntary compliance and standards whenever possible. I also said I would not hesitate to recommend strong, mandatory action whenever necessary to protect the public.

When I came to the Commission, I vowed I would not be just an information and education Chairman. A few years ago one of my predecessors as Chairman said, "If consumers are made aware of reasonable risks associated with a particular product, and are willing to take those risks, they should be allowed to do so." I reject this philosophy. The flaw in this approach is that often it is not the consumer who suffers death or injury but innocent third parties who become the victims of hazardous products.

Unfortunately, it is still true that the marketplace does not always inform consumers of the danger in certain products and that some products do have hidden hazards. Moreover, seemingly innocent and innocuous products can cause death and injury to children and others.

The facts are that unintentional injury is the leading cause of death among people under 45 years old and is the fourth leading cause of death in the nation. Of the estimated 96,000 annual deaths resulting from unintentional injury, 21,700, or nearly one-fourth, are related to consumer products. Approximately 28.6 million injuries annually result from consumer product use. Nonfatal injuries account for one in every six hospital days. These injuries cause huge losses of productivity and avoidable medical care costs. Injuries, deaths, and property damage associated with consumer products cost the public about $200 billion annually.

Accordingly, I believe the CPSC must help protect the public, particularly the most vulnerable in our society: children, the elderly and the differently abled from unreasonable risk of injury or death from consumer products. These protective actions will improve the health and safety of the American people, and produce economic and social dividends for the nation.

Every dangerous product we remove from the market prevents an increase in the national health care bill. Multiply each of our protective actions by thousands and millions of products and you can quickly see that prompt action against product hazards saves the nation billions in potential health care costs.

Too often we focus on the cost of a regulation, and fail to recognize its benefits. We believe the recently implemented child resistant cigarette lighter rule will save 80–100 lives per year and produce more than $200 million in benefits to society. This rule will result in a net gain for our national welfare.

Government agencies at all levels, and their allies in the private sector, must be aggressive guardians of consumer health and safety. We cannot wait for deaths and injuries to pile up by the score before we act. We must reach out to prevent as many of these tragedies as we can. This is the theme that runs through all of the actions we have taken. From the ANPR on five gallon buckets, to the recall of defective rayon skirts, to the voluntary removal of strings from children's garments, our emphasis has been on the prompt prevention of deaths and injuries from consumer products.

In my view, regulation in the 90's must be different from regulation in the 70's. Government should avoid an adversarial relationship with business whenever possible. Voluntary action is preferable to mandatory, when it is implemented promptly and carried out effectively. That is why I have told many of you I have an open door and an attentive ear. I am attuned to business. As many of you know, my husband taught at the Harvard Business School for several years, and now teaches at universities here in Washington.

I come from a family that successfully operated a retail store in downtown Washington for decades. I strive for common sense regulation and am sensitive to the burden our rules may impose. So whether you represent a company, an association or just yourself, I welcome your views on product safety.

I believe the CPSC can fulfill its responsibility to protect the American people from unreasonable risk of death and injury from consumer products without becoming overly invasive. The Commission cannot—and should not—attempt to protect consumers from every possible risk of injury from consumer products. There are limits to what government regulation can achieve.

Some of you have heard me talk about the triangle of effective product safety regulation. I believe the Commission, business and consumers each have an equal role to play. Working together in partnership, we can cut the terrible toll of accidents in our country.

The Commission has adopted a balanced approach to regulation, carefully weighing costs, benefits and other relevant factors. For business, I believe the bottom line should include a margin of safety in all its products because today safety sells. It also avoids expansive private litigation and government action against unsafe products. Correspondingly, for their own safety, consumers should be informed about the products they purchase and take reasonable care in using them.

In my view, the key to effective regulation is proportionality. By that I mean the remedy should fit the risk. For example, the plastic five-gallon bucket contains a latent, unreasonable risk of death to small children which is not apparent to them or adults who are entrusted with their care. This is a perfect example of the danger not to the initial consumer, but to innocent bystanders. Accordingly, it was appropriate for the CPSC to issue an ANPR to consider the development of a performance standard to minimize this risk. Thus, the problem and the response were consistent.

In contrast, the potential danger to the user of in-line skates, roller blades to many of you, is readily apparent. Most sellers of this product caution buyers on their use, and urge skaters to purchase protective equipment along with their skates. Therefore, I took the proper action, in response to the increasing injuries associated with these products, by publicly warning skaters to take care in using these products and to wear protective gear at all times. Since few of the skates we have examined were defectively manufactured, and skaters have the ability to minimize their risk of injury by taking currently available precautions, no more than a public warning was called for. Thus, risk and remedy coincide.

In both of these cases, the emphasis of the Commission was on prevention. This will continue, but to maximize our effectiveness we need the cooperation of all manufacturers. If we work together, as partners, for the public interest, we can make great strides in product safety.

That is what the Chairman's commendation is designed to achieve. I want to recognize those companies and industries which voluntarily make significant advances in product safety. These companies brought their products to me or our staff, and demonstrated their voluntary improvements in product safety. I urge you to follow their path.

When I gave the first commendation to Procter and Gamble, I listed five primary criteria for the award. They are: Actions that contribute to reducing hazards to children and other vulnerable populations; voluntary actions that are not mandated by government regulations, that anticipate government regulations or that go beyond what the government requires; developments that affect the safety of large numbers of individuals; innovations or improvements to existing products; and safety devices, packaging, warnings or products that enhance consumer safety.

I believe that manufacturers which develop important contributions to product safety should be rewarded in the marketplace. As you know, I cannot endorse products, but if my commendation results in more sales of these products, I will be delighted. So show me your safety innovations. I want to give more commendations to deserving manufacturers.

As I look back over the last six months, and ahead to the coming year, one of the accomplishments of which I am most proud is the increased visibility I have been able to generate for the Commission. In recent years the Commission almost disappeared from public view; consumers and business had virtually forgotten us and our mission.

Through my press conferences, appearances on "Good Morning America" and articles about the revitalization of the Commission in the national media, the public has reawakened to the Commission and our vital

work. In fact, we have had to increase the capacity of our hotline to handle the avalanche of incoming calls as people all over the country have responded to our safety messages.

I have heard that some among you have criticized these press conferences as regulation by press release and accused me of not following legal procedures. I have a one word answer to that nonsense. In every instance my actions had a solid factual and legal basis. The press conferences I have held have been to announce corrective actions under our statutes, recalls of products for violating mandatory standards, voluntary actions to eliminate hazards or to provide advice to consumers with no regulatory effect. Moreover, I review all my actions in advance with our General Counsel, Eric Rubel. He makes sure that I faithfully follow due process.

Fortunately, our statutes provide a wide variety of legal and proper ways to communicate our actions to the public. It is certainly in the public interest, and the interest of your companies, to reach the largest possible audience for both our recalls and commendations. I assure you I will continue to use every appropriate means to convey my views on product safety issues to both business and consumers. On the same principle, I want to hear from all of you, whatever your position with your company, association or firm, my door is equally open to you.

Now I want to turn to the future and tell you about my agenda for the coming year. First of all, I am pleased the Appropriations Committees have agreed on $42.5 million for the Commission for FY 95, including $1.2 million for the development of a fire safe cigarette standard, when Congressman Moakley's bill is passed. This amount is not all I had hoped for, but it is adequate for the coming year.

When we allocate our resources, I will look initially at the extent of the risk. I want to target those products which cause the most deaths and injuries to consumers. But my priorities will not be determined by statistical analysis alone. I will also be influenced by the need to protect the most vulnerable in our society—especially children, for they are most susceptible to death and injury from hazardous products. Combining these factors, in the coming year the Commission will devote at least a third of its resources to identify and correct hazards involving children's products.

We will also spend considerable time and resources on two other projects—residential fires and team sports injuries. Residential fires are a prime cause of deaths and injuries to consumers. In 1991, these fires resulted in over 3,500 deaths, more than 21,000 injuries and over $5.5 billion in property damage.

Recent advances in fire research have produced promising developments which may lead to new fire resistance standards for furniture, bedding and fabrics. We will study the results of this research to determine how quickly it can be applied to consumer products.

Team sports—football, baseball, basketball, hockey and soccer—generate about 25 deaths annually and nearly two million injuries to children and adults, according to our NEISS data.

Utilizing the latest in sports science—protective helmets, light weight energy absorbing materials and injury minimizing equipment, we hope to develop new guidelines and standards to reduce the sad toll of team sports deaths and injuries.

Another item high on my agenda is reauthorization of the Commission by the Congress. It has been four years since the last reauthorization. I have asked Eric Rubel, and Bob Wager, the Director of Congressional Relations, to develop a legislative package to present to the Congress next year. I earnestly solicit your thoughts and ideas. I hope you will meet with Bob and Eric to give them any proposals you have.

As you can see, we have a full work load planned for the coming year. In addition, the Commission agenda must be flexible for there will always be unexpected hazards, such as the imported crayons loaded with lead, which will require our attention. So you can look forward to another active and productive year at the Commission.

Overall, I am very pleased with the Commission's accomplishments in these first six months. We are moving in the right direction. I look forward to working with all of you to further strengthen the Commission and assist us in carrying out our important mission effectively.

[From the New York Times, Sept. 11, 1994]

ANN BROWN HAS REVIVED AN AGENCY THAT NEARLY SUFFOCATED IN THE REAGAN DAYS

(By Brian Steinberg)

Rompers and drawstrings, paint cans and fruit-scented crayons. Lyrics to a spoof of "My Favorite Things"? Possibly, but Julie Andrews wouldn't be singing. The voice might belong, however, to Ann Brown, head of the Consumer Product Safety Commission.

And if she were singing the song, she'd be lying. Those items, far from being her favorite things, have all come under the commission's scrutiny recently for a variety of hazards they pose.

When Mrs. Brown announced a huge Government recall of a popular but flammable two-layer chiffon and rayon skirt on Aug. 12—even though there had been no known cases of injuries—the commission's consumer hotline received more than 20,000 calls. And that was only the latest in a series of very public, and media-savvy, commission actions.

In just a few months, Mrs. Brown has put the commission in the spotlight, with frequent press conferences, a new award singling out companies with consumer-friendly products, and James Earl Jones' voice on the consumer hotline. She puts in an appearance on "Good Morning America" every three weeks or so, and USA Today's Life section keeps tabs on her announcements.

Suddenly, it seems, the commission has been transformed. Once called "moribund" by consumer advocates, it now sends ripples throughout pop culture. It was the commission, after all, that brought to public consciousness the fact that in-line skates can be hazardous when used improperly or without the right safety equipment. With one warning, a hip pastime became a health risk.

To be sure, there are those who raise questions about her motives and her style. "She has her own agenda," said Jan Amundson, general counsel for the National Association of Manufacturers, "and we want to know what it is." And David A. Miller, president of the Toy Manufacturers of America, said of her flair for publicity: "This is her style. Our concerns are that this is not a way a regulator should be making regulations."

But critics can't deny that she wields a power that is a distinct novelty at the Consumer Product Safety Commission. The Reagan Administration tried to weaken it in 1981, to keep it out of industry's hair, and budget and staffing levels decreased by the year. Mrs. Brown, who became chairwoman in March, is being hailed by consumer advocates like Ralph Nader as a "fresh breeze." "She's resuscitating it," said Mr. Nader. "The C.S.P.C. has been dormant for 15 years."

Mrs. Brown showed this new attitude clearly at some recent meetings. An admitted "cheerleader" with more energy than one might think could reside in her diminutive body, she demands action. Even while simply hearing reports, she urges advisers to make points quickly, and she constantly asks how the commission can best get results.

At meetings, she darts from topic to topic—calling for a new warning to be issued, pushing for a press conference on the dangers of products like mace and pepper gas containers, giving pep talks about the commission being an "activist agency." Mrs. Brown speaks in upbeat sound bites—"We are a voice for the voiceless" or "I hate those blankety-blank bath seats!" (and often, in fact, recycles those same sound bites in appearance after appearance).

She likes to avoid dead ends and delays, radiating an image normally alien to Government officials: a guerrilla, although one very much aware of the rules of the game.

The drive for consumer action despite obstacles and red tape is nothing new for Ann Winkleman Brown. Born in Philadelphia in 1937, she moved to Washington when she was 2. Her father owned a women's clothing store, where she would do her homework in the evenings after taking three different buses from school. Her father, she said, "believed in treating the consumer with utmost fairness," even having his salespeople pretend to be customers returning purchases. "Treat them as if they were buying the dress," her father urged.

"I was fascinated with the process of people buying and selling things, the consumer transaction," she recalled. "It was always a major interest of mine, maintaining a sense of indignation at consumer injustice."

She graduated from George Washington University in 1959, but her move to consumer activism did not come immediately. A stint for The New York Post, first as a "gal Friday," then as a Washington correspondent, helped her with "writing and learning the way of Washington." She had married while in college, and now had two daughters. Her husband, Donald, a former professor at Harvard Business School, is now a lawyer and developer in Washington and also teaches real estate.

Mrs. Brown soon decided to start a grassroots consumer group serving Washington. She said she "did the gamut" of consumer activism in the 1970's, boycotting iceberg lettuce, doing a price survey of toys, helping found the Consumer Protection Office.

Her daughters, now 29 and 32, recall that this activist life once led them to a near-melee at a boycott held in front of a Washington supermarket to protest high meat prices. A bus full of farmers' wives arrived to counter-protest just as Mrs. Brown began to make a speech, and they tried to drown her out.

The children did not eat sugary cereals, did not get BB guns for Christmas. And they assisted their mother with a project that would gain her some fame, a Christmas toy-safety survey whose results Mrs. Brown announced on television or at press conferences, tossing what she called unsafe toys into a garbage can. She once set a Mickey Mouse doll on fire to show its flammability.

Before arriving at the safety commission, Mrs. Brown was a vice-president at the

Consumer Federation of America and, since 1983, was chairman of the Board of Public Voice, a health and nutrition consumer advocacy group. She also served as local chairman of the Consumer Affairs Committee of Americans for Democratic Action, under whose auspices she performed the toy survey. None of these were paid positions. Mrs. Brown also spent time raising money for Democratic candidates.

Mrs. Brown now finds herself holding the reins of an agency whose inaction she had long criticized. "Laughable" was how she once characterized the commission—its efforts, she said, were akin to "trying to scoop up sand with a teaspoon."

One big change: While Mrs. Brown once sought out hazardous products, they now come to her—brought to her attention through consumer complaints and a variety of other channels, including reports from coroners and emergency room personnel. Staff members often join her for "show and tell" briefings on products, like portable camping equipment that causes carbon monoxide poisoning.

She portrays herself as "a regulator for the 90's," trying to bring industry, Government and the consumer together in a harmonious triangle. When clothing makers like Levi's, Nike and L.L. Bean all agreed to remove drawstrings—which can catch on doors and swings and choke a child—from sweatshirt hoods and the like, Mrs. Brown could not have been happier. The commission had just removed a potential hazard to children at little cost to itself.

With a budget that has increased only slightly from the 1970's (Mrs. Brown estimates that overall her agency will have a little more than $41 million for the fiscal year), it's no surprise that she gravitates towards cost-efficient ways to make her point like free publicity. As such, she said, the agency prefers using mandatory regulations as "a court of last resort." The voluntary route is much easier, she noted, as is steady barrage of public reminders and informative announcements.

Make no mistake, however. This is a woman who likes to see definite achievement and steady progress. "When I first came to this agency," she noted, "I found all bun and no beef. They never took an action on something. I want to know, and I ask myself all the time, and they're used to me now: What are the actions we can take" to protect consumers and be "an activist agency."

While consumer advocates praise her, others, while applauding her spate of activity, hold up signs of caution. In April, the commission recalled crayons that contained traces of lead that could poison children. Although many crayons contained less than .06 percent lead, the legal standard, some manufacturers felt intimidated by the commission to join in the recall, said Mr. Miller of the toy group. "Chairwoman Brown has a great talent for press coverage," he said, saying she had been "a friendly adversary" for more than 20 years. While conceding that part of her approach is constructive, he said the way she handled the crayon situation was "a dangerous precedent."

But Mrs. Brown said: "The other crayons, we felt, added enough to the lead level that they should be withdrawn, and the companies agreed to withdraw them. I think their knowing we can get good press encourages them to go along with us, but we're not legislating by press release."

Mrs. Brown has gotten substantial support from the agency's two other commissioners, Jacqueline Jones-Smith and Mary Sheila Gall, both Republican appointees, and there have been numerous 3-0 votes. Both Mrs. Brown and Ms. Jones-Smith portray the commissioners' relationship as "collegial." "If we differ on issues, we respect the differences," said Ms. Jones-Smith. One of Mrs. Brown's setbacks involved a 2-1 loss over whether to initiate formal rulemaking proceedings on baby bath seats. The chairwoman felt the seats encouraged a false sense of security, leading to parents leaving infants unattended in the bathtub, sometimes with tragic results.

The issue begs the question of how much government can or should do, particularly when it is consumers' actions that are at fault rather than a product itself. "You just can't assume that people understand" all the different risks, she told staff members. "There are just so many things coming at them in their lives. I don't think we can say, 'Ah, stupid consumers!' Nobody told us we were the Smart Consumer Product Commission. We're the agency for all consumers."

Still, she admits, even the agency has limits. "If people are going to be so dumb as to be on in-line skates, hold onto a car, and do wheelies and get killed, our hearts go out to them, but you've got to know not to hold onto a car going 70 miles an hour."

Part of her focus for the commission centers on breaking through to "vulnerable populations" that include children, the elderly, those who don't speak English, and those from low socioeconomic levels, she said. The commission will also be focusing on flammability and sporting equipment in the near future, she added, and will be making efforts to take whatever action is needed for a particular product, whether it be education, labeling, voluntary or mandatory recalls or publicity. The tactics are designed to get the most attention and results with the least amount of difficulty—and the fewest dollars.

Still, despite the Federal trappings, the activist spirit lingers. "This is not a time for big Government. This is a time for us to make people understand: Here is a little agency, and every time they hear us or see us, they should think, 'These are some Feds who are doing something that's useful in my life, and they're doing it on not a lot of money.'"

CPSC'S ANN BROWN IS PRAGMATIC, PERSISTENT ON PRODUCT SAFETY

When Ann Brown, chairman of the Consumer Product Safety Commission, was a 12-year-old Washington schoolgirl in 1949, she took her homework to Erlebachers', her parents' F Street NW clothing store, instead of going directly home.

"I learned there how small business should work," Brown told me last week. Her father, Jules Winkleman, would demonstrate for his sales staff how to be as concerned in dealing with a customer who brought in a return, as in making the original sale.

"My father would play out the role of the customer. He wanted to make sure his sales force understood that consumer satisfaction came first," Brown recalled. And well ahead of his time, Winkleman encouraged his daughter to think of a business career. "He told me a woman could go ahead and do anything a man could do."

It was an easy progression for Brown to become a consumer activist by profession and—by her own evaluation—one who was an aggressive advocate who viewed most business people as too focused "on short-term profits" and not enough on consumer needs or safety.

Now, at 57 in her first-ever government job, she finds that "times have changed and I have changed." She sees her role as "a regulator for the '90s," who can work with industry groups for compromises that pay off. Business, too, has changed, she believes, because "many large and small companies have had to update and upgrade their own missions and strategic marketing plans."

Brown has gotten across her message that however tough an activist she was in her private incarnation, she has no horns; rather, she portrays herself as a pragmatist willing to work things out with private industry.

A case in point relates to drawstrings in the hood and neck portions of children's garments, long a hazard for small children. Yet, in 1993, 12 children were strangled and another 27 were injured by such drawstrings, easily replaceable by buttons, snaps or velcro. One of the first things Brown did as chairman was to get the industry to agree voluntarily to redesign 200 million garments to eliminate this hazard by next year.

Industry leaders agree that safety in children's garments must become a priority focus. Brown has started a national award program for a company's commitment to safety first, with the first coveted honor going to Procter & Gamble Co. for developing safety caps for drugs that are both child-resistant and easy for seniors to open.

For more than two decades, Brown had been a recognized leader in lobbying for consumer safety and consumer rights. From 1979 until this year, she was vice president of the Consumer Federation of America. From 1983 to 1994 she had also been chairman of Public Voice, a pro-consumer lobby aimed at improving consumer health and nutrition. In addition, from 1972 until joining the Clinton administration, Brown headed consumer affairs for Americans for Democratic Action.

In her Bethesda office, chock-full of consumer products—notably children's toys and garments—that have been modified to make them safe, Brown says: "I'm not trying to be a cop. I don't believe that you can regulate everything that moves, or that you can make every product absolutely safe." But she also knows that not even the most dedicated parents or most conscientious consumers can always guarantee their children's or their own safety.

As government agencies go, you could skip right over the CPSC in the federal budget unless you were using a magnifying glass. Before Bill Clinton appointed Brown in March 10, 1994 to chair the CPSC, it had become a moribund and almost disowned backwater under presidents Reagan and Bush. David Stockman, as director of the Office of Management and Budget, wanted to junk it altogether, but never quite succeeded. It dwindled under the Reagan-Bush years from 978 to 487 employees; Brown's budget for fiscal 1995 will be $41.3 million, down $1 million from 1994.

Occasionally, a startling event makes the headlines, as did the recent untimely death of tennis star Vitas Gerulaitis of carbon monoxide poisoning from a faulty heater. CSPC has accelerated its efforts to make carbon monoxide detectors as common in homes as smoke detectors.

All told, more than 15,000 consumer products come under CPSC's jurisdiction, excluding most forms of transportation or workplace-related equipment. A rising concern is sports-related injuries. For example, rollerblading accidents zoomed from 38,000 in 1993 to an estimated 83,000 in 1994.

In a recent pep talk to employees, Brown recalled an old Washington Post article that referred to the three-member commission as "the little agency that can't." Under her

guidance, Brown pledged, the agency will become "the little agency that could."

"Its's still a dangerous world out there," Brown says with conviction. "Unintentional injury is the leading cause of death in the nation." One-fourth of those 96,000 deaths annually are related to consumer products. With industry's help, Brown intends to get that number down.

WAIVER OF LIVE QUORUM

Mr. REID. Mr. President, on behalf of the majority leader, I ask unanimous consent that the live quorum required under rule XXII be waived with respect to the cloture motions filed relative to H.R. 6 and S. 349.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 9:45 a.m. shall be under the control of the Senator from Wyoming, Mr. WALLOP. The Chair recognizes the Senator from Wyoming, Mr. WALLOP.

THE LOBBYING DISCLOSURE ACT OF 1994

Mr. WALLOP. Mr. President, I thank the Chair. I thank the Senator from Nevada for giving me just a smidgen more time on a topic which I think is terribly important and with which I find enormous fault with the structure that the majority leader has set up.

I am here this morning at my request to let Members know what is wrong with S. 349, the Lobbying Disclosure Act of 1994 and why cloture should not be invoked.

Mr. President, let me begin by saying I understand the trepidation with which Members approach this issue. This is a very bad bill with a very good name. The name and its announced purpose is somehow or another to keep us all from being corrupted in the future the way we have all been in the past from the blandishments of the wealthiest lobbyists and all their money and influence. Americans hear these comments and those about the gift ban as though all of us have been on the take all these years and now finally we will promise the American people that we will not take any more. The American public hears us talk about ourselves and watches what is taking place, and there is a political reaction that is understandable. Certainly people do not want to be seen as voting against the gift ban bill.

But, Mr. President, let me just begin by saying that none of the provisions of the lobbying legislation come into play until 1996. So there is no hurry to take away the rights of Americans in order to correct a perceived wrong that the Congress does not perceive to be so wrong as to wait for its provisions to come until 1996.

I find myself having to explain what is in this conference report in 20 minutes during morning business. I asked for unanimous consent to have 2 hours to discuss it prior to a cloture vote, and the majority leader denied that request. He complains about the use of filibusters. But how can you call it a filibuster when there is no time at all given to discuss the bill or the conference report? We all know that the motion to invoke cloture is the vote on this bill, and yet the Democratic leadership does not want to give us time to discuss what is in it.

Given the urgency with which we are being asked to act, I can only surmise that leadership and the proponents of the bill are fearful that too much examination will put it in jeopardy. We are being asked to vote without debate on a bill that just came out of conference only last week with a provision that was never considered in the Senate which will affect hundreds of thousands of Americans, all because the majority leader would like to accommodate the schedules of some Senators.

Mr. President, no wonder the American public is dismayed with their institution. No wonder we are being held in contempt. No wonder when the public is just now beginning to discover what is in this bill, and they are informed that somehow or another debate will not be allowed and that the title of the bill will be sufficient politics to support it, notwithstanding the fact that some of us believe that constitutional rights of Americans are seriously jeopardized by some of the provisions in this bill. In fact, even its sponsors seem to believe that constitutional questions exist because they have included a severance clause which says that if any parts are considered to be unconstitutional, the rest of it will still be operative.

Mr. President, what is wrong with that in the eyes of Americans, and why should they feel cynical about us? It is going to be incumbent upon citizens to prove that their constitutional rights have been violated when Congress expects that it already may have violated those rights.

I want to make clear to my colleagues why I so strongly oppose this bill and why I believe that the bill will have a chilling effect on the first amendment rights of Americans. Maybe the courts will not say that they feel sympathetic to Americans who are intimidated by their Government, that they ought to go ahead and exercise their first amendment rights. But, Mr. President, one of the great problems that Americans now see with their Government is that they cannot afford to contest it. Exercise your first amendment right and an arbitrary fine comes down by a man who was appointed by the President, and you have to find the wherewithal from within your own pockets to prove that you had a first amendment right.

Mr. President, something is desperately wrong with a country that guarantees rights under the Constitution and then allows them to be chilled by the legislation that it passes and the chill is so great that people forego their rights rather than exercise them.

Mr. President, the devil is in the details. As we saw with health care, principles that may sound virtuous can take on an entirely different meaning when drafted into bill language. Let me begin by saying that the language of this bill is so vague and so badly written that it can be interpreted in any number of ways. Sponsors will have declared that they can enter into colloquies trying to make clear those portions of the bill which we or the courts may find confusing or even vaguely drafted.

The problem is that courts read the language of the bill, not the language of the sponsors of the bill. And the problem is that given vaguely drafted legislation, this little "czar" who is appointed by the President—and I am perfectly willingly to cede that a Republican or a Democratic President would be tempted by the powers conferred under this bill—will have the opportunity to draft the regulations.

One of the problems that Americans have with their Government today is that it is so cussedly anonymous. Nobody knows who drafts regulations, and Members of Congress can say: Well, I never intended for them to draft it that way. But draft it they have and comply with it we must, as citizens. And the Office of Lobbying Disclosure, under the President of the United States, has no commission, just one person who arbitrarily has the power to assess these fines.

Mr. President, you do not have to be a wizard to suppose that the employee of the President of the United States will exercise the wishes of the President of the United States, Republican or Democrat. So those whose lobbying activities, grassroots, come crossways with the purpose of a given administration of whatever party will be the ones whose rights and whose activities will be curtailed, and others who do the same thing on the other side will not be effected.

There is something dreadfully wrong with a situation where having been accused and having been fined, your only privilege is to go to court to prove that you should not have been fined. And having been accused administratively and fined administratively, you must use the courts to prove your innocence, not they to prove your guilt.

Let me draw my colleagues' attention to section 105(B)(5) of the conference report. This is the provision at issue—a provision to which a diverse group of grassroots organizations from both the right and the left are opposed. It is a provision that was changed very significantly in conference, and let me make that clear.

Mr. President, section 105(B)(5) of the conference report was not the provision

originally approved in the Senate bill. See page 53 of the report. The sponsors of this bill have insisted that the intent of the legislation is only to require paid lobbyists to register. Who is against that? It may very well be true that this was the intent. But no matter what the intent, Mr. President, the language of the bill speaks for itself.

I ask my colleagues to read section 105(B)(5) and the definition of "client" in section 103(2), and then tell me how you can interpret the language differently. Section 105 requires semiannual reports by registered lobbyists. A registered lobbyist is someone who is either an employee or a third person retained by a client to make lobbying contacts. The definition of "client" applies to a coalition or an association.

Now read this carefully. Section 105(B)(5) states that the report must contain "the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client."

Mr. President, let me simply state what this means. The language says that any person who is not the coalition or association, but who could be a member of that coalition, who donated money to help finance an organization's effort, would have to be disclosed. Planned Parenthood's contributors, ACLU contributors, National Rifle Association contributors, American Chamber of Commerce contributors—everybody will have to be disclosed.

This is not to say that members of these organizations would have to register themselves as lobbyists. But in some cases, if you read this carefully, they might. More likely, a coalition will have to turn over its list of members who contributed to a particular lobbying effort.

Keep in mind, Mr. President, that there is but one person—an employee of the President—who, curiously, is allowed to take gifts from lobbyists under this bill—who makes the decision as to what the requirements are going to be.

Just think of all the organizations that, in addition to their annual dues, ask for donations to a particular lobbying effort. The Sierra Club does routinely. The Right-to-Work people do routinely. Planned Parenthood does routinely. The National Organization of Women does routinely. The Christian Coalition does routinely. Who, now, is going to dare to contribute to these efforts at grassroots lobbying knowing that their name will be disclosed, and for which they may find some retribution from an vengeful Government? Even the sponsors of the bills have acknowledged the problem with this language, because they were more than willing to include a colloquy to try and clarify its legislative intent.

But, Mr. President, colloquies do not clear up the issue. I know that the sponsors of the bill claim that the intent of the legislation is not to require disclosure, but their claim is irrelevant when the language of the bill does require it. No colloquy will change the language of the bill. Only an amendment will do that.

Since its provisions do not come into play until 1996, why should we wait and chill out the public in the meantime? Why is intent irrelevant and a colloquy ineffective? Because a presidentially appointed Director of the Office of Lobbying Registration will be the one who interprets the law first. Authority to clarify and to interpret is left entirely to the discretion of the Director. The Director works for the President of the United States, Republican or Democrat. The President, Republican or Democrat, is seriously interested in the course and direction of his legislation. Guess which way the interpretations are going to flow?

I merely remind my colleagues of the number of calls they have received from constituents that have run afoul of the Internal Revenue Service because of "misinterpretation" of the laws to understand the very real fears these grassroots organization have.

The fears of these groups are real because, do you know what happens if someone violates the law? The Director of the Office of Lobbying Registration has in his or her discretion the ability to impose civil fines of up to $200,000 for "failure to register."

Mr. President, if anybody thinks that this is going to allow grassroots people to function as they have, without fear of their Government, they are living in a dream world not related to the fanciful Halls of this Congress, but to the real paths of people out in the public areas of America.

It is not just the fines, Mr. President, that worry these grassroots organizations, it is the fact that individual Americans who finance a cause would have to have their names and addresses and places of business submitted to and disclosed by the Federal Government merely because they stood up for an issue in which they strongly believe. It is a fact that the Federal Government will have a list of the members in an organization that can be used for any number of purposes. The list is subject to public disclosure. It can be printed in the press. And if someone inadvertently fails to register, they could find themselves subject to the Federal lobby police.

The McCarthy hearings may have occurred a while ago, but their lessons are not forgotten.

Mr. President, this language threatens the very rights of privacy of Americans who choose to express their beliefs. They have a constitutional right to express their free speech and petition their Government.

There is a lack of adequate privacy protection in this bill. Once a person is required to register as a lobbyist, the information required to be disclosed under section 105 is subject to public review. It can and will be published in the newspaper. If a grassroots organization is required to publish its membership lists, those lists, containing the names of many of our constituents, will be available for public dissemination.

What about the use of this information by other Federal agencies? Nothing in this bill prevents the Internal Revenue Service from acquiring information filed by 501(C)(3) tax-exempt organizations regarding lobbying activities and using that information to conduct an audit on the tax-exempt status of these organizations.

I also find it ironic that a private citizen who violates the rules of this bill will be subject to civil penalties, while Members of Congress who violate the rules will only be subject to reprimands, if any, by the Ethics Committee, an Ethics Committee which in the House has not addressed a Post Office scandal of some 8 years' dimension. No wonder Congress is held in contempt. Certainly, this legislation will not improve this institution nor its reputation in the minds of the American public.

Mr. President, I could spend much longer talking about S. 349. But what I want to make clear to my colleagues is that this bill is a really bad bill with a good name.

It raises significant constitutional questions regarding the freedom of speech. Section 105(B)(5), added in the conference without debate, clearly shows that S. 349 goes beyond regulating the conduct of interest groups and seeks to regulate grassroots communications between citizen groups and their Members.

Just read the definition, if you will, of grassroots communications, section 103(8) of the bill, to see how far this legislation stretches. Regulated grassroots communications include communications sent by a group to its members urging them to contact a Member of Congress.

Clearly, we are not making up these concerns. Or why else would the many diverse groups around this country be so up in arms and so concerned about the passage of a piece of legislation? Groups as diverse as the ACLU, Planned Parenthood [NY], National Association of Women, National Restaurant Association, National Realtors Association, the U.S. Chamber of Commerce, and the Christian Coalition are all opposed to this bill and all are very concerned that their rights as Americans, and their members and contributors' rights as Americans to petition their Government, are being threatened.

It has been suggested that some Republicans stirred up these groups to

protest, and all they are doing is creating a smokescreen for their high-powered lobbyist friends.

Mr. President, they are wrong. Members of Congress did not start this uproar. The American people started it. The grassroots coalitions threatened by legislation that is called Hillary Clinton's revenge are speaking out.

These are the people, the grassroots, Mr. President, of America, who defeated socialized medicine in this country.

So I say to my colleagues, what is so good about this bill that it justifies taking away constitutional rights and privileges of Americans?

No amount of perceived good should justify denying Americans their rights of freedom of speech or their rights to petition Congress. No amount of perceived good should require those Americans to prove in court their right to exercise these privileges. No amount of perceived good justifies trampling on individual liberties, and certainly no amount of perceived good justifies requiring Americans to have to litigate.

If you want to vote to ban gifts to Members of Congress, strip out the lobbying reform provisions and vote on the gift provisions, but let us not pass a bill that attacks Americans and their right to be heard when it does not even come into effect until 1996. There is time to do this properly.

We do not have to demonstrate to Americans that we have no concern or interest in their constitutional rights. It is time to show that the Senate deserves respect. We can earn that solely by exercising our judgment in behalf of the American people and their constitutional rights and not in behalf of the political rights of Members of Congress to be reelected on a gimmick, which it is.

Mr. President, I thank the Chair for the time.

Mr. WELLSTONE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized by the Chair.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I know we are going to get into a discussion of the Elementary and Secondary Education Act in just a moment.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator, at the time of 9:45 a.m., we will be moving to the conference report to accompany H.R. 6.

Mr. WELLSTONE. Mr. President, I spoke to Senator KENNEDY. I ask Senator PELL that I be given 3 minutes to respond to the Senator from Wyoming. Senator KENNEDY thought that would be all right.

Mr. WALLOP. Mr. President, I object. Regular order.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:45 a.m. having arrived, the Senate will now resume consideration of the conference report accompanying H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 6, an act to extend for 5 years the authorization of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for other purposes.

The Senate resumed the consideration of the conference report.

The ACTING PRESIDENT pro tempore. The time before the cloture vote shall be equally divided and controlled by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Indiana [Mr. COATS].

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, if I may rise for a unanimous consent request, I ask unanimous consent that Walt Koscinski, of my staff, be permitted the privileges of the floor during the debate on the Elementary and Secondary Education Act conference report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, just before making, hopefully, the concluding comments in support of the legislation, I see my friend, Senator WELLSTONE, on the floor, who wanted to address the Senate on a matter that was raised by the Senator from Wyoming.

I yield him 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Senator from Massachusetts.

REGISTERING LOBBYISTS

Mr. WELLSTONE. Mr. President, in 3 minutes, let me respond briefly to what the Senator from Wyoming had to say.

First, I say to colleagues, this is not about a piece of legislation that says that citizens at the grassroots level have to register as lobbyists or that, as a matter of fact, their names will be collected, or anything else. That is a smokescreen argument. It is simply not in this piece of legislation.

I hope my colleagues will read this piece of legislation because I think, Mr. President, it is a very dangerous game to make these kinds of arguments and make these kinds of claims when, in fact, that is not what the legislation calls for.

Second, my distinguished colleague from the State of Wyoming talked about the Congress in contempt. Those were his words. I would think that what we have to be very, very careful about right now as we vote on this piece of legislation is that we understand that people in the country want accountability. They think it is inappropriate when, in fact, it happens that lobbyists who were doing the lobbying and getting paid for the lobbying are not registered. They want to have a clear record of that.

I think the whole effort to do away with some of the paid trips and to do away with some of the tickets to games and to do away with some of the dinners, and all of that—these are things that people in the country have said are inappropriate. And I think most of us in the Congress know that this is inappropriate. Most of us in the Senate know it is inappropriate. I think the vast majority of Senators understand we should just let go of it.

We do not want to see denigration of public service and people in public service. If we did not believe in public service, we would not be here.

But I say to my colleagues, let go of it. We do not need it. It is inappropriate. Let us end the practice. That is what this reform bill stands for.

Finally, quite to the contrary of the remarks of our colleague from Wyoming, one more time, it is not true that regular citizens have to register as lobbyists. If you are getting paid to work for an organization and you are doing lobbying, then you shall. That is not the issue. This is the issue.

There is an effort right now to make sure that we do not pass any substantive legislation at all, that we do not pass any reform legislation. Thus, another filibuster, another filibuster to block the U.S. Senate from passing reform legislation which would end some of this influence of special interests, which would make our process more accountable, and which would justify people to have more faith in our process.

People are not going to believe, Mr. President, in the final product if they do not believe in our process. I say to my colleagues, this is a reform bill that must not be stopped. And I believe 96 Senators, which was about the number we had the last time, should vote for this piece of legislation. It is the right thing to do.

Let us end the smokescreen arguments. Let us get down to the real issue. This is reform. This is making Congress work better. We need to support this.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, we have a number of our colleagues who will speak in support of the legislation. I will just speak very briefly now and I will yield myself 3 minutes.

Mr. President, this is an extremely important piece of legislation. This legislation fits into the composite of other very important pieces of legislation that have been fashioned in a bipartisan way. I express my strong appreciation to our colleagues on our committee, our Republican colleagues, who have been actively involved and instrumental in helping us to get to the point where we are.

We have now, as a result of the actions of our committee, an expansion of the Head Start Program that helps very young children. We have the Goals 2000 Program that encourages bottom-up reform of our education system. We have the School-to-Work Program to help the 70 percent of our young children who do not go on to college to move into employment.

In higher education, we have the direct loan program and the tuition contingency repayment program for those who have debt and want to be able to repay their debt as a percent of income over a period of time.

But the engine of reform in this particular legislation is the reauthorization of the Elementary and Secondary Education Act. In the title I program, we have tried to enhance the targeting of resources on the children who are the neediest in our country, in terms of both educational challenges and the challenges of poverty. We have revised this very important program in the most significant way in 30 years. We have tried to give greater attention and focus to the neediest children in our country and, as a result, we will hear from some who are going to talk about how States have won and how States have lost.

We have a fundamental choice to make: Are we going to do business as usual, or are we going to make a very modest change, giving additional weight to where the weight is needed, and that is to the needy children?

We have also enhanced teacher training programs. Most of all, we have raised academic standards for those children who participate in the title I program.

Mr. President, this legislation reauthorizes an absolutely essential program to enhance educational opportunity and educational advancement, to respond to the educational challenges of the neediest children in our country. It is not a perfect program, but it is, I think, reflective of the best that we could possibly manage in this particular Congress.

I know it could be drafted differently or changed by different Members. I know there are provisions that are controversial. But, nonetheless, this legislation represents the best judgment of the Republican and Democratic Members of the conference and also of this body.

Mr. President, I reserve the remainder of my time.

Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. COATS] is recognized.

Mr. COATS. Mr. President, I yield to the Senator from Delaware to speak for 2 minutes in morning business and ask unanimous consent to take it off our time.

The ACTING PRESIDENT pro tempore. The Senator from Delaware [Mr. ROTH] is recognized.

DOVER AIR FORCE BASE PERSONNEL SERVING IN OPERATION UPHOLD DEMOCRACY

Mr. ROTH. Mr. President, I rise today to commend the role played in Operation Uphold Democracy by the men and women stationed at Dover Air Force Base. For nearly 30 years, Dover Air Force Base has been the home of the Air Forces' 436th "Eagle" Airlift wing—the premier East Coast Strategic airlift unit. From Vietnam through today's crises, personnel stationed with the Eagle Wing and its associate reserve unit, the 512th "Liberty" Airlift Wing, have performed key missions whenever American troops have been placed in harm's way.

Whether or not one supports American intervention in Haiti, we should all be proud of the efforts of those in uniform. The men and women sent from Dover should be especially commended—186 personnel from Dover were among the first to arrive on the scene. They secured the airport at Port-au-Prince and are running the airfield, as well as maintaining its security.

Mr. President, the 36 C-5's stationed at Dover Air Force Base represent over a quarter of the United States' strategic airlift capability. Through September, they flew over 65 missions carrying troops, their equipment, and supplies to Haiti. Meanwhile, the 436th and 512th wings continued to fly missions around the world in support of other ongoing operations, including a recent shipment of Magnetic Resonance Imaging [MRI] equipment to Chernobyl to help treat children affected by radiation from the terrible nuclear accident several years ago.

On the ground at Dover, the Aerial Port at Dover has contributed by being the primary air transport hub for the initial phases of Operation Uphold Democracy. Dover personnel have worked around the clock, assembling and loading almost a million pounds worth of shipments. Aircraft came to Dover from Andrews, McGuire, McChord, Charleston, Scott, and Travis Air Force Bases to ferry troops, equipment, and supplies to Haiti.

Mr. President, I remain opposed to the administration's intervention in Haiti. But, this view does not diminish my admiration and respect for the men and women stationed at Dover Air Force Base. They are performing critical functions in Operation Uphold Democracy, and are serving their country with honor and distinction.

I thank the Senator.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. KENNEDY. Mr. President, I yield 6 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized for 6 minutes.

Mr. PELL. I thank my colleague and friend from Massachusetts.

Mr. President, I rise to express my strong and enthusiastic support for the conference report on H.R. 6, the reauthorization of the Elementary and Secondary Education Act. There are several landmark provisions in this legislation, provisions that make it very important that we approve this conference report in the remaining days of this session.

The title I program, which provides education assistance to educationally deprived children in areas of poverty, is the backbone of this bill. We have refined that program, better targeted it to children most in need, and linked it to the achievement of challenging academic and student performance standards. This is an achievement of considerable import and significance. In my own home State of Rhode Island, it will mean the provision of $20.7 million in needed funds, and in the coming years will provide an important increase in funding for cities such as Providence and Central Falls where the child poverty count exceeds 30 percent.

We have expanded the Eisenhower Professional Development program to include not only mathematics and science but also other disciplines, such as English, history, civics, economics, and geography. As the author of the original emergency math and science legislation in the mid-1980's, I believe the expansion of this program is most important. I have long contended that the teacher is the linchpin to a quality

education, and the provision of professional development for teachers, administrations, and other school personnel on a ongoing basis is critical to making sure that American education is second to none. Well over a $1 million of these funds will to to Rhode Island, and that, without question, will have a dramatic and positive impact on the upgrading of the skills and knowledge of our teachers.

The Technology for Education title in this legislation is truly historic. It will help ensure that instruction is state of the art, and that students, teachers, and schools will have access to the very latest advancements in technology.

The Safe and Drug Free Schools title will enable us to provide continued support to insure that our children will be free of the scourge of drugs. It is augmented by strong provisions to insure that the school is a safe haven for learning, that weapons will not be tolerated in the classroom and that those who bring them will be dealt with sternly.

We have reworked the details of the Impact Aid Program, a program which is extremely important to school districts in which there is a heavy Federal presence. In Rhode Island, this will mean almost $2 million in aid for Middletown, aid which is necessary for the viable operation of that school district. There are similar communities in State after State, and the reauthorization of the Impact Aid Program will mean that the doors of schools in those communities remain open.

The Dropout Prevention Assistance Program, which I authored and was first enacted in 1988, will be continued but no longer as a demonstration program. This is good news, indeed, for the many innovative and effective programs that have been started as a result of this program. In Rhode Island, Providence has, as a result of this legislation, implemented a dropout program that has brought the dropout rate down. In maintaining this federal initiative, our hope is the existing programs will not only continue but also will spread to other communities where efforts to solve the exceptionally serious problem of school dropouts is vitally needed.

We also establish or continue a series of small, but particularly important education programs. While small, these innovative education programs are often considerable in their impact on American education. They include continuation of efforts in areas such as Reading is Fundamental, the We the People Program, the Gifted and Talented Program, the Close Up Program, and the Fund for the Improvement of Education. They also cover new initiatives in areas such as extended time for learning and a longer school year, arts in education, and cultural partnerships for at-risk children and youth.

Mr. President, as I said at the outset, this is a landmark piece of legislation. We all know the Federal contribution to education is small, only six cents out of every dollar spent on education in America. That small amount, however, can make a huge difference in aiding the education of children in high poverty areas, in improving professional development, in making our schools safe places in which to learn, and in spurring educational reform and innovation. We should not let these efforts lapse, and I would urge my colleagues to join me in approving this conference report.

Mr. President, I wish to engage in a colloquy with the distinguished chairman of the Labor and Human Resources Committee.

The Educating Children for Parenting Program is being used in many school districts around the county to help parents and children to learn parenting skills. My understanding is that the managers of the Improving America's Schools Act intended to include language on this innovative program in the Statement of Managers.

Mr. KENNEDY. The Senator is correct. The managers commend the Educating Children for Parenting Program and urge local education agencies to consider incorporating this model as part of their comprehensive drug and violence prevention activities, as authorized under title IV of this act.

Mr. PELL. I thank the Senator. I yield the floor.

ASSESSMENTS

Mr. KENNEDY. Mr. President, one of the most important elements of the new title I program is the set of high-quality assessments that each State will use to measure the progress of children served relative to the State's standards, and I would like to make a clarification regarding this issue. In section 1111(b)(7), we provide that the transitional set of yearly assessments should include at least mathematics, and reading or language arts, and be administered at least once in grades 3 through 5, grades 6 through 9, and grades 10 through 12. This will ensure that the transitional assessments, as well as the permanent assessments, will measure whether students served by the title I program are held to the same high academic standards as all students.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island yields. Who yields time?

The Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. COATS] is recognized for 5 minutes.

Mr. COATS. Mr. President, I think it is safe to say that a strong majority of Members of the United States Senate support the Elementary and Secondary Education Act and its purposes. It is a critical program for our Nation's children.

Title I, which was formerly Chapter 1 of the act, is especially important because it provides financial assistance for the education of educationally disadvantaged children. At $6.7 billion a year targeted for fiscal year 1995, title I is our Nation's largest Federal elementary and secondary education program. Because this amount of money is allocated, it is particularly important to Senators who represent their States to see that the money is fairly and equitably distributed.

Unfortunately, the bill before us today substantially varies from what the Senate produced and what the Senate voted on, in terms of how those funds are distributed.

The new formula, which was not even available to conferees when we voted on final passage of the conference report but was subsequently configured—and now we have the figures—the new formula disadvantages 33 States; 33 of our States will receive less funding under title I for needed programs for disadvantaged students than what they currently receive or would receive under current law. I have listed these 33 States and I have provided Senators with a listing of those States.

You can just look down the line: Pennsylvania—nearly $16 million less in funding from fiscal years 1996 to 1999 than under current law; North Carolina, Wisconsin—$11 million less; Virginia, Minnesota—$10.4 million less than in current year, and down we go. New Jersey, $9 million less; Georgia, $9 million less; Oregon, $8 million less; Missouri.

The rationale is that this formula was devised so as to target needier students. It is interesting that many of the States that will receive less under the new formula are Southern States, States that have children that certainly would fall in disadvantaged and low-income categories. The new formula very suspiciously looks as if it were crafted to satisfy members of the House conference committee. It does not reflect what the Senate passed.

It does not reflect the work of Senator KENNEDY and Senator JEFFORDS and Senator KASSEBAUM, who in my opinion represented the Senate in devising a fair distribution formula. But it does represent the work of a conference which was not even presented to conferees before the vote. It represents the work of, perhaps, staff that configured the formula after the conference report was voted on.

So I urge Senators, No. 1, to look at their States. I urge those 33 Senators from those 33 States—66 Senators—to compare what they receive under this so-called new reformed ESEA bill versus what they would receive under current law.

There has been some talk on the floor, and the Department of Education

has suggested, and others, if we do not reauthorize this bill in the waning hours of this Congress, these funds will be lost. Nothing could be further from the truth. Section 414 of the General Education Provisions Act provides for the automatic extension—the automatic extension—of the Elementary and Secondary Education Act's authorization for an additional 2 fiscal years. We have already passed the appropriations for this. So Senators need to know the programs will continue and 33 States will receive more if we defeat this cloture vote than they would receive if this bill is passed.

There are several other reasons to oppose this particular bill. It is far from the reform bill that has been alleged. We all know the problems we are having in education. I think we all realize that maintenance of the status quo in education is certainly the last thing we want to do.

Senators have come to this floor and presented innovative, experimental, voluntary ideas that school districts ought to be given an opportunity to experiment with if they do so on a voluntary basis, approved by the Secretary of Education. Those provisions have been adopted by the Senate, and in many cases the House, by very substantial majorities. Yet the conference committee summarily dismissed the work of the Senate, the work of the House.

Senator HELMS has spoken at length about the school prayer amendment. Senator GORTON will be speaking very shortly about the provision regarding violence in schools; that is a bipartisan provision that he and Senator LIEBERMAN sponsored and which received overwhelming support in the Senate—summarily dismissed in the conference. Senator DANFORTH has a provision that passed here by a substantial margin—summarily dismissed in the conference.

Beyond that, it is bad legislation. As former Secretary of Education, Secretary Bill Bennett and former Secretary of Education, Secretary Lamar Alexander have said in the last few days, this is an unprecedented Federal takeover of local and State education. I quote from Secretary Bennett:

> H.R. 6, the ESCA, is the kind of pernicious legislation which, if enacted, will make American education worse, not better. H.R. 6 is hostile to the best reform ideas in education. It is over-regulatory and intrusive. It imposes new Federal controls on States and localities. It is a Washington knows best contribution to the worst decline in the history of American education.

I urge my colleagues to study what happens to their States under this formula, to look at this bill and understand that if funding is provided under current law they will do better. I encourage them to look at the thousands of new pages of Federal regulation and takeovers. I encourage them to look at what the conference committee has done in summarily dismissing the work the Senate has done in votes here on this floor.

Mr. President, if I have any remaining time I yield it back, and reserve the remainder of our time.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

I take strong issue with my friend and colleague from Indiana. He has construed the formula in a particular way. Under the legislation that is before us we have the chapter 1 formula and we also have the equity and effort formula. He has taken a $400 million appropriations increase and skewed it in one particular way. If you take the $400 million and if you assume that we put it under the equity and effort provisions, you have 34 States that come out ahead. So his charts are completely misleading. They represent only one possible outcome. If you divide the appropriations increase as has been intended by some members of the conference, if you have half by equity and effort and half by the chapter 1 formula, then you have 29 States that come out ahead. So the effort to persuade the Members of the Senate on that particular issue fails.

Second, there is no question that the $100 million for school construction, the $80 million for safe and drug-free schools, the $40 million for educational technology, the $157 million for school improvement, the $400 million, which are not authorized in the existing legislation—all of that money would be lost. All of that money would be lost if this action is not taken.

Finally, I have respect for the legal ability of my friend from Indiana, but we do have a letter from the Department of Education, which I will put in the RECORD. It indicates that, in the second paragraph, "It is our view that the provisions of the legislation which apply to elementary and secondary education, including the Title I Program, appropriate funds contingent upon the enactment of the reauthorization, and that the funds would not be available for expenditure in the absence of an active reauthorization."

The Senator can say the funds will be available. We have the Secretary of Education saying they will not be. At the very least we are going to have ambiguity. At least we are going to have court cases. At least we will be sending messages to school boards all across the country that it is not clear which way this is going to come out.

If you want confusion, if you want ambiguity, if you want uncertainty for school districts across the country, if you want the loss of those additional funds which I have mentioned here, then just play Russian roulette with the needs of the children in this country.

This formula may not be perfect, but what we have done is try to bring some small amount of targeting on the children with the greatest needs.

I withhold the remainder of my time.

Mr. COATS. Mr. President, before I yield 5 minutes to the Senator from Washington, let me just yield myself 30 seconds to respond to the chairman.

The numbers which we presented in the chart which I have here are derived from the Congressional Research Service. The CRS has provided us these numbers, and that is based on the directions that the conference committee gave to CRS to run the numbers. They have been revised several times. This is the latest revision.

So the Senator from Indiana is not skewing the numbers or sitting in his back office manipulating these to make it look good. These are CRS sources and numbers and the latest that we could find.

Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, each year on a number of occasions, school directors from districts throughout the State of Washington come to my office to speak to me about bills relating to education, as do representatives of principals and administrators and teachers and parents. And each year, each visit, one of the important points that they make is: Trust us to know what is best for the students in our own districts.

They say this very politely, but the message is that they believe that they know more about the education of the students in their own districts and have a greater concern for that education than do we as Members of the U.S. Senate or than does any Federal bureaucrat in the U.S. Department of Education.

With that proposition, Mr. President, I fully, totally and completely agree. We should not be detailing with page after page after page of Federal regulations the way in which our students are to be taught and instructed and disciplined.

This Senate, twice during the course of this year, has voted to move in the direction of more local control and influence over our schools in an area of particular interest to me; that of school discipline. Twice we have voted to restore to local school district officials, whether directors or administrators or teachers, powers over the discipline of criminal, unruly and violent students. And twice conference committees have totally and utterly rejected those ideas and have, if anything, increased the degree of control the Federal Government and the Federal courts impose on local school districts on one of the most fundamental of all policies: order in our schools, order without which teaching cannot

take place, no matter how brilliant the teachers, no matter how fine the equipment that a school district has.

This happened in classic fashion in connection with this bill. An almost day-long debate, ending in a 60 to 40 vote in favor of restoring to local school districts power over students who come armed to school or who engage in life-threatening behavior, was watered down, perhaps watered down to the point in which the situation is perhaps worse for school districts than it was before this bill started.

Mr. President, it is for that reason primarily that I intend to vote against cloture and to vote against this bill. This bill, in this area and a wide range of other areas, increases the Federal involvement in the day-to-day operations of our schools. It says that we do not trust the people who are teaching in or administering or running those schools.

I am convinced that my experience with my school directors and administrators and teachers is no different than that of any other Member of this body. How is it that we constantly ignore people who give their entire lives and careers to our students by saying ourselves that we know better how students should be disciplined and under what circumstances they should be disciplined, how they should be taught, the details in the way in which they should be taught, is beyond my understanding.

My State is one which loses under this formula some $5 million from title I. But, Mr. President, in spite of that loss, I would vote for this bill if I thought that this bill helped our educational system, gave more authority to our teachers, our administrators, our school board directors. But it does not, not in this connection, not in connection with the dropped Danforth amendment, not in connection with all the regulations that will result from the committee report and the long and detailed text of this bill.

Mr. President, we can do better. If we start over again at the beginning of next year, I am convinced that we will do better. The money will be there; the controls will not be. We will be able to start to unwind this list of Federal regulations and place authority for our schools where it belongs: in our people, in our administrators, in our school board members, in our teachers, in those who are most concerned with the schools in each community in the United States. We should reject this bill.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator?

Mrs. KASSEBAUM. I wonder if the Senator from Massachusetts will yield 5 minutes.

Mr. KENNEDY. I yield 5 minutes.

Mrs. KASSEBAUM. Mr. President, I rise in support of the conference version of H.R. 6, the reauthorization of the Elementary and Secondary Education Act. The Senate approved this version of this legislation, as has been stated, by a vote of 94 to 6, and the bill before us is very similar, in many ways, to the Senate measure and does retain a substantial number of its positive features.

We just heard some comments from those who are disappointed that the features that they particularly supported and/or the formula that was passed in the Senate was not retained. As has been stated, this is not a perfect bill, but when one goes to conference, fight as hard as one might to keep the Senate version intact, it is not always possible.

I would just like to list a number of positive features that were retained from the Senate measure. It provides greater flexibility for schools to combine Federal elementary and secondary education program funds in order to provide education services in a more coordinated and comprehensive way. It reduces paperwork for schools and teachers by providing for combined applications for Federal aid under multiple education programs.

It targets chapter 1 funding to the poorest schools more effectively than current law and allows States to use more accurate data to identify high poverty school districts. Kansas, Mr. President, loses some money under this formula. However, the whole purpose of Federal moneys to education under chapter 1, which was initiated in 1965, was to target Federal assistance to the poorest districts and schools. It is not easy figuring out a formula, and some States are going to win and some will lose. We argued over it a long time in conference, and actually many of us came to the conclusion that it might be best to wait until next Congress. However, I am convinced that the formula before us is probably the best formula that we can put together.

Another positive feature about this bill is that it encourages needed transition activities between preschool and elementary school to help assure that gains made in programs such as Head Start are not lost in the early elementary years. I think that is a very important provision, Mr. President.

It puts in place a system that will help guard against a lower set of expectations being applied to disadvantaged students. It promotes a strong belief of mine that children will rise to our level of expectations, and we need to demand more of all of them. It continues the current chapter 2 block grant program which allows school boards and teachers to decide what their most pressing educational needs are and provides Federal help to address those needs.

In addition, Mr. President, the measure retains important provisions included in the Senate bill to assure that the Federal Government will assist, not dominate, education. I do not think this is a takeover of education by the Federal Government. As a former member of a school board, nothing is more important to me than local control in educational matters, and I think we always need to protect that here in Congress.

This bill includes provisions that prohibit the imposition of unfunded mandates under this act and that prohibit the Secretary of Education from dictating the standards or assessments that a State may use.

It also specifically prohibits the Secretary of Education from tying receipt of funds under this act to a State's participation in the Goals 2000 Program. That was something that many of us believed was very important.

I am also pleased that the conference bill does not mandate either the development or the implementation of opportunity-to-learn standards.

This bill, once enacted, will allow us to continue to offer valuable assistance to States, local schools, and teachers. The largest program included in ESEA is the chapter 1 program which provides supplemental services to educationally disadvantaged children.

Concern has been expressed at some length about the formula for the title 1 program. As I have said, it is not easy to figure out a formula that is going to work best for every State. The conference formula is more targeted, I would suggest, than current law, in an effort to target scarce Federal dollars to States and schools. This is as it should be, where we want to target funds to the greatest amount of poverty. In fact, the formula passed by the Senate was even more targeted than the conference formula.

In many respects the compromise formula represents only a slight change from current law. The current formula will remain in place for the first year of the reauthorization period and all States and districts are guaranteed not to lose a penny of funding during the second year. Only in the third year does the new formula take effect, and it applies only to any "new" funds appropriated in that and succeeding years. However, even in these later years, the legislation prevents any State or district from losing more than 85 percent of its funds from the previous year.

Other criticisms of various kinds have been made about this bill, and I would just like to comment to a greater extent on a few of them.

I recognize that many are disappointed that the school prayer language from the House bill is not included in the final bill. I should just note, Mr. President, that the House receded in conference to the Senate language. The House then voted to recommit the bill to include the original

House prayer language, and that motion to recommit failed on the House floor after the conference. I was prepared at that point, if the motion to recommit had been successful, to move that we recede to the House language. But the House did not move to recommit the bill to conference.

I should just like to suggest both the House bill and Senate bill protect rights of students to engage in constitutionally protected prayer. Where the two amendments differ is determining who will interpret the Constitution and in establishing how the provisions will be implemented.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mrs. KASSEBAUM. I wonder if the Senator from Massachusetts will yield 2 additional minutes.

Mr. KENNEDY. Yes. I yield 2 minutes.

Mrs. KASSEBAUM. My greatest concern about the House prayer language is that it would have put school administrators in the position of having to determine what is or is not constitutionally protected prayer. It is for that reason that I drafted the language included in this bill which makes it clear that such a decision is the responsibility of the courts.

In addition, the language in the House amendment was very vague in terms of identifying the point at which Federal education funds would be withdrawn. Enactment of this amendment would have resulted in depriving children of Chapter 1 help in cases where an arbitrary judgment is made by unspecified parties that school officials have prevented legal prayer. The Senate amendment clearly defines when funds will be withdrawn and that is the point where the school is found to be in willful violation of a court order.

Finally, I would suggest there is a great deal of misinformation about several aspects of this legislation. Let me emphasize that it does not federalize education. For the most part, it reauthorizes existing Federal programs and does not affect the regular education provided to most students supported with State and local funds. This bill does not affect home schooling. It does not mandate national standards or outcomes-based education. Decisions about curriculum and instructional methods are properly left with State and local school boards.

This bill taken as a whole moves us in a positive direction in terms of improving many federally funded elementary and secondary education programs.

Mr. President, this is not a perfect bill. It is too wordy, in my mind, with all of these pages and there is a lot of underbrush in here. However, I believe that the basic aspects of it are important and we should move forward and approve this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, could I inquire how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Indiana has 12½ minutes, the Senator from Massachusetts, 7 minutes.

Mr. COATS. I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Mr. President, it has become more and more frequent in the past 2 or 3 years that the distinguished Senator from Kansas and I have had to agree to disagree agreeably. She has just said this bill does not federalize education. But it does further federalize education. Education began to be federalized when we bought this crazy concept of providing Federal aid to education—that is because every time the Federal Government aids something, the Federal Government moves in and takes control of it.

Yesterday, two distinguished former Secretaries of Education called on this Senate to defeat this bill. Let me quote Bill Bennett, the Secretary of Education under Ronald Reagan. He said: "It is big Government"—he was referring to this bill—"throwing money at problems. It gives parents no leverage and it constrains State and local decisionmaking. It is filled with all the trendy notions of gender equity and it wants in 8 years for the Federal education appropriation to be $160 billion."

Lamar Alexander and Secretary Bennett are quoted as saying they also want to know why so few Republican lawmakers are willing to oppose the legislation. Maybe it is because Senators fear that it may have some political consequences.

Well, I have news for them. Any Republican Senator who voted for this bill, or who fails to vote for cloture, better look out for the people back home because they are wise to what is going on. The people back home—and I am one of them—often contemplate the increasingly obvious fact that America is in the midst of an historic struggle between those who on the one hand yearn for the restoration of the heritage envisioned by our Founding Fathers and those, on the other hand, who contend that anything goes, no matter how destructive or how debased, particularly when the Federal Government finances it. Nobody mentions the fact that the Federal Government has no money except that which it forcibly extracts from the pockets of the American taxpayers back home in our States.

But, what is really taking place in this Nation today, Mr. President, is a struggle for the soul of America. How it is finally resolved will determine whether America will move forward, or end up on the ash heap of history as so many nations have done before us.

The American people, I guarantee you, are more aware than ever before as to what is at stake. They are sick and tired of crime, and pornography, and mediocre schools, and politicians who cater to every fringe group that comes down the pike.

Now, Readers Digest not too long ago, a year and so ago, published an article entitled "Let Us Pray," in which the magazine reported the results of a Wirthlin poll. That poll found that 80 percent of the American people resent the Supreme Court's ruling 2 years ago that it is unconstitutional for prayers to be offered at high school graduations.

I was encouraged back on February 3 when the Senate voted 75–22 to approve an amendment offered by Senator LOTT of Mississippi—and this Senator—to the Goals 2000 bill to prevent public schools from prohibiting constitutionally protected, voluntary, student-initiated school prayer.

Now, 75 to 22, that was the vote in the Senate. The House then voted overwhelmingly on February 23 to support the amendment by passing, 367 to 55, a motion to instruct the House conferees on the Goals 2000 bill to accept the Helms-Lott amendment.

But on Friday, March 17—despite those two overwhelming votes in both Houses—Senator KENNEDY and other liberal Democrats in the conference between the House and the Senate dropped the Helms-Lott school prayer amendment and instead adopted do-nothing language written by Representative PAT WILLIAMS.

I was dismayed that this amendment was dropped in the closing 60 seconds of the conference. There was no debate, no discussion, no vote; just a wink and a nod and a slap on the back between the Senator from Massachusetts and his counterpart on the House side, who by prearrangement dropped the amendment and replaced it with do-nothing language—the very same do-nothing language the House subsequently rejected 179 to 239 the following Monday, March 21 as part of the H.R. 6 education reauthorization bill.

As I said to the majority leader the other night, when I first came to the Senate, conferees did not routinely use the legislative conference between the House and the Senate as an excuse to give one Senator or one House Member—or a combination of the two—the right to override overwhelming majorities of the Senate and the House.

We used to have something called "scope of conference." If an amendment or an issue did not fall within the scope between the House version and the Senate version of legislation, then it could not be added or substituted in conference. But that is no longer the case. It is a wink and a nod and the

conferees put in, take out, and rewrite whatever they please. And the school prayer amendment has been victimized not once, but twice that way this year.

So I will just conclude by saying that this vote today, in addition to being about all of the faults of expanding Federal control over education in this country, is also about the prayer amendment—the school prayer amendment—which is a paramount issue in the minds of about 80 percent of the American people. The voters will know who really supports school prayer from this vote—friends of school prayer will vote against cloture.

I thank the Senator for yielding to me. I yield the floor.

Mr. COATS. May I inquire of the remaining time on each side?

The PRESIDING OFFICER. The Senator from Indiana has 6 minutes and the Senator from Massachusetts has 7 minutes.

Mr. KENNEDY. Mr. President, I yield the Senator from California 5 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President. I thank the chairman of the committee for giving me this opportunity to speak on this important bill, because what could be more important than our children? I say that as a mother and I say that as one of the Senators from the largest State in the Union, that has more children than any other State. We need this bill. What is at stake in this bill is very important.

I am stunned to see the slowdown on this bill. I would think for all our disagreements we could come together and work together for the children of this country. I am proud to see some of my Republican friends who support this bill. I hope we can all come together as Democrats and Republicans and move this important bill forward.

The Senator from North Carolina said that "Federal aid to education is a crazy concept." I repeat: The Senator from North Carolina said "Federal aid to education is a crazy concept." That is an extreme view. As a matter of fact, I say to my colleagues that Federal aid to education is sound and it works. And, I want to tell you, the President who really brought it to the fore was a Republican President, Dwight D. Eisenhower. I remember those days in the fifties, when he said our national security depends upon whether or not our kids are educated. He put forward the National Defense Education Act. That was Dwight David Eisenhower. So to call Federal aid to schools a crazy concept is saying a former Republican President had a crazy idea. And I do not buy that.

So I think it is important that we put the rhetoric behind us and move forward with this bill. What is at stake? Title I for poor children, teacher training in math and science, dropout prevention, computers in the classroom, and safe schools. That is what this bill is all about.

Our national security, as far as I am concerned, does depend on whether our children are educated.

I want to talk about prayer in the schools. I do not think Government has to tell us when to pray, where to pray, what to pray, and how to pray.

Mr. President, I am a product of public schools. I prayed all through school. When I was not prepared, I prayed the teacher would not call on me. When I took a test, I prayed I would do OK because my father would have been mad if I did not. I did not need the Federal Government telling me how to pray, when to pray, or what to pray. I find it interesting that my colleagues on the other side of the aisle who are always saying big Government should get out of our lives want us to be the ones to tell our kids how to pray, what to pray, and when to pray.

I believe in prayer. I belong to a house of worship in my home county. I am proud. I support education of children so that they learn about religion. But, there is a difference between that and prayer in public schools. Let me talk about the prayer amendment that is in this bill because I think it is a good amendment written by Senator KASSEBAUM, my Republican colleague from Kansas, and voted on by this body 93 to 7.

I commend the Senator from Massachusetts for fighting for the Senate position in conference. He did not go in there and blow up the Senate position. He fought for the Senate position and he won the Senate position, which the Senator from North Carolina also voted for.

I have to say, the Senator from North Carolina, who objects to this, lost his chance. His amendment, as I understand it, was defeated. Senator KASSEBAUM's amendment prevailed. It says "Schools which are in violation of the court order regarding the students' right to prayer will lose funds under the act." That is tough language, the strongest prayer language we have ever had. To tell you the truth, I voted for it because I thought it was the best. I think it is very strong.

Again, I want to commend my colleague, the chairman of the committee, who did not fight for my position, his position, or anything else. He fought for the Senate position, and the Senate position prevailed.

Mr. HARKIN. Will the Senator yield for a second?

Mrs. BOXER. I am happy to yield.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mrs. BOXER. Is it possible to get 1 minute additional?

Mr. KENNEDY. May we ask for 2 additional minutes evenly divided?

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, it is my understanding that there are two cloture votes scheduled back to back that were set for 10:45. I was informed by the leadership that our time was up to 10:45, and that the minority leader was attempting to ask unanimous consent to speak on leader time to present a unanimous consent request.

I am reluctant to agree to this request. I believe there is still some time left.

Mr. KENNEDY. I think there is 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute at this point.

Mr. KENNEDY. I believe I had 7 minutes; I yielded 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator's time is running.

Mr. KENNEDY. I yield what time remains to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I strongly support the conference report accompanying H.R. 6, a bill to reauthorize the Elementary and Secondary Education Act. We will soon see whether the Members of the U.S. Senate will support the millions of children helped by this bill, or whether we are more interested in scoring political points against one another at their expense.

Before us is the single largest education program within the Federal Government. Yet I predict in this debate we will hear very little about education.

And you have seen that from the debate. For instance, we are hearing a great deal about the school prayer issue but it is not an issue. The school prayer provisions included in this bill passed the Senate 93 to 7. The conference report retains the school prayer provisions of S. 1513. As my colleagues know, the Helms amendment was defeated on the floor. Yet, we are spending a great deal of time on it when it is not an issue.

They say that partisanship ends at the water's edge. I say it must end at the school house door as well, because too many of our school house doors today are guarded by metal detectors. And from too many school house doors emerge children whose education is not worthy of the name.

The PRESIDING OFFICER. The Senator from Indiana controls the remaining time.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I yield myself the remainder of the time that I have left.

Mr. President, we will be shortly moving to a cloture vote on this bill. Let me just repeat some points that have been made and try to make some additional points for Senators to consider before we move to this vote.

ESEA has been supported by a majority of Senators in the past because it

does provide needed funds to State and local communities to help with the educational process for needy students. It is not true that if this cloture vote is defeated, these funds will expire. The program will continue, as I have indicated, because of provisions that are already in the law, because the appropriations have been appropriated for this program.

So Senators need not be concerned with the possibility that funds will be lost if somehow this bill is defeated.

The formula has been changed. It was changed in conference—actually, it was changed after the conference and voted on the bill. The formula was finalized, and the latest run, which we have here, showing that 33 States will do far worse under the new formula than under current law is what was presented to us by CRS just yesterday. That is the latest run.

It is not so much the distribution of funds that concerns me as much as how the decision was made. A fair, equitable, and a targeted procedure was very carefully crafted by the chairman from Massachusetts and by the ranking member from Kansas, and by members of the Education Committee in the Senate, and was presented to the Senate and supported. It was that formula that was not accepted by the House. Some have charged that the House formula was designed to "buy off" House votes. I do not know if that is true or not.

The bottom line is that the House rejected the Senate formula, and the consequence of that is that 33 States lose an awful lot of funds. It is hard for me to conceive that the State of Ohio wants to lose $22.5 million; or the State of Pennsylvania, $15 million; and Wisconsin, $11 million; and Virginia $10.5 million; Minnesota $10.5 million; Iowa, $9.5 million, because they think the money ought to be better targeted somewhere else. You can argue perhaps it ought to go to Southern States, States where we have a disproportionate number of low-income and needy students. But Alabama loses $6.7 million. South Carolina loses $5.7 million. West Virginia loses $5.2 million. So it is hard to make the argument that this money is better targeted somewhere else.

Even if you do not buy the funding formula argument, I think you ought to understand that these thousand pages of new law under this reauthorization does not bring about the reform in the education process that many of us are seeking.

If you like the way the Federal Government runs education today, I think you should vote for cloture. But if you are not happy with the education system and the Federal Government's involvement in terms of how it regulates decisions made by State and local officials on education, then I think you ought to vote "no," against cloture, because this denies some of the very reforms that the Senate wanted to do on a voluntary, experimental basis, summarily dismissed by the House of Representatives.

Mr. HARKIN. Will the Senator yield?

Mr. COATS. I would like to, but I have a Senator seeking time. I have very little time left in order to do that. If I have time at the end, I will be happy to yield to the Senator from Iowa.

Mr. President, in summary, if you think Washington knows best, you ought to vote for cloture. If you think we ought to grant States and local jurisdictions more flexibility in terms of making education decisions, you ought to vote against cloture. If you vote against cloture, current law remains in place. If current law remains in place, 33 of our States are going to do better and, frankly, we will send a message to the conferees that this game of denying what the House does, the majority of the House, denying what the Senate does, and simply doing what the conferees want to do in a conference in the last few days of the Senate will not be accepted, and that it ought not to override the will of the majority in either body. If you think that is the way we ought to do business, then I think you should vote for cloture.

Why do we not send a message and say we think it is more important what a majority of Senators and House Members agree on and vote on—sometimes two and three times, and we even instruct the conferees on what to do. The House had a motion to instruct on the prayer amendment that was overwhelmingly bipartisan; 360-some votes were cast in favor of the language of the Senator from North Carolina. Yet, the members of the conference simply said forget that.

I urge Senators to vote against cloture.

Mr. INOUYE. I rise to commend the distinguished chairs and ranking minority members of the Labor and Human Resources Committee and its Subcommittee on Education and Humanities for their leadership in writing the Improving America's Schools Act of 1994, and for ensuring that provisions important to Native Americans were incorporated in the conference report. As I extend my appreciation to Senators KENNEDY, KASSEBAUM, PELL, and JEFFORDS, I would like also to express my gratitude to Senators BINGAMAN, SIMON, and WELLSTONE, for the special contributions they made to the Native American provisions.

I rise, too, to ask the distinguished chairman of the committee to clarify two provisions of special importance to schools that are funded by the Bureau of Indian Affairs. These provisions will ensure, for the first time, that virtually all of the 185 schools funded by the Bureau of Indian Affairs will become eligible for all programs for which public school districts are eligible, whether such programs are administered under the Department of Education or elsewhere, and which provide eligibility for local educational agencies. Am I correct in this reading of the two provisions?

Mr. KENNEDY. The chairman of the Committee on Indian Affairs is correct, and I thank him for his kind comments on the work of our subcommittee and committee.

The conference report would end the disadvantage Bureau of Indian Affairs funded elementary and secondary schools have suffered regarding eligibility for Federal grants and services for which local education agencies [LEA's] are eligible. Under current law, Bureau schools are not covered by the definition of LEA, so, except for a few programs in which they have been specifically included, these schools could not benefit from the wide range of Federal grants and services available to public schools through the eligibility of their LEA's.

Since this issue is addressed in two provisions of the bill, let me explain it more fully. The first provision defines virtually all Bureau funded schools as LEA's, except in those cases where a specific statute already makes provision for their eligibility, as in Chapter 1 and Even Start. This exception ensures that there is no double benefit for Bureau schools. The bill also protects tribal sovereignty by providing that the Bureau shall be the State educational agency for its schools, rather than the State in which the schools are located.

Let me note that the definition of Bureau schools as LEA's in this provision does not include those schools which are smaller than the smallest LEA which receives assistance under the act. But, as I will point out in a moment, there is an opportunity for these schools also to benefit from provisions of the Improving America's Schools Act intended to benefit local school districts. The exclusion of the Smallest schools from the definition, which would omit only a small number of Bureau funded schools, was the result of concern from some conferees that very small schools would have difficulty in preparing competitive applications.

The opportunity for the smallest Bureau funded schools to participate in programs and receive services is contained in a separate provision that authorizes such schools to form consortia with other schools, tribal, or community organizations and be treated as LEA's for purposes of the act. This provision would also allow all Bureau funded schools to form consortia for the purposes of applying for grants or services under the act, if they so elect.

In summary, I agree with the chairman of the Indian Affairs Committee about the importance of including Bureau funded schools in that definition

of local education agencies. Many Federal statutes will cite the definition of LEA's incorporated in the Improving America's Schools Act. Inclusion of Bureau funded schools in that definition will ensure that such schools and their students will no longer be left out of Federal programs.

Mr. INOUYE. I thank the chairman for the clarification, and I again congratulate him and his colleagues for their accomplishment.

Mr. KENNEDY. Mr. President, I am pleased that the Senate is now taking up this far-reaching education legislation—the reauthorization of the Elementary and Secondary Education Act. It was approved last Friday in the House by a vote of 262 to 132—a margin of 2 to 1—and it deserves a similar majority in the Senate.

This legislation is the result of weeks of bipartisan negotiation and cooperation, and it has the strong support of Senator KASSEBAUM, Senator JEFFORDS, Senator DURENBERGER, and Senator GREGG on the Committee on Labor and Human Resources.

This bill is a major reform in Federal aid to help improve elementary and secondary education throughout the Nation. It is the most important reauthorization of ESEA since that landmark act was first passed in 1965.

It is a very significant step forward, because it puts the Federal Government squarely behind the reform efforts that are taking place in States and school districts throughout the country. The truly innovative feature of this legislation is that it encourages these local reforms without dictating them from Washington.

Much of the opposition we are going to hear this morning is an attempt to suggest that we should have done more on school prayer. But I believe a solid majority of Senators will agree that this bill contains strong provisions on school prayer. No Federal funds under this bill will go to any school district that fails to safeguard a student's right to constitutionally protected prayer as defined by a court. That compromise does not go as far as Senator HELMS would like, but it is a reasonable solution that strikes the right balance on this sensitive and important issue.

Make no mistake. Those who vote against ending this filibuster are voting against education. They are voting against an increase in Federal aid to hard-pressed local schools. They are voting against teachers and students. They are voting against major reforms and improvements in the most important Federal assistance for schools in every city, town, and village in America.

First, this bill creates a new Title I Program based on high standards for all students. Over 90 percent of the school districts in the country have been receiving these funds for years. But their use has been focused on bring some low-income children only up to the standard of other low-income children not in the program. This misguided emphasis has had the unintended effect of creating thousands of separate, watered-down programs that have been found ineffective. We set our sights too low.

The core of this bill will scrap that dead-end low-standard approach and establish high academic standards for all students. It will hold disadvantaged students to the same standards that all other students are held. Why should we target disadvantaged children for special aid, and then educate them to a lower standard than other children? The American dream is open to all. Education is the key that opens the golden door, and this legislation can help millions of children use that key the way it should be used.

Second, and related to the first, this bill offers unprecedented new flexibility in the use of Federal funds to achieve this goal. It makes it far easier for schools to serve disadvantaged students in regular classes, rather than in separate, pull-out classes. For too long, for example, too many students have missed out on regular reading classes, because they have been pulled out for low-level drills.

Half the teachers in these classes have not been teachers at all, but uncertified teacher's aides. This reform will enable schools to end this practice and use Federal funds for all students.

In addition, there are also important new waiver provisions as well, which will enable schools to request exemptions from particular requirements of programs if they can show in their plans how the needs of the students can be met in other ways.

Third, this bill offers an unprecedented new investment in the Nation's teachers. All of title II in the bill is dedicated to professional teacher development. It makes no sense to provide Federal aid for education, and then neglect the single most important part of any education program—the teachers. This bill offers generous new support for the Nation's teachers, and will help them learn new strategies that will enable their students to reach higher academic achievement.

Fourth, the bill encourages the use of modern technology in the schools. Technology is transforming all sectors of our economy, from health care to manufacturing to retailing. Yet most public school classrooms lack even a telephone, let alone a computer. If students are to acquire the skills they will need to function effectively in tomorrow's workplace, we must give them the opportunity to work with today's technology in their schools. Title III of the new ESEA is a new education technology program that will help the poorest schools pay for new computers and electronic network links, and encourage the development of new educational software and programming.

Fifth, the bill offers new Federal support for violence prevention. It makes substantial improvements in the Safe and Drug Free Schools Program. Violence prevention becomes a key element of all programs. The new provisions also set measurable goals, such as a decrease in drug use, violent behavior, and illegal gang activity.

Sixth, the bill improves current bilingual education programs. The new provisions focus on English-language skills and on how all the students meet high standards—rather than how many years they stay in the program.

It also creates several worthwhile new programs important to many of us in Congress, such as charter schools, character education, and incentives to lengthen the school day and school year.

Seventh, the bill makes substantial grants available for school construction. For the first time, the Federal Government is finally recognizing the third-world conditions in which thousands of children go to school every day. For the first time, real Federal help is on the way.

Finally, and by no means least, this bill contains a better formula for targeting Federal funds to schools most in need.

For the first time in the ESEA's 30-year history, significant changes are made in the formula to do a better job of carrying out the historic purpose of the landmark 1965 act, to target Federal aid to schools and pupils who need help the most.

The formula is phased in so that the changes will take place gradually and enable school systems to adjust to the changes. For the next 2 years, virtually every school district in the country is guaranteed at least as much funding as it currently receives. In later years, funds are increased for districts in a formula that has the greatest increases for districts with the highest numbers and concentrations of poor students.

In my view, this formula is our best effort to act responsibly in the highest interest of our Federal system. Some States will gain, and other States will not do as well a they hoped. It is true that many States will not do as well as if the current formula is retained.

But the current formula is badly flawed, and it would be irresponsible to continue it. The new formula is a fair compromise that makes better use of scarce Federal dollars by better targeting funds to States with the greatest need, while mitigating the dislocation to States that have benefited for so long from the old, failed, and flawed formula. No States will lose unduly, and the Nation will gain immensely.

For all of these reasons, I urge the Senate to end this senseless filibuster and approve this legislation. It is a bill that all of us, Republicans and Democrats alike, can be proud of, and proud

to take home to our constituents as one of the genuine bipartisan achievements of this Congress.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the Standing Rules of the Senate hereby move to bring to a close debate on the conference report to accompany H.R. 6, the elementary and secondary education bill:

George J. Mitchell, Daniel K. Akaka, Max Baucus, Harris Wofford, Carl Levin, Claiborne Pell, J. James Exon, Barbara Boxer, Jay Rockefeller, Daniel K. Inouye, Byron L. Dorgan, Howell Heflin, Harry Reid, Joseph I. Lieberman, Patty Murray, Dianne Feinstein, Russell D. Feingold.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived. The question is: Is it the sense of the Senate that debate on the conference report accompanying H.R. 6, the elementary and secondary education amendments bill, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 75, nays 24, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—75

Akaka	Feingold	Mathews
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Gregg	Moynihan
Boxer	Harkin	Murkowski
Bradley	Hatch	Murray
Breaux	Hatfield	Nunn
Bryan	Heflin	Packwood
Bumpers	Hollings	Pell
Burns	Hutchison	Pressler
Byrd	Inouye	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Riegle
Cohen	Kassebaum	Robb
Conrad	Kennedy	Rockefeller
D'Amato	Kerrey	Roth
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dodd	Lautenberg	Simon
Domenici	Leahy	Specter
Dorgan	Levin	Warner
Durenberger	Lieberman	Wellstone
Exon	Lugar	Wofford

NAYS—24

Bond	Faircloth	McCain
Brown	Gorton	McConnell
Coats	Gramm	Nickles
Cochran	Grassley	Shelby
Coverdell	Helms	Simpson
Craig	Kempthorne	Smith
Danforth	Lott	Thurmond
Dole	Mack	Wallop

NOT VOTING—1

Stevens

So the motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. Could we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, the Senate has spoken decisively and I hope now that we could move to early conclusion and the passage of this vitally needed education program that has demonstrated bipartisan support.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER (Mr. FORD). The question is on the adoption of the conference report. All in favor, say aye?

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk call the roll.

Mr. KENNEDY. Mr. President, there is obviously a quorum present.

The PRESIDING OFFICER. The Senate being under cloture, the Chair is authorized to note the presence of a quorum and I do note that a quorum is present.

The question now is——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the conference report accompanying the Elementary and Secondary Education Act occur at 5:30 p.m. today, and that the time between now and then be equally divided in the usual form and under the control of the majority leader and minority leader or their designees, and that the time for the cloture vote on the conference report accompanying S. 349, the lobbying disclosure bill, be set by the majority leader following consultation with the minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues. I thank my friend, the distinguished Republican leader for his cooperation. I designate Senator KENNEDY to manage the time on our side. Senators now should be aware that a vote will occur on the education bill at 5:30 p.m. today. I thank my colleagues for their cooperation. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Who yields to the Senator from North Carolina?

Mr. HELMS. Mr. President, I am authorized by the minority leader to designate myself.

The PRESIDING OFFICER. The Senator from North Carolina may proceed.

The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, 10 or 12 years ago there was an expression in the Senate, "Win another one for the Gipper." This vote this morning was "Win one for Bill." And Bill even came up to the prayer breakfast this morning, Mr. President, and he shared with those present a few opinions about who was demonizing whom, I understand. But in any event, we have witnessed a remarkable degree of discipline on the other side, and I congratulate him.

And now the American people will be the ultimate judge of what happened this morning—not only with regard to the wisdom of putting more and more responsibility for education in the hands of Federal bureaucrats here in Washington, but also about cementing in the bill, Senator KENNEDY's version of a "do nothing" prayer amendment—an amendment which he worked out with Senator KASSEBAUM and others to thwart the will of 80 percent of the American people who want voluntary prayer returned to the classrooms in America.

As I was saying this morning, all of us are doing a lot of thinking these days in terms of the problems plaguing this country, and on occasion I reflect that I am glad I was born when I was, between the two world wars. I was a child during the Great Depression. As a result of that, I have seen, I suppose, the best of America in terms of people's character and their will to practice personal responsibility.

Those were also days when a Federal bureaucrat in Washington, DC, could not dictate to a local principal or superintendent or school board. But some years ago, those who believe there is such a thing as free money from Washington arranged to get the camel's nose under the tent by dreaming up something called Federal aid to education. They did not realize that what they are doing when accepting Federal aid is the same as getting a transfusion from one of their arms to the other—spilling a good part of their blood in the process.

Mr. President, the Federal Government has no money to dish out. The

Congress has no money to deliver to constituents back home except the money taken from the constituents in the first place.

So, what has occurred over the 30 years or so has been a disintegration of the kind of Government Thomas Jefferson and others—whom we refer to as the Founding Fathers—envisioned when they pledged their lives and their property to make this Nation possible. Thomas Jefferson probably spins in his grave every time we pass a bill—such as this one—to increase and expand Federal control over State and local governments. What Thomas Jefferson said about the least government being the best government will be pushed aside again—as it is time after time—this afternoon when this bill passes.

And yet there will be Jefferson-Jackson Day dinners all over this country—just as there are Lincoln dinners. But to tell you the truth, I like Thomas Jefferson better than I do Abraham Lincoln. Of course, both of them were pretty good Americans. But Thomas Jefferson is sort of a hero of mine because he understood the nature and character of man. He also understood the meaning of tyranny. And he certainly understood freedom—and all of the responsibilities and sacrifices required of those who want freedom.

Mr. President, thoughts about the future of our country and the state in which it now finds itself, go through my mind with increasing intensity when I think about my three children and seven grandchildren who are very special to me. I shudder sometimes when I think of what may lay ahead for America and for them. I am very proud of them. But when I compare what they face in the future with the good life that I enjoyed so far, I cannot help but feel I got the better deal. Now we were poor as church mice when I was a boy, but I did not know we were poor at the time.

Mr. President, votes such as the one we had this morning puzzles me. Here we are in an America that is in the midst of an historic struggle for survival in terms of restoring traditional values, family values—whatever you want to call them—and then we vote down time after time every attempt to restore those values. The struggle in this Nation—as a very fine editor out in Oklahoma wrote 20, 25 years ago—is for the soul of America.

That is what we are struggling through right now. You can stand on the Capitol steps and almost throw a rock into neighborhoods where you cannot walk at night because of the violence that takes place nightly. As Members of Congress, we pass great big expensive crime bills—but they do no good. Then we go home and say, boy, we really took care of it this time. There is not going to be any more crime because we are going to kill it with money. We are going to appropriate enough money to solve this problem.

Mr. President, we have been passing crime bill after crime bill almost ever since I came here in 1973. And what has been the result?

There is more crime than ever before, and crimes are more heinous than ever before. There has been, in short, an absolute disintegration of morality.

For instance, we now have homosexuals dictating what the Agriculture Department of the U.S. Government can and cannot do in personnel matters. But, what does the media write about? It is like a ship passing in the night. They are too busy reporting on imaginary conspiracies of the so-called "religious right." They are not interested or they do not care about the disintegration of America—and I say that as one who comes from the news media. Fortunately, there are more and more Americans every day who are aware of what is at stake.

Mr. President, I have met with several groups in the last 10 days. One of them was the Concerned Women for America. They know what is going on because they have an organization that furnishes them with information on a constant basis.

These women, as individuals, are now getting involved in specific political campaigns. I am glad to see them do it. They are operating phone banks already in certain States where Senators are running for reelection. They have targeted those Senators who have trampled on traditional values time after time. Some of them have winked and nodded in conference and helped plow under the Helms-Lott school prayer amendment even though it was adopted overwhelmingly—and approved overwhelmingly—by the House and the Senate. One Senator running for reelection has done that kind of thing over and over and over again.

But these ladies operating the phone banks—on their own time—are getting involved and they are making calls to voters because they are sick and tired of all the crime, the blatant pornography which some people call art, the mediocre schools, and especially the politicians who cater to every fringe group and perverted lifestyle. It may not happen in this year's election, but there is a growing realization, and I pray that it grows even more, that Washington is the problem and not the solution to America's concerns.

As I said this morning, Reader's Digest published an article a year or so ago which was titled "Let us Pray." In that article, Reader's Digest reported the results of a poll taken by the Wirthlin group—which is a widely recognized and respected polling organization. The Wirthlin folks found that 75 percent of the American people strongly favor prayer in the public schools and want it restored.

Mr. President, the subtitle of that Reader's Digest article was what caught my attention. The article said at the top "Let Us Pray," and then right below that in smaller print it said, "Why can't the voice of the people be heard on prayer in schools?" Why indeed, Mr. President? Well we just had a manifestation of why right here in this Chamber this morning.

The Reader's Digest pointed out that opinions in favor of school prayer "were expressed by Democrats, Republicans, blacks, and whites, rich and poor, high-school dropouts and college graduates—reflecting a profound disparity between the citizenry and the [Supreme] Court."

Yet, despite this massive outcry, the liberals in Congress and in the media claim that the Constitution somehow forbids governmental establishment of religion, and, ipso facto, prayer in school cannot be permitted. Horsefeathers.

Of course, they never point out that the Constitution specifically forbids governmental restrictions on the free exercise of religion. You never hear that mentioned. But they talk incessantly about separation of church and state even though it is not even in the Constitution. The first amendment says "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It certainly does not say anything about separation of church and state.

Something else the Constitution says that nobody mentions very often. The Constitution protects students' rights to free speech, whether religious or not, and that student-initiated, voluntary prayer—expressed in an appropriate time, place and manner—has never been outlawed by the Supreme Court. But try telling that to school principals and school superintendents—or the teachers' unions.

But back to the question asked by Reader's Digest: "Why can't the voice of the people be heard on prayer in schools?" The simple answer is that many of the Nation's politicians have deliberately mislead, and continue to mislead, the voters about where they really stand on the issue of school prayer. Oh, they go home and say, "Yes, ma'am. Yes ma'am. I favor school prayer," and then they come right back up here and vote for cloture on this bill. They come right back up here and pass the Goals 2000 bill as they did back on March 25–26—after their fellow liberals knocked off school prayer in conference.

Mr. President, most of the education bills were altered by one Senator in conference, one Senator who in effect said, I am not going to have school prayer. And he has made some comments in the past to the effect that it does not matter how the House and Senate vote; that House and Senate votes are meaningless and he will do as he sees fit in conference.

I do not know if that is the case under the Senate rules. But, I do know

that for any Senator to say that is arrogant. I also know that politician after politician—when they are in Washington—knowingly and willingly allow their leadership to beat back the restoration of voluntary school prayer time and time again.

It does not matter how hard DAN COATS works, or TRENT LOTT, or anybody else. It does not matter how many votes are cast in favor of the restoration of school prayer. This one Senator, in a conference between the House and the Senate, winks and nods, and out school prayer goes. And they substitute some intentionally meaningless language for it and then receive awards from the ACLU and other liberal groups for cleverly blocking school prayer again.

Mr. President, school prayer has been killed not once, but twice this year—both times despite overwhelmingly strong votes, 3 to 1, in favor of it in both the House and Senate. But I have to say again, as one who made his living in and with the news media for most of my life—save 4 years in the Navy during World War II—the news media just will not tell the whole truth about what goes on in Washington and where politicians really stand on this issue. They will not do it this time.

We have three guys and one lady sitting up there in the press gallery. I will bet you they will not give the other side—and if they did write it, their superior will knock it out. So the liberal leadership in the Congress is permitted to beat back school prayer time after time, and it is just like that ship passing in the night, it gets just a fleeting mention with no specifics and that is it.

The same is true about how Dr. Mertz, the USDA employee down in Atlanta, has been treated. You cannot find a line in the newspaper, nor a syllable in a newscast, about how this man committed an unpardonable sin in a television interview while he was off duty in Biloxi, MS. He had just attended a USDA conference where officials discussed plans to indoctrinate USDA employees in homosexual propaganda and to extend special rights to homosexuals in the workplace. The reporter asked what he thought of the proposed new policies and he responded—and I think this is verbatim—"At a time when we ought to be reaching for Camelot, we are instead grasping for Sodom and Gomorrah."

Before nightfall, Dr. Mertz was removed from his job—a job in which his work had been praised time and time again, formally and informally, for 7 or 8 years. His superiors moved him over to a do-nothing job, just sitting there.

Well, I heard about it and I called him up. He told me the story and I checked on it. What he told me was entirely accurate, USDA did not dispute it at all. So, I called the Secretary of Agriculture—soon to be the former Secretary of Agriculture—Mr. Espy, and told him about this and he said he would look into it. But I did not hear from him for quite a while. So I wrote him a letter and I said, "You are too nice a guy to be trapped in this sort of a mess. Reinstate this man Mertz and then give him a public hearing—a public hearing—so the homosexual militants cannot try him in private. Let him be heard in a public hearing where he can tell his side of the story, and anybody who wants to testify against him can do so as well."

Well, I got nothing from the USDA in response to that letter—nothing. So I put holds on every piece of Agriculture Department legislation that was on the Senate calendar and I sent word to the USDA that my holds are not coming off until you treat Dr. Mertz fairly. Well, that woke them up and we negotiated back and forth. They wanted this condition and that. I said, "Just be fair to Dr. Mertz; reinstate him pending a public hearing at a place of his choice; and then I will give you what you want."

You know, the night before last, I finally got a letter, hand delivered from Secretary Espy, agreeing in writing to do what I said he ought to do from the outset. I took the holds off the legislation and the nominations, and they were approved.

Mr. President, the homosexuals can climb up on the top of my house, as they did one time, and hoist up a 35-foot canvas condom, but they are not going to deter me. And to the best of my ability and to the limit of my strength, they are not going to successfully take over any Department of the Federal Government without my raising hell about it. I give the people of America my word about that.

Now, Mr. President, Senators who voted for cloture a while ago—and a lot of them are my good friends, most of them—but I have to say to my good friends who voted for cloture: You are not a true friend of restoring voluntary school prayer. You did what the President wanted you to do. You did what your leader told you to do. But you did not help the cause of restoring school prayer.

Let me go back and review what happened earlier this year when we had another Federal education bill—the Goals 2000 bill—before the Senate. I was somewhat encouraged back on February 3 when the Senate voted by a margin of 75 to 22 to approve an amendment offered by Senator LOTT of Mississippi, and this Senator from North Carolina, to prevent public schools from prohibiting constitutionally protected, voluntary, student-initiated school prayer. Oh, you know that was an easy vote.

But there was one Senator who winked and nodded and said: Go ahead and vote for it, I will take care of it in conference. Well, it was made a little stickier for him to do that, I thought—dumb old me—when the House voted 367 to 55 to instruct the House conferees on the Goals 2000 bill to keep the Senate's Helms-Lott amendment in the bill in conference.

But then came March 17 and, Mr. President, despite the 75-to-22 vote in the Senate, and the 367-to-55 vote in the House of Representatives, in favor of the restoration of voluntary school prayer, one Senator and a few of his liberal friends from the House, dropped the Helms-Lott amendment. By every honorable tradition of this Congress, that was not permissible, because there used to be an understanding—and I have served on many conference committees between the House and Senate—that whatever you do to an amendment in conference has to be within the scope of both the House and the Senate version of the legislation.

But, not anymore. It just takes a wink and a nod between one Senator and his counterpart from the House, and they can drop an amendment voted for overwhelmingly in both Houses and put in its place ridiculous do-nothing school prayer language—written by Congressman Pat Williams—which neither body had ever seen, much less voted on.

Of course, I was dismayed when the Goals 2000 conference did that, and so was Senator LOTT from Mississippi. Our amendment had been dropped in the last 60 seconds of the conference between the House and the Senate. Everybody else had gone home and then came that wink and a nod: "How about this, Senator?" "How about this language?" "Yes, that suits me fine. Put it in there." And the deed was done.

But there was nothing in the media about that. That is OK. See, a liberal did it—so it is OK. The Senator from Massachusetts and his counterpart on the House side had prearranged to drop the Helms-Lott amendment and replace it with do-nothing language. The following Monday, March 21, the House of Representatives refused to add that do-nothing language—by a vote of 179 to 239.

The distinguished majority leader comes in and says the Senator from North Carolina cannot have his way, and so forth and so on. But, I am not insisting on having my way. I am insisting that the House and the Senate ought to have their way when they pass amendments overwhelmingly.

The Senator from Massachusetts does not own this Senate. There should not be a process which enables any Senator, or any Member of the House of Representatives, to ignore the will of the majority of both Houses. But that is what happened on both the Goals 2000 education bill, and on H.R. 6, that is before us now.

Mr. SIMON assumed the chair.

Mr. HELMS. The Goals 2000 conference report, with the "do-nothing"

language in it came back on the Senate floor for approval on March 25. That was right before the Easter break. It also happened to be the birthday of Mrs. Helms.

At that time, some of us were highly critical of what had gone in conference with the Helms-Lott amendment. But the distinguished majority leader kept the Senate in until after midnight so as to impose cloture on the discussion of the Goals 2000 conference report.

He managed to do it because Senators wanted to get home for Easter. They had plane reservations and everything all set to go home for the holiday.

But perhaps the Senator from Massachusetts has it right when he said—as he was quoted as saying in the Washington Post—that the Senate vote on an issue is meaningless as long as he presides over a conference between the House and the Senate.

He was not elected, and I was not elected, to do that kind of thing, or to take that kind of position, or adopt that kind of attitude. I shall never do it.

I do not mind losing, Mr. President. I am accustomed to it. I try to get a lot of things done to defend moral principles that should survive—and deserve to survive. I win some of them and I lose some of them. But I do mind losing in the way that school prayer has been defeated this year. And I resent the way one of the reporters in one of the papers put it, that bills were being held up by so trivial a matter as school prayer. Trivial? Ask 80 percent of the American people if it is trivial.

I can even respect the Senators—and do respect them—who disagree with me on this issue and are straightforward about it. A number of Senators who I count as close friends vote against me on a number of things. But the point is that the voters deserve to know where their Senators stand on issues—and what happened on school prayer this year keeps the voters from finding out.

And that is the reason I am so pleased that women's organizations, a number of them, are working on phone banks between now and election day in November, because they are calling voters and telling them how their Senators and Congressmen really stand on key issues—and the impact is showing. And I say God bless those women.

Bill Bennett, the former Secretary of Education under President Ronald Reagan, and Lamar Alexander, who held the same post when George Bush was President, held a meeting up here yesterday, and they urged Senators to take a close look at this monstrosity of an education bill and vote against it. But Senators did not take the time to read it, because they had already been instructed by their President, and by their leader, to vote this thing through and to vote for cloture. And they did it 75 to 24.

However, the American people, if I have anything to do with it, are jolly well going to find out how everybody voted on this issue—and where they really stand on school prayer.

I do not know how many years I have remaining. By all actuarial odds, I have been going downhill for a long time. Anybody who is 73 is in that fix. But I will say that I feel mighty good for that age. And then I look at STROM THURMOND and I say I have a lot of years ahead of me.

When Bill Bennett came by not long ago, he commented to me that America has become the kind of country that civilized countries once dispatched missionaries to centuries ago—that is to say we are becoming more and more uncivilized every day, and we are approaching the character of countries to which, for years and years and years in the past, we sent missionaries.

Mr. President, if we really care about cleaning up the streets and the classrooms, if we care about the long-term survival of our Nation, is there anything more important for the Senate to protect than the right of America's children to participate in voluntary, constitutionally-protected prayer in school?

My friend from Illinois, who is presiding over the Senate right now, will acknowledge that this Senate begins its daily session with a prayer. True enough, not many Senators show up for it, but it happens. So does the House of Representatives and the courts. The members of every one of those branches of Government take their oaths of office on the Bible.

> 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.

They do it so fast in school that children say, "What did they say?" It has become a ritual without meaning.

Now, I noticed a number of Senators predicated their votes on how much money their respective States were going to get out of the pot of money this bill hands out. Boy, with all due respect to any Senator, to pass judgment on a piece of legislation solely on such a basis tells you something about the political process in this country.

Well, we already spend more money per pupil than any other industrialized country in the world and what has it bought? We have the lowest math scores, the lowest English scores, and the highest crime rate of any of our major trading partners. And this has happened to education since Federal aid to education began. We should be No. 1 based on the hundreds of billions of dollars we have spent on education in this country at the Federal, State, and local levels.

The point being, Mr. President, we can spend all the money we dare tax out of people and it is not going to improve our children's achievement, or happiness, or well-being one whit unless and until we take traditional morality out of Government-imposed exile and bring it back and put it back in the place of prominence and give it the respect it once enjoyed in our lives and in our schools.

Michael Novak said it pretty well. Michael is with the American Enterprise Institute. He said:

> There is no issue in American life in which the public will is so clear and the political establishment is so heedless. The cultural and political elites have simply ignored the overwhelming support of the American people for voluntary school prayer—indeed for the role of religion and faith in the Nation's life.

And he is exactly right.

And, of course, every schoolboy knows about George Washington's counsel 200 years ago or more. He said:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

George Washington said that, and it is as relevant today as it was when he said it.

Mr. President, may I inquire how much of my 1 hour of time I have used?

The PRESIDING OFFICER. The Senator from North Carolina has spoken for 40 minutes.

Mr. HELMS. For 40 minutes?

The PRESIDING OFFICER. Forty minutes.

Mr. HELMS. I thank the Chair. I believe that I will reserve the remainder of my time and yield the floor so somebody else can speak.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

Mr. President, I rise in support of this important education bill. I know that the Senator who is presiding played a very important role in that bill.

I was very pleased to see my Republican friends decided to join with the Democrats, although not a majority of them, and vote for cloture so we were able to get on with this debate.

I agree with the Senator from North Carolina on one statement he made, and that statement was that the American people will be the judge on this particular issue. And that is correct. The American people will be the judge. The American people will decide if education is an important issue. The American people will decide whether they want to have gun-free schools and safe schools and schools that foster quality education. They will decide, and they will watch and they will judge, because we will cast a vote today.

You know, I really have to say, I was so pleased that I had a few minutes to

speak before the cloture vote and make a couple of points on school prayer. I want to again underscore those points.

I think that any reasonable person who has followed this debate on school prayer would support the language in this bill. And what is very interesting to me, Mr. President, is that the language in the bill that survived the conference between the House and the Senate is in fact the language that passed this Senate overwhelmingly with more than 90 votes.

So it is very difficult for me to understand why the Senator from North Carolina is upset about the prayer language that is in this bill. I know the Senator believes in democracy. He believes that majority rules. And yet, on his prayer amendment, he could not prevail in this Senate. He failed.

Senator KASSEBAUM, my Republican friend from Kansas, put on her thinking cap and came forward with an excellent amendment. It got almost unanimous support. You do not usually see amendments getting in excess of 90 votes. This is the amendment that survived conference and comes back here to us, and the Senator from North Carolina says, essentially, this is a terrible job done by the chairman of the committee, Senator KENNEDY. This is terrible.

Senator KENNEDY prevailed. He got the Senate's position on prayer. And it is a sensible provision.

All this talk about needing to debate this issue until 5:30, because the Senator from North Carolina says 80 percent of the people want prayer in schools and this bill does not address it, is, frankly, in this Senator's view, nonsensical. It does not make sense.

The Senate voted for the Kassebaum amendment, which says if a school interferes with constitutional prayer and a court gets involved in it, the school will lose its funds.

The Senator from Massachusetts brings it back as it went from the Senate—by the way, as the occupant of the chair knows, it is very rare that the Senate will prevail like this. There is usually a compromise.

It comes back to us intact. The 93 Senators who voted for it should be very happy. And, I might add, the Senator from North Carolina voted for the Kassebaum prayer amendment. It survived intact. It is in here. And if a court says to a school district, you are interfering with constitutionally protected prayer and there is a court order, that school will lose funds.

Now, what I also find interesting about this debate is that the Senator from North Carolina is very eloquent about how, when he went to school in the thirties, the Federal Government had no role. Those were the good old days. It was terrific. The Federal Government had no role and no Federal bureaucrat ever told a local school official what to do.

But yet, in the Senator's prayer amendment, he gives complete authority to a Federal bureaucrat to withhold funds from schools. I find that really hard to understand. He decries Federal bureaucrats on the one hand; on the other hand, in his amendment, he gives a Federal bureaucrat the right to make the decision if a school is acting in violation of constitutionally protected prayer.

In the Kassebaum amendment, which the Senator from Massachusetts brought back to us, that decision is left to the court and you keep it out of the hands of the Federal bureaucracy.

I think the Senator from North Carolina should be applauding that particular amendment as it came back to us.

When I spoke before the cloture vote, I pointed out that I am a product of public schools, all the way from kindergarten through college. I am a very fortunate person. I am a first generation American on my mother's side. We never owned our own home; I grew up in a little tiny apartment. I am a U.S. Senator.

Today some people might say, "Big deal." I think it is a big deal. I am proud to be here. I owe so much to the people of California for putting their faith in me. I did not go to fancy schools. The kids in my school were mostly first generation Americans.

I was able to get a good college education at a free university, and I was able to get a job as a stockbroker at a time when no women ever did that, because I had the skills. And even though I could not get into a Wall Street firm because they did not hire women, I studied for the exam on my own and I passed it and I became a stockbroker. Why? Because I had the skills I needed to compete because I had a quality education.

I understand it is very tempting for those of us who are pleased with our life to get up and say, "Those were the greatest times when I grew up. Those were the best times. Let us bring back those times."

The Senator from North Carolina wants to bring back, in many ways, the 1930's. He said those were the greatest times. It is a tribute to him that he survived the life of poverty he described to get to the U.S. Senate. But I have to tell you, I am not so sure I want to bring back the 1930's—the Depression years, the years the Senator from North Carolina says were so great to be in school because no Federal bureaucrat was involved.

My dad told me about the Depression years. I was born after the Depression years. He said it was the hardest, hardest times. People were distressed about their lives. People were jumping out of windows and killing themselves, or selling apples on the street to make a living. And they feared for their families and their children. Frankly, it took a Democratic President to get us out of it and give us the hope and the tools that we needed.

Then, in the 1950's, when I was a kid, it took a Republican President named Dwight David Eisenhower to tell us that education was key to our national security. Indeed, he put forward the National Defense Education Act and said: Yes, there is a role for the Federal Government, because if our young people are not educated, do not have the tools, it does not matter how many bombs we have because they will not want democracy and they will not want capitalism—unless they have the education and the ability to rise to the top.

So I think those were good days. Were they the greatest days? Were they perfect days? No. But I think the important point is that each generation has its success stories and its failures. We have to pick the best of each generation before us as we try to legislate for our people. I think what this bill tries to do is discard the things that do not work, to try some new things that might work, and to keep some of the things that have been excellent. And some of those things, by the way, were brought to us by Republican legislators. For example, there is a Javits program in the bill, there is an Eisenhower program in the bill—I will explain those in a minute.

This bill is crucial. We can fight all day about prayer in the school, but the fact remains this is the toughest school prayer language that we have ever voted on, and this is the school prayer language that the Senate supported, including the Senator from North Carolina. I, frankly, am at a loss to understand why he would wish to hold up this bill until 5:30 instead of voting on it now.

Title I, education of poor children, is in here; teacher training in math and science, dropout prevention, school construction and improvement, safe schools, computers for the classrooms—I do not think there is anyone who is alive who has a pulse beat and a heartbeat in America today who does not understand the need for safe schools, the need to get guns out of the schools.

Senator FEINSTEIN and Senator DORGAN did an excellent job of bringing this issue to our attention and we have a gun-free schools provision in this bill. I would say to the Senator from North Carolina, if we could listen in to the prayers of a lot of our kids and their parents, if we could listen in on those prayers, they would be prayers for safe schools and safe streets and safe lives for them. We do something about it in this bill. Let us get it done.

Improving teaching and learning. I told my colleagues before, two Republicans are in this bill by name—the Eisenhower professional development program devotes an entire title to the professional development of teachers, and teachers are key.

Technology For Education. If you have a pulse beat and a heartbeat, if you are alive today, you know our young people need to understand how to use computers. We have some wonderful people in the business world who have donated computers. I have been to schools all over California and seen the excitement on those kids' faces when they learn how to use computers. We cannot go back to the fifties or thirties and say it was great and not recognize the technological revolution we have had in the meantime.

When I was a young mother I started an organization that helped high school dropouts learn skills for the workplace. What were those skills? Answering the phone, learning how to type, and the big thing was to try to get enough electric typewriters at that time. Answering the phone, learning how to type, learning how to use adding machines, basic filing—that was it. Today it is a different story. Computer skills are necessary and this bill answers that need.

Drug-free schools and communities—in this bill.

School dropout prevention programs are in this bill. It costs us so many hundreds of billions of dollars when all these children drop out of school. I do not have to tell the occupant of the chair. He has dedicated his life to education. Let us get on with it.

If we could listen to those prayers, we would also hear from the parents, "I hope those kids stay in school and get that education so they can get a good job."

School construction and infrastructure. We have a terrific woman in our California assembly, Assemblywoman Eastin. She made a wonderful speech once and she said: You know, when our kids go to the store and they go shopping and they look around at the beautiful stores—for example we have Nordstrom's and we have Macy's and other stores—they see the beauty and the cleanliness. Then they walk into their public schools and they are a mess. "What is the message," she asks, "that shopping is more important than schooling?" Perhaps that is the not so subtle message that is getting through to our kids.

Schooling is crucial to their future and the buildings need to be safe and painted and made attractive. They cannot continue to deteriorate. That is part of this bill.

I talked about the gun-free schools. We have seen it too much in California, little kids bringing guns to school, using them to kill themselves or injure other people. We need to do something about it. It is in this bill.

So, let me wind down here. There is no need to delay this vote. We had a terrific vote on cloture. I am so proud of that. But the reason I wanted to speak out is I do not want the people of America who could be listening to this debate to think that this bill attacks school prayer or does not include it. It does. It was a difficult issue for some to come to agreement on. But Senator KASSEBAUM deserves a lot of praise, as I said earlier. I do not think the Federal Government should be involved in telling us where to pray, whether to pray, what to pray, or how to pray. I do not think we need such laws.

As I said, I prayed all through public school. There were times when I was nervous the teacher might call on me and I was not prepared. I did not need a constitutional amendment. I was able to do that. But the fact is we have come to a good compromise here. We have language that is clear.

It says if any school interferes with constitutionally allowable prayer, then the court can issue an order and that school will lose its funds. The good thing about this is that it does not leave it to a bureaucrat or a politician to make the decision, Mr. President. It leaves it to the court. Americans know we have a separation of church and State. There is a fine line, and the court will decide if that fine line is being crossed. That is the way we should legislate and make sense out of these difficult issues. That is what Senator KASSEBAUM did.

So I hope the American people who are watching this debate understand that the issue of school prayer has been dealt with very fairly; that the chairman of this committee brought back exactly what the Senate told him to do. I do not think that was easy. This is a complex issue. But the Senator from Massachusetts brought this school prayer language back the way the Senate voted for it, and he should be praised for that.

This bill is worthy of a lot of praise. What could be more important than educating our young people? It is not a Democratic issue or a Republican issue, it is an American issue. We all know that with a great education you can rise to the top in this global economy, and that is all we want for all our children.

So, I thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. SIMON. Madam President, this Elementary and Secondary Education Act contains a number of things that are important to our Nation. Let me just mention one that I think could have a real impact on our future.

The Senate was good enough to accept an amendment that I offered, cosponsored by Senator PELL, Senator BYRD, Senator JEFFORDS, and I am sure I am leaving off some, that when it passed the Senate would have authorized $100 million to schools that go from 180 days to 210 days.

Right now in Japan, they go to school 243 days a year. In Germany, they go to school 240 days a year. We go to school an average of 180 days a year. Why do we go 180 days a year? In theory, it is so that our children can go out and harvest the crops. The Presiding Officer is from Marin County in California. There are not too many children going out harvesting the crops there. I live in rural southern Illinois. My address is Route 1, Makanda, IL, population 402. That is as rural as you get. Even in rural Makanda, IL, there are not very many children going out harvesting the crops. That was another era, and yet we have not adjusted our schools to the current reality, that we have to be competitive with the rest of the world.

If we were to go from 180 days in a school year to 210—and we would still be well behind Germany, Japan and many other nations —that would, over the course of 12 years of school, mean you get 2 more years of school. This may not be a popular move with the pages who are here, and some young people and maybe some teachers who are watching this, but the reality is, we cannot learn as much in 180 days as our friends in Japan, Germany and other countries learn in the longer period. That is the simple reality.

One other benefit of going to 210 days, particularly in elementary school when you have a 3-month hiatus, you forget what you learned in the third grade and when you start the fourth grade, the fourth grade teacher has to spend a lot of time reminding people what they learned in geography, in math, English, or whatever it was.

By having this additional money—and in conference the $100 million was compromised to $72 million, and I understand that is what conferences have to do. We cannot all get everything we want. In a Nation of 250 million people, that is not very much money, but it is a little carrot out there for school boards and school administrators and PTA's to start talking about are we really doing the right thing by our young people by having school 180 days a year? This is a step forward.

I have written about the need for a longer school year, and the intent of my amendment, in a column I publish weekly. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

LONGER SCHOOL DAYS WOULD BOOST U.S. STANDARD OF LIVING

(By Senator Paul Simon)

Without fanfare, the United States Congress has adopted a small amendment to the

Elementary and Secondary Education Act that could have a far-ranging impact on our nation.

A few weeks ago the Senate adopted an amendment I proposed—co-sponsored by a bipartisan group of senators including Claiborne Pell, Robert Byrd, Herb Kobl, Jim Jeffords, John Chafee and Carol Moseley-Braum—authorizing that $100 million a year be given to schools that move from our present 180 school days a year to 210 days a year. The dollars were reduced in conference with the House of Representatives to $72 million, not a large amount in a nation of 45 million elementary and high school students, but enough to start us on the road to improvement.

It is enough to get school boards and school administrators across the nation talking about our problem.

In Japan, students go to school 243 days a year, in Germany 240, and in most other industrial nations numbers that are greater than ours. Can we learn as much in 180 days as they do in 240 and 243? Obviously not.

Why do young people in our nation attend only 180 days? In theory, so that they can go out and harvest the crops. Even in smalltown, rural America—where I live—that is not true for most young people. Our world has changed, but our educational system has not changed.

The schools that move to 210 days in order to qualify for the extra federal dollars will find that their students learn more, and do better, whether they go on to college or not.

Increasing attendance from 180 days to 210, still far behind Japan and Germany, is the equivalent of adding two additional school years of study by the 12th grade.

The few who will lead on this, and see their students do better on the average than other American students, will soon be followed, I believe, by many other schools who recognize the improvement such a change will bring.

This is not the federal government forcing any local schools to do anything, but it is a message from the federal government that if we want our young people to compete with the rest of the world, we will have to be better prepared.

Increasingly, we will compete with others either with better prepared personnel, or lower wages.

The answer to what we should do is obvious, but we're not doing much about it. This legislation is a start.

Some months ago, in one of the committees on which I serve, we heard the story of a U.S. corporation trying to decide where to locate a small manufacturing plant. Their choices: Mexico, the United States or Germany. Mexico had the advantage of the lowest wages, the United States of better prepared workers than Mexico and lower wages than Germany, and Germany—with better trained workers and an average hourly manufacturing wage now $6 higher than the United States. They chose Germany because the workers are better prepared.

Recently, I visited Motorola headquarters, located in Illinois. Motorola is adding workers at its Libertyville, Ill., plant and they require that applicants be at least high school graduates. Motorola then tests them but finds only 1 in 10 applicants meets its minimum requirements.

Motorola also has plants in Scotland, Germany, Japan, Singapore and Taiwan. In those countries they do not even give the tests, because they find the educational background of the workers has prepared them adequately.

The lesson for us should be clear. We're going to have to do much better. A 210-day school year is not the sole answer, but would be a step toward doing better.

Mr. SIMON. Madam President, this bill is also important in that it begins to lead us in the direction of better targeting of chapter 1 funds. While I would like to have seen the funds focused to an even greater degree on children living in areas with high concentrations of poverty, the new formula is an important step in the right direction. Editors of the Chicago Tribune wrote cogently on this subject in an editorial published 2 days ago. I ask unanimous consent that their comments be reprinted in the CONGRESSIONAL RECORD.

Thre being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Oct. 3, 1994]

CHAPTER 1 STILL MISSES THE MARK

In its inimitable way, Congress has once again passed up an opportunity to make a significant change for the betterment of all in favor of a modest change for the political comfort of a few.

There was cause for celebration when in August, the Senate approved a measure that would reallocate Chapter 1 education funds for disadvantaged children so that the money would be going to the poorer school districts that need it most.

So-called Chapter 1 funding, established 30 years ago as a tool against poverty, was intended to boost the learning levels of poor children through enhanced, specialized educational programs. But by last year, 9 out 10 school districts in the country were getting a portion of the almost $7 billion annually provided under Chapter 1. Many schools didn't need the money; many schools needed far more than they got.

The reallocation measure, spearheaded by Sen. Paul Simon (D–Ill.) and passed by the Senate, excluded from the funding pool schools where fewer than 5 percent of the students are poor. Such a sensible step would restore Chapter 1 to its original purpose of targeting at-risk children for special help.

Under Simon's proposal, Chicago schools would have received an additional $183 million in Chapter 1 funding. True, communities like Highland Park and Palatine would have lost their funding, but Chapter 1 was never designed to enhance educational programs in the nation's upper-middle-class suburbs.

Unfortunately, a House-Senate subcommittee, last week gutted the measure, moving the student poverty cutoff from 5 percent to 2 percent and, thus, restoring to eligibility many communities that don't need anti-poverty funds and—more to the point—letting off the hook many politicians who didn't want to see schools in their districts uncoupled from the gravy train.

But there is good news, as well. A portion of the original bill—which would have penalized states for not allocating enough money for education and not distributing it equitably—has been reworked to reward states that provide adequate funding for schools and do it most equitably.

Offering incentives for states like Illinois to do the right thing in school funding is far more productive than withholding funds, a tactic that would ultimately harm the schools most in need.

And if the committee's funding formula passes the House and Senate, Chicago schools still stand to benefit from the change, as will other needy districts throughout the country—just not as much as they could have if the narrow vision of political gain had not won out over the larger goal of a better education for a new generation of Americans.

Mr. SIMON. Second, Madam President, we are at that point in the session where we are kind of getting bogged down and tempers are a little short and we want to get out of here. Humanity is inconsistent. We work like mad in California or Illinois to get elected, and then after we get elected, we want to get out of here.

One of the things that I think has been lost for this past 2 years is that while we did not do what I think we should have done in health care and some other things, in the area of education, there really has been substantial improvement. The Goals 2000 bill has been talked about and talked about somewhat negatively. Here I just remind those who think the Federal Government is trying to impose curriculum and standards on States, that Goals 2000 simply says to the States: You establish your own goals. You establish the standards. The Federal Government does not do that.

That bill has passed. And whole series of things passed. The school-to-work legislation and the Direct Lending Program, which is just catching on in our colleges and universities, now will be of great help to students in the future. Five percent of the colleges and universities have it this year; next year it will be 40 percent.

A person who deserves great credit, along with Senator PELL, the chair of the Subcommittee on Education, is the chairman of our full Committee on Labor and Human Resources, Senator KENNEDY. He has been a real leader in this whole field of education. He and the people of Massachusetts and the people of this Nation can be proud of what Senator KENNEDY has contributed through his leadership in this field of education.

I ask unanimous consent, Madam President, to print in the RECORD the list of the nine major bills, and a brief description of them, that have passed the 103d Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EDUCATION AGENDA OF THE 103D CONGRESS

LEGISLATION ENACTED FROM THE LABOR AND HUMAN SOURCES COMMITTEE

1. *Human Services Reauthorization Act of 1994, S. 2000—PL–252:*

Authorizes $30 billion in appropriations for fiscal years 1995–1998 to carry out the Head Start Act and the Community Services Block Grant Act. Expands Head Start to reach all eligible children, and guarantees $1 billion over five years for new initiatives to reach pregnant women and young children in the 0–3 age group. Reauthorizes other essential programs including funding for Community Action Agencies, Community Development Corporations, and the Low Income Home Energy Assistance Program.

Date enacted—May 18, 1994.

2. *Goals 2000: Educate America Act, H.R. 1804 (S. 1150, originally S. 846)—PL 103-227:*

A. Standards and School Reform—Authorizes nearly $5 billion in grants over the next five years for local schools to carry out their own locally developed school reform programs. Encourages the development of voluntary standards for school courses so that parents and local communities will know what students should learn in core subjects such as English, history, math and science. Also, supports teacher development and training to revitalize teaching in American schools, and provides greater and long overdue flexibility in the use of federal dollars to support schools and students.

B. National Skill Standards Board (Title IV)—Establishes standards for skills training.

Date enacted—March 31, 1994.

3. *Safe Schools Act of 1993, S. 1125 (Incorporated in H.R. 1804, Goals 2000: Educate America Act)—PL 103-227:*

Supports efforts by local school systems to achieve Goal Six of the National Education Goals,which provides that by the year 2000, every school in America will be free of drugs and violence and offer a disciplined environment conductive to learning.

Date enacted—March 31, 1994.

4. *Office of Educational Research and Improvement Reauthorization Act of 1993, S. 286 (H.R. 856) (Incorporated in H.R. 1804, Goals 2000: Educate America Act)—PL 103-227:*

Reauthorizes funding for the Office of Educational Research and Improvement which coordinates and disseminates information on successful school reform strategies.

Date enacted—March 31, 1994.

5. *Improving America's Schools Act (H.R. 6) (Elementary and Secondary Education Act Reauthorization):*

Reforms the major federal aid-to-education program, the Elementary and Secondary Education Act (ESEA), building on the reforms of goals 2000. Provides over $60 billion over the next five years for local education and targets new funds to middle and low income communities that need it most. Eliminates bureaucratic restrictions that have hindered the use of ESEA funds for school wide reform. Under the proposed reforms, teachers, parents and administrators will have the power to decide how federal dollars can be used most effectively to promote local school reform and provide a stronger education for disadvantaged students.

House agreed to the ESEA Conference report on September 30, 1994.

6. *Technology for Education Act of 1993, S. 1040:*

Provides schools throughout the United States with technology-enhanced curriculum, instruction, and administrative support, resources, and services to create a competitive and technologically literate workforce.

Incorporated into ESEA, House agreed to Conference Report September 30, 1994.

7. *National Service Trust Act, H.R. 2010 (S. 919—PL 103-82:*

Creates the Corporation for National and Community Service; establishes AmeriCorps, the domestic volunteer service corps, and authorizes vouchers and loan forgiveness for higher education and job training in return for service; supports service earning in schools and colleges.

Date enacted—September 21, 1993.

8. *School-to-Work Opportunities Act of 1993, S. 1361—PL 103-239:*

Establishes a national framework for the development of school-to-work opportunities systems in all States bringing together the business, education and labor communities to assist young adults in making the transition from school to the workplace. The legislation will fund apprenticeship programs and innovative partnerships between schools, colleges, businesses, and unions to develop coordinated programs integrating classroom learning and actual work experience.

Date enacted—May 4, 1994.

9. *Student Loan Reform Act, S. 920 (H.R. 2055) (Incorporated in H.R. 2264, the Budget Reconciliation Act of 1993)—PL 103-66:*

Restructures the federal college student loan program. Saves taxpayers $4.3 billion by expanding the direct student loan program and streamlining the loan process; saves students $2.4 billion by reducing student loan origination and insurance fees and allows more flexible repayment options.

Date enacted—August 10, 1994.

Mr. SIMON. Madam President, finally, let me just comment briefly on the matter that Senator BOXER talked about and Senator HELMS talked about: The question of religion and morality. We know we are not doing what we should be doing in this country. We have to do better. I think we are looking in the wrong direction when we say prayer in schools will solve this problem.

My father was a Lutheran minister, my brother is a Lutheran minister. I have grown up in a home and a background that believes in the efficacy of prayer. But I believe it is the job of our homes, our churches, our synagogues, our mosques to promote religion and not the job of schools.

That does not mean that schools cannot get into the issue of morality. That is a different question. Here, and I mentioned this on the floor before but I will mention it again, our former colleague—he still serves in the House—Congressman DAN GLICKMAN. The Presiding Officer served with him. I served with him in the House. Once when this issue of school prayer came up, he told me of his experience. He grew up in Wichita, KS. Congressman GLICKMAN happens to be Jewish by background. When he was in the fourth grade, every morning he was excused from the room while they had a school prayer. And after the prayer, he was brought back in. Every morning DAN GLICKMAN was being told, you are different, and all the other fourth graders were being told the same thing.

That should not happen in a democracy. When we talk about prayer, we have to realize we are a very diverse nation today. We have, believe it or not, today more Moslems than Presbyterians in the United States, more Buddhists than Episcopalians. And when you say let us have school prayer, you have to also ask then: Whose prayer? And you get into some very, very difficult situations.

If religion, teaching religion in schools, or school prayer, would solve the problems—I think we have to remind ourselves that in Germany under Hitler they had religion taught in the public schools. That is really not the way to convey real religion. We have to do it in our homes, in our religious institutions. But that does not mean we cannot deal with problems of morality. There is no nation on the face of the Earth in which family values is a phrase that is tossed about by politicians more than in the United States, and yet we do not do much about family values.

What are the things we could do? Well, Madam President, one of the things, a very basic thing, is to reform welfare. Our welfare policy, believe it or not, discourages families from living together. We ought to change those welfare policies. I think we need a massive overhaul of welfare policies generally. But that is a very practical area where we in the Senate can do something about family values.

In the area of crime, we have far, far more people per 100,000, or we did have far more people per 100,000, in prison than any other country. Russia has just passed us in numbers per 100,000. South Africa is third now. We are now second.

But if you really want to do something about crime, make fewer speeches and do something about education. Eighty-two percent of the people in our prisons today are high school dropouts. In 1970, interestingly, 82 percent of the people in our prisons were high school dropouts. The majority of people in our prisons today were unemployed when they were arrested. You show me an area of high unemployment, I will show you an area of high crime.

Let us have a jobs bill for this country. There may be a few people in the gallery who are old enough, along with me, to remember something called the WPA. Madam President, you cannot remember the WPA. But what we did was we took the liability of unemployment and turned it into a national asset. We did all kinds of things—1.5 million Americans learned how to read and write under the WPA. I remember when I was 10 or 11 or 12 reading Richard Wright's book "Black Boy." It is not his most famous book, but it caught me at the right time. It moved me. It was not until many years later that I learned Richard Wright learned to be a writer as a result of the WPA project. Arthur Miller, the playwright, learned to be a writer as a part of the WPA project. We enrich this Nation by tapping our human resources, and we ought to be doing that again.

When we discourage dropouts, we also discourage parenthood at too early an age. A disproportionate number of both mothers and fathers involved in teenage pregnancies are high school dropouts. You really want to do something about abortion, for example—and that is another big issue that is talked about. We have about a million teenage pregnancies each year, about 400,000 of which end up in abortions. You work

on the problem of high school dropouts and you will reduce the problem of teenage pregnancies and the number of abortions in our country. And then you will also do something about problems of poverty and other things.

It is very interesting that people who are teenage mothers, who are single at the time they are mothers, 78 percent of their children end up in poverty. For those who are married and at least 20 years of age before they have their first child, 9 percent of their children end up in poverty. The problems of morality and poverty are intertwined, and we have to work on these.

Madam President, I have digressed some from the Elementary and Secondary Education Act, but we have in the process of this gotten into the question of morality and religion and other things. There is no question but we as a nation can do better. But I do not think we should be looking for some kind of magic bullet.

I agree with you, Madam President, in your remarks earlier that Senator KASSEBAUM is to be commended for working out a provision on school prayer that is generally satisfactory. I happen to have been one of the very few who voted against that because I think we are better not enmeshing that in legislation at all. But this is a practical, well-crafted compromise that certainly offends no one and I think moves us in the direction probably we ought to be going.

If no one else seeks the floor, I question the presence of a quorum. My understanding, Madam President, is that the time is equally divided during the quorum call. Is that correct?

The PRESIDING OFFICER. If there is no objection, it is so ordered. The time will be equally divided. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

Mr. LOTT. Madam President, parliamentary inquiry: Is the floor open for discussion on the Elementary and Secondary Education Act?

The PRESIDING OFFICER. Yes.

Mr. LOTT. Madam President, I rise to speak on the Elementary and Secondary Education Act, H.R. 6. I want to emphasize that I think that there are some good provisions in this legislation. Education is a very important component of the future advancement of our country and certainly of my State of Mississippi.

In Mississippi we have been working and we have been struggling to improve the infrastructure of our schools. We have been trying to improve the quality of our education. We have been trying to improve the salaries of our teachers. In short, a major effort is being made to advance education in our State. I think we are making some real progress. Our teachers' salaries are still not up, certainly, to the national average. We are still way below that. But I think the State should be commended for the efforts that have been made and that are being made.

We are trying to have a better literacy program. We are also trying a separate effort to deal with illiteracy in our State. If we are going to move forward in a positive way and a role in the national agenda, we are going to have to continue to focus on education and try to improve its quality.

Some of the provisions in this bill I like—I think the formula is better because I think the formula is written in such a way where States that have educational needs, high poverty levels like many sections in my State of Mississippi, would actually get a higher percentage of the funds.

I understand that 30 States lose under this formula, and 20 States gain. Mississippi is one that would have some gain. So, naturally, I think it is a little better. I think the important thing is how it is targeted. We should use this program to try to help get education to and improve education in areas where because of poverty, primarily, and other considerations, the educational level has not been up to the standards it should be.

I have always been a supporter of impact aid, the so-called H–74 funds. We have Federal installations in our State in certain communities, where those people do not actually live in the community. They live on the base, and they buy their supplies on the base. They, in other words, use the schools but do not contribute to the tax base in that community. So we have had the impact aid to try to address that for years and years and years. We do have funding for that authorized in this particular program.

So I think that we need to find ways to work out our disagreements on this legislation and move it forward. Let me talk a little bit about the situation we find ourselves in right now. What does invoking cloture mean? We have sort of, I think, lost sight of that. The majority leader complains that, well, he has to lay down a cloture motion on every bill that comes up now. I have noticed that many times—most times recently—before we even get to debate a bill, before one word is said, a cloture motion is laid down. Maybe that is the way it has evolved over the years. Maybe both sides have done that in recent years. But when you invoke cloture, you are saying that you are cutting off debate.

I think when you vote not to invoke cloture—if you vote not to cut off debate, you are not voting against a bill. You are saying, look, I want to know more about it, talk more about it, and I want to hear other Senators speak on it. I would like the opportunity to try to find a way to improve this bill. That is what is happening with GATT now, the General Agreement on Tariffs and Trade. We are having more time to consider it.

I do not think any one Senator, or the administration, should necessarily be criticized for that. What we are saying is: Look, let us take the 45 days and have hearings in the Commerce Committee and in other committees. Let us make sure we understand all that is in this massive new global trade agreement. I think it actually improves its chances of passing if, in fact, it is as good as the U.S. Trade Representative, Mickey Kantor, said it is. He did a very good job this morning before the Commerce Committee in making his case. I still have some questions. But the same is true here. We are not saying that we should not have, necessarily—or I am not saying we should not have—the Elementary and Secondary Education Act; I am saying there are problems with it. We need to talk about that and see if we can find ways to further improve it.

My mother taught school for 19 years, so I have always considered myself a product of education in our State. Unfortunately, she wound up having to move to another line of work because she could not make enough money teaching school. She wound up being a bookkeeper, a radio announcer, and several other things. I am a product of public education in my State of Mississippi. My own children went to public schools from kindergarten all the way through college. And I worked for the University of Mississippi for 2 years. I was a member of the Guidance Counselors Association. I know the significance of education.

I do not believe necessarily that the Federal Government has all the solutions to the needs of education in America, or my State, or any other State, for that matter. But on this bill, by not invoking cloture—or, in fact, by invoking cloture, but by having additional time to talk, we want the opportunity to raise some reservations and hopefully find a way to make some changes.

The second point I want to clarify is that there is this argument made, in effect, that once you pass a bill in the Senate—and this passed overwhelmingly—you have to support the conference report. I voted for this bill when it came through the Senate, and I think the vote was 93 to 6 or something; It was overwhelming—now the bill after conference is beyond our reach. We have had our chance, we have had our say, and now it has gone to conference: Goodbye. Well, in conference after conference after conference, whether it is the crime bill or the Elementary and Secondary Education Act, or the Lobbyist Disclosure

and Gift Ban Act, it goes off to conference and it is completely overhauled. It is significantly changed. In several instances, we have had these negotiations going on between the Democratic leaders on both sides, without including Republicans or without including people on their own side that do not agree with them. They have these negotiations and they cut a deal, and that is just inserted into the conference and it comes back to the Senate, and we are told: Well, we cannot amend it. You voted for it. You have to still be for it.

Yet, in this case, you see an example where a totally arrogant, out-of-control chairman from the other side just said: Look, this is in and this is out; I do not care whether this guy offered it or that lady offered it or whether it is a Democrat or Republican. If I do not like it, it is out of there. If I want to put it in, I will put it in.

When I first came to Congress, the way it sort of worked was that the Senate would pass a bill at one spending level, and the House would pass it at another level, usually one above the other, and you kind of split the difference, go between the two. And in one of those rare occasions this year on the crime bill, we saw that spending was not at the House level or the Senate level; it was above them both.

In the past, the general rule was, and the effort was, that something had to be in the House bill or in the Senate bill and you might mix the two, you might take one or the other. But now we have another deal. It does not make a difference whether it was in the House bill or in the Senate bill, either one of them at all. If we decide in conference, some chairman can just stick it in there. It may not have been in either bill. It may not be a marriage of anything that was in either one of the bills. So bills go off to the deep, dark hole of these conferences, and then they come back completely different bills, significantly overhauled, or those bills may have very little resemblance to what the Senate originally passed.

So I think when it is inferred that because you voted for it when it passed the Senate, you have to vote for the conference report, that is totally ridiculous. It depends on what is in the conference report. I think the conference rules or the conference conduct in more and more instances are being severely abused and violated. It does not make any difference if there was a prayer amendment that passed the Senate earlier this year, and in the House, overwhelmingly. No. If we do not like that, we will just change it. That is the way it happens in the conference now.

So at the last part of the session in what supposedly will be the last week, in instance after instance, a bad conference report is brought back to the Senate and we are told: Take it or be obstructionists. I say that is ludicrous. I am going to look at it and weigh it. Most every bill has some good and some bad and you are faced with the choice: Is there enough good to offset the bad? It is one of the unfortunate things about legislating. You never get 100 percent of what you want, so you try to get as much as you can. In many instances, there is a point or two that outweighs a lot of good in the bill.

So I want to just completely debunk the idea of conferences where autocratic, arrogant chairmen basically almost write these conferences in longhand, without consulting anybody, without considering the votes in either body. We should not tolerate that.

Now the argument is made: What do you want us to do? Maybe you are right; maybe on this point or that point, the conference made a mistake.

But if we change it, it has to go back to the House. It has to go back to conference. So what? That is the way it works.

I have been in the House and the Senate for several years, and I have seen bills bounce back and forth like a tennis ball. The House will make a change and send it back to the Senate. The Senate will throw that change out, maybe put another change in there, and kick it back to the House. We can do it.

The argument is made, an argument that I might make sometimes, "Hey, time is short. We cannot keep doing it."

I have seen miracles work in the last hours of the session. I have seen bills go back and forth you would think they were being electronically communicated, and not carried by hand.

We should change these conference reports when we feel like a change should be made. We should be able to offer an amendment, or we should be able to stop a conference report and insist on some changes. And the leaders can always work that out.

So again the fear that it might have to go back to the House is not well founded. For one thing, the House has a Rules Committee. If they do not want additional amendments, if they want to limit the time of debate, if they do not want to make a change, or if they do, they just protect it with the Rules Committee.

We do not have that, but we do have a very powerful instrument. It is called unanimous consent. It is amazing to me the things we can get agreed to in this body by unanimous consent when we get tired enough.

This leads me, also, to comment just briefly on another bill that we will be considering later on today, and that is the lobbyist disclosure bill. That is another example where we are presented with a fait accompli.

Most Senators are perfectly prepared to vote for the gift ban—part of it or all of it. Most Senators do not have great problems with most of the lobbyist disclosure.

But when these bills come back, when you start reading them, very often you find there are problems. There are little rotten eggs hidden away in these conference reports, and questions are raised in this case of lobbyist disclosure. We see now there is language in the conference report that is very ambiguous, very unclear. Would it mean this or something else? Would some Federal bureaucrat be able to make a decision that maybe in some way our constituents would be limited in how they could petition their Government, how they can contact their Congressmen and Senators? Would it mean that individuals who sent $50 to an association or an organization that is fighting a piece of legislation, would they then have to have their names reported, their names and addresses, and how much they gave?

People are worried about that. The argument against changing that is, well, again it will have to go back to the House. It is even argued we can address that question with language in the debate. We can respond to those questions.

My argument is if there is an ambiguity and it is not clear what it means, then let us clear it up. Let us make sure that some bureaucrat cannot come up with a system that clearly has a chilling effect on people's ability and, in fact, their right and responsibility to contact their Congressmen and Senators.

These are questions not being raised just by conservative religious groups but by the ACLU and people at both ends of the philosophical spectrum. They are saying, "Oh, wait. We do not want those provisions and do not think we should have to reveal our supporters. In fact, it is a violation of the Constitution that we have to reveal all the people who might be involved in the process of dealing with legislation or fighting legislation."

So here again I think it relates to the Elementary and Secondary Education Act in that we have a problem and we can fix it. We can fix it by unanimous consent. We can make clear what our intent is, and the House will surely accept that because they had a very, very close vote on the rule on this same point in the House. In fact, I think the vote was like 215 to 206, and they got it through after only keeping the voting time open for an extended period of time so that Members of the House could change their vote. So there is strong support for clearing up this question about what has to be revealed and would it have a chilling effect and would people be limited in how they could, in effect, lobby their Congressmen and Senators.

You know this word "lobbyists" seems to scare a lot of people. Then I ask myself who are they? Maybe it is a

big special interest group. Maybe it is a group representing companies or labor unions. But lobbyists can also be nurses. Lobbyists can also be small business men and women. A lobbyist can be just the average Joe out there on the street who wants to express himself or express herself by association with the National Federation of Independent Businesses; for example, as a way to amplify their voice.

I think we should not be taking actions that would limit that. But again we can fix that problem if we just make up our minds to do it.

Madam President, earlier this week there was a joint press conference by two former Secretaries of Education, former Secretary of Education William J. Bennett and former Secretary Lamar Alexander, talking about their concern about this bill. I would like to read a part of what they said in that press conference, and I ask unanimous consent at this point to print in the RECORD the letter of September 30 that they sent to all Senators.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMPOWER AMERICA,
Washington, DC, September 30, 1994.

DEAR SENATOR: Earlier today, the House accepted the conference report on the Elementary and Secondary Education Act (H.R. 6). Next week, you will consider the same report.

A lot is at stake in this debate. And as secretaries of education for Presidents Reagan and Bush, we want our views on this issue to be clear and emphatic: H.R. 6 is the kind of pernicious legislation which, if it is enacted, will make American education worse, not better. H.R. 6 is hostile to the best reform ideas in education; overly regulatory and intrusive; imposes new federal controls on states and localities; and is morally obtuse. In many ways, it embodies the worst and most arrogant tendencies we see in modern legislation: the kind of "Washington-knows-best" thinking which has contributed to the worst decline in the history of American education.

We are convinced that America's parents and children would be better served if the 103rd Congress were to allow this bill to die, extend present laws for a year, and start over again in 1995. At the very least, we would urge Congress to recommit the bill to conference for substantial revision. Here are some of our reasons:

The bill is more than a thousand pages long. It contains much mischief that was inserted behind closed doors and has not been exposed to the sunlight. It is a safe bet that virtually nobody voting on the conference report will actually have read the final text, and the country has had no time to examine its myriad provisions. Only a few staffers and lobbyists really know what's in it or how it will work. For example, how will Congress explain what its jury-rigged Title 1 formula will actually do to particular state and local budges in "out-years", or how it interacts with other measures, especially the new "Goals 2000" program?

Every state and community in the land is affected. This bill authorizes more than $12 billion a year in federal spending. That's enough to force state and local officials to follow its dictates, even when state and local officials know better. And that means the content of this bill needs the closest public scrutiny before it takes effect. Killing this version doesn't mean that federal education aid vanishes; it simply means that the current law is extended for another year.

The bill is the quintessence of top-down, big government, "Washington-knows-best" thinking. It tightens myriad federal controls and imposes new ones on what states and localities can do with their schools. It is totally "producer-centered," favoring the education establishment, giving money and power to school administrators, not to parents, not to governors and legislators, not to mayors, not to teachers—in other words, not to those actually involved in educating the young.

Other than a bit of lip service, it's oblivious—or worse—to the most promising reform ideas that are percolating in American education: choice, charter schools, privatization and decentralization, among other things.

H.R. 6 deals with accountability in a perverse way, essentially making schools (and school systems) accountable to Washington for compliance with regulations and with a new federally-imposed version of "outcome-based education" that applies—for now—to disadvantaged children. Schools will be even less accountable to their consumers, their communities and their states than is the case today.

The bill mandates the kinds of federally-approved "standards" that Goals 2000 said would be voluntary. Only with those approved "content" and "student performance" standards in place can a state or community get its federal aid. Although language having to do with input standards (today's trendy term is "opportunity to learn") was softened in conference, the bill takes a giant step toward reviving the legitimacy—and federal supervision—of criteria that judge schools by their spending levels, pupil-teacher ratios, and suchlike, instead of their effectiveness. And since Goals 2000 authorized the Education Department to develop national "opportunity to learn" standards, we can expect that these will soon exist—and will be used.

By mandating "state plans" that are based on federally-approved standards, this bill moves the new National Education Standards and Improvement Council (NESIC) ever closer to becoming the "national school board" that critics warned of when Goals 2000 was enacted. This means that Tennessee, for example, no longer has the final say over what young Tennesseeans will learn in school. If H.R. 6 is enacted, that power shifts to Washington—unless, of course, Tennessee wants to forfeit its federal aid.

Incorporated into this bill is something called the "Gender Equity Act," which—among many provisions—mandates training for teachers in gender "sensitivity" and "gender equitable teaching and learning practices." Senator Nancy Kassebaum tried to get this dropped in conference, noting the spurious "research" on which the whole concept is based, but she was outvoted.

Though conferees agreed to ban the use of federal funds for education programs that "directly promote sexual activity," they refused to deny funds to schools that distribute instructional material portraying homosexuality as an acceptable lifestyle. Hypocrisy and political correctness characterize much of this bill: evidently it is fine with the conferees to force schools to practice "gender equity," but it is not okay to discourage them from promoting "alternative" lifestyles. This, of course, is precisely why Washington should not even be trying to make education decisions for America's schools.

Also lost in conference was the "Johnson-Duncan" language denying federal aid to school systems that bar "constitutionally protected" prayer. Instead, "compromise" language was agreed to that cuts off funds only if a federal court finds that a court order allowing such prayer has been "willfully violated." As the Christian Coalition rightly observes, that language "places such hurdles on aggrieved individuals whose constitutional rights to school prayer have been violated that for all intents and purposes it is meaningless."

The bill constitutes a huge windfall for colleges of education. Not only will they get hundreds of millions in new "professional development" funds under the totally-overhauled "Eisenhower program," but they also get additional bonuses as well. (For example: a requirement that schools whose disadvantaged students score below average must spend 10 percent of their Title 1 grant—or equivalent sums—on, yes, "professional development.")

The heretofore-independent National Assessment Governing Board will henceforth have its members chosen by education interest groups. (Up to now the board has functioned as its own nominating committee.) Within a year or two, that will turn the country's most important and sensitive testing program into an appendage of the school establishment and the federal bureaucracy, which has already made clear its intention of "race norming" the test scores and probing families for sensitive information.

Two years ago, when a bad, big government, "Washington-knows-best" education bill was nearing the end of its trip across Capitol Hill, Senators who saw its folly were able to stop it. That is what should happen now. The country has minimal regard—and rightly so—for those who rationalize the enactment of a bad bill by saying, "It could have been worse."

Even senior officials in the Clinton Administration recognize that the whole approach embodied in H.R. 6 is mistaken. O.M.B. director-designate Alice M. Rivlin, for example, recently wrote a Brookings book arguing that Washington should get out of elementary/secondary education altogether. "The federal government," she observed, "is not well suited to take responsibility for improving education. . . . These are functions of government that require experimentation, adaptation to local conditions, accountability of on-the-scene officials, and community participation and support."

We agree. That's why H.R. 6 should perish. To reiterate: current education laws should be extended for a year so as to give the President, the Congress and the country a chance to start afresh in 1995. Then—following Dr. Rivlin's advice—we should put states and localities back in the education driver's seat. Insofar as the federal government retains any role, it should focus on parental choices, deregulation of the classroom, the acquisition of essential skills and knowledge, and good, objective tests that tell us how the country is doing. The time has come to turn this train around. Anyone who needs evidence that today it is heading in the wrong direction should take a look at this fundamentally flawed bill.

Sincerely,

LAMAR ALEXANDER.
WILLIAM J. BENNETT.

Mr. LOTT. Madam President, this is from a press conference, and these views sum up the position of these I believe very respected gentlemen, authors, leaders. Lamar Alexander certainly has established a very credible, respected record as a Governor of the State of Tennessee, as a former Senate staff member, as a president of the University of Tennessee system, and as Secretary of Education. He has a very respected record in the area of education. He is a very innovative thinker, and he is not one who would easily criticize an education bill, certainly not the Elementary and Secondary Education Act, an area in which he put a lot of time and work when he was Secretary of Education. But these leaders begin to raise a lot of questions that people are interested in and that I am hearing about back in my own State.

There were some good provisions in the Senate bill that were taken out, for instance. I believe that it might have been Senator COATS, but others offered an amendment with regard to violence in schools. Almost every day now in my State of Mississippi it is hard to believe, but in my own State of Mississippi there is violence in our schools, in our high schools, and our junior high schools. And in Jackson, MS, students are assaulted, students are shot, students are stabbed in the schools. What have we come to?

I remember when I was in high school most of us were afraid of being caught chewing gum or running in the hall. Nobody thought about buying and selling drugs on the school premises. Nobody thought about even smoking cigarettes on the school premises. Nobody thought about carrying a gun or getting stabbed. Nobody was afraid to go to school.

Now it is an every day occurrence and on the front page of the Jackson, MS, newspaper.

So there was some language in the bill when it passed the Senate that would help our schools deal with this problem of violence in schools.

That language was knocked out summarily, inexplicably, just knocked out in conference, because Chairman BILL FORD, I guess, did not like it. I do not know. How do I explain that?

I had to meet with students from Sardis, MS, that came to my office about 10 strong, and one of the young women in the group looked up at me with tears in her eyes and said, "We are scared to go to school. What can we do about violence and guns in our school?" That is in Sardis, MS, a community of maybe—I do not know—maybe 2,000 people. The school there is a consolidated school now, so they probably have pretty good attendance there.

Yet we finally get a little provision that is not going to break the bank but it is not going to solve the problem either. It is an effort. It is a start. They took it out of conference. Why? I would like for someone to explain that before we have another vote on this issue.

And then another area that really bothers me is that provisions were knocked out that allowed more choice in how education is conducted at the local level. It imposes more Federal bureaucracy and standards. A lot of what was supposed to be voluntary in the Goals 2000 is mandated under this bill.

Senator DANFORTH from Missouri had an amendment that said on an experimental basis—I do not remember exactly how many areas where it would be applicable—that schools could try gender-based education. Is there something fundamentally wrong with having all-girls classes or all-boys classes? I do not know. Maybe that is not the way to go. Maybe there are problems with it. But give it a shot. Let the local schools try it. Why not? I do not understand that.

So there are so many things that we had in this bill that were good things that disappeared.

Let me read some of the reservations that are pointed out in this letter from former Secretary Bennett and former Secretary Alexander. It says:

H.R. 6 is hostile to the best reform ideas in education; overly regulatory and intrusive; imposes new Federal controls on States and localities; and is morally obtuse. In many ways, it embodies the worst and most arrogant tendencies we see in modern legislation: The kind of "Washington-knows-best" thinking which has contributed to the worst decline in the history of American education.

We are convinced that America's parents and children would be better served if the 103rd Congress were to allow this bill to die, extend present laws for a year, and start over again in 1995. At the very least, we would urge Congress to recommit the bill to conference for substantial revision. Here are some of our reasons:

The bill is more than a thousand pages long.

It is something that you can go over—and I have been looking through a copy of the bill that is on my desk—but it is pretty hard to get through 1,000 pages, let alone understand all that is done here. It is a major problem with the way we legislate.

A lot of things can be put in a bill like this at the last minute and you never know about it until years later. Because, even if you read it, sometimes it refers back to another law. And if you are going to understand it, you have to read this passage and go back to the previous law and see how it relates to this one. So it is 1,000 pages long.

Reading further, their communication to the Senate said:

It contains much mischief that was inserted behind closed doors and has not been exposed to the sunlight. It is a safe bet that virtually nobody voting on the conference report will actually have read the final text, and the country has had no time to examine its myriad provisions. Only a few staffers and lobbyists really know what's in it or how it will work. For example, how will Congress explain what its jury-rigged Title 1 formula will actually do to particular state and local budgets in "out-years", or how it interacts with other measures, especially the new "Goals 2000" program?

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And we have done that sort of thing in the past.

The bill is the quintessence of top-down, big government, "Washington-knows-best" thinking. It tightens myriad federal controls and imposes new ones on what states and localities can do with their schools. It is totally "producer-centered," favoring the education establishment, giving money and power to school administrators, not to parents, not to governors and legislators, not to mayors, not to teachers—in other words, not to those actually involved in educating the young.

Other than a bit of lip service, it's oblivious—or worse—to the most promising reform ideas that are percolating in American education; choice, charter schools, privatization and decentralization, among other things.

We saw on the news in the last couple of days where a school system in Connecticut has hired a private company to run their school. I do not know whether that is a good idea. I do not know how it would work, but certainly we ought to see how it works. Maybe it will save some money. Maybe it will improve education. That is the type of innovative thinking that is happening at the State and local level, and I want to make sure at the Federal level we do not stop that or undermine it.

Back to the letter now:

H.R. 6 deals with accountability in a perverse way, essentially making schools (and school systems) accountable to Washington for compliance with regulations and with a new federally-imposed version of "outcome-based education" that applies—for now—to disadvantaged children. Schools will be even less accountable to their consumers, their communities and their states than is the case today.

The bill mandates the kinds of federally-approved "standards" that Goals 2000 said would be voluntary. Only with those approved "content" and "student performance" standards in place can a state or community get its federal aid. Although language having to do with input standards (today's trendy term is "opportunity to learn") was softened in conference, the bill takes a giant step toward reviving the legitimacy—and federal supervision—of criteria that judge schools by their spending levels, pupil-teacher ratios, and such like, instead of their effectiveness.

I think the most I ever learned in any school was when I was in the second, third, and fourth grades at Duck Hill, MS. I still remember the names of my three teachers. They were great.

They made us work hard. But they really dealt with us on an individual basis.

As I recall, our classes were rather large. We had six grades and we had six rooms in the school building, three on each floor. So they did not meet the pupil-teacher ratio. They would not meet the spending levels that are called for in this bill. And yet, they did the best job of any teachers I ever had. Their effectiveness is what we should measure. They were not paid well. They had too many students. The old building was about to fall down, had lots of problems.

So I worry about these mandates and these formulas that can be used to determine whether or not a school system gets Federal aid.

And since Goals 2000 authorized the Education Department to develop national "opportunity to learn" standards, we can expect that these will soon exist—and will be used.

By mandating "state plans" that are based on federally approved standards, this bill moves the new National Education Standards and Improvement Council (NESIC) ever closer to becoming the "national school board" that critics warned of when Goals 2000 was enacted. This means that Tennessee, for example, no longer has the final say over what young Tennesseans will learn in school. If H.R. 6 is enacted, that power shifts to Washington—unless, of course, Tennessee wants to forfeit its federal aid.

Incorporated into the bill is something called the "Gender Equity Act," which—among many provisions—mandates training for teachers in gender "sensitivity" and "gender equitable teaching and learning practices." Senator Nancy Kassebaum tried to get this dropped in conference, noting the spurious "research" on which the whole concept is based, but she was outvoted.

Though conferees agreed to ban the use of federal funds for education programs that "directly promote sexual activity," they refused to deny funds to schools that distribute instructional material portraying homosexuality as an acceptable lifestyle. Hypocrisy and political correctness characterize much of this bill: evidently it is fine with the conferees to force schools to practice "gender equity," but it is not okay to discourage them from promoting "alternative" lifestyles. This, of course, is precisely why Washington should not even be trying to make education decisions for America's schools.

Also lost in conference was the "Johnson-Duncan" language denying federal aid to school systems that bar "constitutionally protected" prayer.

And, of course, we have had that debate here in the Senate several times in recent months.

Instead, "compromise" language was agreed to that cuts off funds only if a federal court finds that a court order allowing such prayer has been "willfully violated." As the Christian Coalition rightly observes, that language "places such hurdles on aggrieved individuals whose constitutional rights to school prayer have been violated that for all intents and purposes it is meaningless."

That is exactly what was intended.

Even though the House and Senate have both voted by large margins in the last year on this legislation to have language that allows voluntary prayer led by the students in schools, this language really is intended to be meaningless and to be frank, not allow for prayer to be offered in the schools like we had in Jackson, MS, at Wingfield High School.

The bill constitutes a huge windfall for colleges of education. Not only will they get hundreds of millions of dollars in new "professional development" funds under the totally overhauled Eisenhower Program, but they also get additional bonuses as well. For example, a requirement that schools whose disadvantaged students score below average must spend 10 percent of their title I grant—or equivalent sums—on, yes, professional development.

The money is not spent directly on the students that are in the title I Program.

So, I have included the entire letter in the RECORD. I just wanted to list the points that they have made here and urge my colleagues to read them over and think about the points that are raised by these very distinguished former Secretaries of Education.

One of my major problems with this education bill this year is that it did take out or change very important provisions. That particularly is true with regard to prayer in schools. The numbers are overwhelming in my State and, I think, across the country of people who think we should allow voluntary prayer, certainly one that is written by the students, proposed by the students, urged by the students, delivered in such a way that nobody is offended or in jeopardy.

We do it here in the Senate. Right over the back of that door as we go out of the Chamber it says, "In God We Trust." On the front of the Chamber in the House, right over the Speaker's chair, "In God We Trust."

Every day we open with prayer in the Senate and in the House. Maybe it is a Jewish rabbi, maybe it is a Greek Orthodox priest, maybe it is a Baptist preacher, maybe it is a Methodist minister, but we do it every day. We say our students cannot do it. I do not understand that.

We have had vote after vote after vote on that issue over the past year:

February 3, 1994, the Senate voted 75 to 22 in favor of the Helms-Lott school prayer language as an amendment to H.R. 1804, the Goals 2000 bill. The House voted 367 to 55 for the same language, to instruct the House conferees on the Goals 2000 bill to accept that language. On March 17, 1994, the House and Senate Goals 2000 conferees dropped the language altogether. Even though the Senate had voted for it 75 to 22 and the House had voted overwhelmingly to instruct their conferees to include it, the conference threw it out.

On March 21 of this year the House voted 345 to 64, to add language identical to the Helms-Lott language, and I referred to it by its sponsors in the House earlier as an amendment to this bill, H.R. 6, the Elementary and Secondary Education Reauthorization Act. That vote came after the House voted 171 to 239 to reject Representative Pat Williams' attempt to add a "do nothing" language amendment to the bill. So the House, on March 21, voted overwhelmingly, over 3 to 1, to add the language that I am advocating to this bill—not to some other bill, to this bill—and rejected the language of the Representative from Montana, Representative WILLIAMS, that basically is now the language we have in the bill, or close to it, to render it meaningless. That is what he wanted to accomplish, but he failed.

On March 23, the House voted 232 to 195 not to recommit the Goals 2000 bill and to insist that the bill include the school prayer amendment.

March 25, the Senate voted 62 to 23, just before Easter, to invoke cloture to cut off the effort to put the prayer amendment back in Goals 2000 after it had been knocked out in conference.

July 27, the Senate voted 43 to 57 on H.R. 6, this bill, against the amendment that would have put the school prayer language I am supporting into this bill.

The House voted 369 to 55, on September 20, to instruct the House conferees to include the language.

Finally, on September 30, the House voted 215 to 184 to recommit the conference report on H.R. 6 in order to have this important prayer language included.

I read all this just to point out this is not something that just happened. We did not just bring this up today on this conference report. We have voted repeatedly in the House and the Senate throughout this year, with the House insisting by wide margins every time to include the prayer language. The Senate did vote not to put it in, in July. But at least 43 Senators—and at one point 75—have voted to put this prayer language in the bill. Yet when we had a key amendment earlier here today on whether or not we were serious about insisting on having the prayer language in this bill, a lot of Senators who voted for it earlier, some Senators who are even talking about it in their campaigns, switched and went the other way.

So make no mistake about it. This debate involves a lot of things. But one of the linchpins is whether or not we are going to have language that allows our students, our children, to have prayer in schools. That is what it is all about. That is why a number of us voted against invoking cloture, because we think this is an important enough issue we should have it discussed further and we should have it in the legislation.

To teach in our schools right from wrong, to allow reference to the Bible,

to have prayer, I do not think it will solve all of our problems but I think it will help. Maybe it would help. Should we not be able to make that decision at our local levels? I think we should. Here is what the language we have had included earlier, and we are still trying to have included, says. It is not that scary.

Notwithstanding any provision of law, no funds made available through the Department of Education under this Act or any other Act shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

It says we cannot use these funds to require prayer or what is in the prayer, form or content. It just says that schools will allow students to participate in constitutionally protected prayer.

I have told the story before in the Senate but I will repeat it because I think it is worth repeating. Last year the students at Wingfield High School, in Jackson, MS, decided they wanted to have a prayer read over the PA system. The President of the senior class, or the student body—a young lady—read a prayer over the PA system that said, basically, "Oh Lord, we ask that You bless our country, our schools, and our parents. In Your name we ask. Amen." Something about like that. Not exactly those words.

The principal, an African-American principal named Bishop Knox, supported the students' right to do that; allowed them to do it. And he lost his job. He was removed by the school board. They said, "Oh, my goodness, you could put us in violation of Federal court decisions. You should not have done that."

The students started going on strikes and standing up for a principal who stood up for them; a principal who stood for principle, that is a unique idea.

In the end, he is going to get his job back with back pay, in a preliminary ruling of a judge. It may be appealed. But I ask you, what was wrong with that? Why should the students not be allowed to do that? Why should the principal not allow the students to do that? Why should his job be in jeopardy?

The language in this bill, though, shifts the burden. Say we want students to be allowed to do that, the presumption, the burden is sort of on the school board and the principal and the school officials and the parents and everybody to explain why they cannot do it. The language in the bill turns that around. The pressure is going to be not to do it. That is the intent.

So, I think this is a mistake. It is something our people feel very strongly about, and I think it should be included in this legislation.

Madam President, I do not have much more to offer at this time.

There are three points I would like to make in conclusion. One, I think we need to remember that up until I think it was maybe 1964, but during the 1960's, we had no, none, zero, Federal aid for education. And yet, over the last 30 years, we have seen a steady funding of Federal assistance to State and local education. It has been basically rising every year.

Now, I support Federal aid to education. Unlike some of my constituents, I think clearly we have a role. There are some places where we can help, where States and local governments just do not have the ability financially or for other reasons. I do think we need Federal financial aid for higher education—loans, grants, scholarship programs, work study programs. I think they are certainly a good investment in our future. I have already pointed out that I support funds for impact aid in communities that have Federal installations that impact those schools without the tax base revenue.

I believe programs for children that need special help in reading, arithmetic, compensatory education, are worthwhile; gifted and talented programs so that our students that are exceptionally talented can have an opportunity to take some classes beyond sort of the lowest common denominator. Those are all programs which I think are worthwhile.

However, one thing which continues to baffle me is that every year since the 1960's, we have spent more money for education and the test scores have been sliding all the time. Our students seem to be learning less. When I hire young students now, some of them out of college, they do not know good grammar. They say, "Him and me went to the movie." What? "Him and me went to the movie."

What is happening? I am not going to rely on the old classic argument that what we need to do is go back to the basics, but I think it is a good argument and I think we need to do more of it. I think education would be a lot better. I think our students would be better. Yes, we need Federal contribution to education. But I think we should question why we are not getting better results for what we have invested.

My second point is, as is always the case in a bill like this, you have a number of programs included that cost millions, maybe billions, of dollars and you really just have to question whether or not that is the way you want your money to be spent. Programs going into video programming for preschool children, maybe that will help, maybe it is good, but there is a lot of money in this bill for that.

Grants for correctional facilities. I wonder if we could not make a better investment of our education money than to put it in the correctional facilities—in not just one area. They have it in two different areas.

There is language in here which says Federal education spending shall take up to 10 percent of the Federal budget. Well, I ask, why? Maybe not quite that much. Maybe we should spend more. But if it is 10 percent, it would be $150 billion, and if we did that over a 5-year period, that would cause certainly a lot of disruptions in other areas. We would have to make some tough choices. That is OK. That is what we are here for. But I just wonder if we want to make that kind of commitment at this time.

It also creates the 156th Federal job training program. We have 155 job training programs paid for, sponsored by the Federal Government. Job training programs, great. We need that. But I think it is again Senator KASSEBAUM who has made the point: We need to consolidate these programs and get rid of the overlap. Stop the competition, if you will, between the job training programs. Let us focus on what can best be done and let us do it and probably do a better job for less. But we have the 156th Federal job training program as a result of this bill.

These are some principles I hope we will consider with this legislation—three of them. I hope Congress will preserve State and local authority over these key areas and not try to take it over by the Federal Government. First, preserve local and State authority over standards or curriculum content and student performance. I just do not think it can be dictated from Washington. I just do not believe some person sitting down here in the Department of Education in Washington can know what is best in the area of curriculum all over this country. I think that should be decided at the local level, by the teachers and by the students and by the parents and by the administrators without being dictated by the Federal Government.

I think Congress should preserve for the State and local governments authority over student assessment, including how testing results are used by States and localities. I just do not think, again, that what is in tests and how they are conducted and how the scores are used should be mandated from the Federal level. But in this bill, they certainly will make an effort.

I think that Congress should protect State and local authority over the resources that States and communities spend on education and over the school and classroom processes that provide students with an opportunity to learn.

Think about that. Is it asking too much to allow the people at the local level to have the authority and the control over the resources that States and communities spend on education

and not try to mandate that they have to meet some Federal process of determining how the opportunity to learn will be run?

Those are the areas that really bother me about this bill. There is some good. And in the end, I plan to vote for it. But I think we should raise the points about the excesses of this legislation, the Federal mandates, the fact that the prayer language is not in there, and the fact that there is some spending in this legislation which could be better used in other areas. I hope we will make some changes before we pass the final legislation. If we do not, I fear we will continue to spend more but get less in results from our students.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, first let me acknowledge my appreciation to the Senator from Mississippi for his courtesy in permitting me to have the floor for a few minutes. I rise in support of the conference report on the Improving America's Schools Act. I think it is one of the most important pieces of legislation that we have dealt with during the course of this Congress.

Although there may be some portions with which some of us may have some differences and probably would have wished to change a bit, but overall I think it moves us strongly forward as far as improving the elementary and secondary education system of this country.

Surely no issue is more important to the future of our Nation than the education of our children. This measure represents the commitment of the Federal Government to helping our Nation's elementary and secondary schools revitalize and improve.

Since 1965, the heart of this effort has been the title I program which provides help to schools to improve the achievement of disadvantaged children. The bill makes a number of important changes in this program, including a new emphasis on ensuring that participating students are taught to the same high standards as other children, so that they will have the opportunity to obtain the advanced skills they will need to succeed in life.

The legislation also recognizes that the involvement of parents is key to student success and incorporates a number of new provisions designed to strengthen the parent involvement requirements of the title I program. I am pleased that the conference report includes several of my proposals in this area.

The conference report also includes important new initiatives to assist schools in their efforts to provide professional development for teachers, upgrade their technology, prevent violence, and improve their facilities.

I am of course very pleased that the conference report incorporates S. 996, legislation which I introduced regarding disclosure requirements for educational programs.

The disclosure provisions will improve the quality and type of information students and their families receive before paying to participate in Government study programs and other types of educational programs which are offered to young people for a fee.

My legislation will require the groups running these programs to disclose honestly how students are recruited and what their money will go for. These requirements will ensure that students and their families have the facts they need to make an informed decision before spending their hard earned money for an education program.

I have been concerned for some time about the recruiting and marketing techniques employed by some of those who bring students to Washington for Government study programs—organizations that send out letters to young people and say to the young people, "You have been chosen, you can come to Washington and you can participate in a congressional youth conference," and give sort of an official feeling about it.

One group that has done that has been the Congressional Youth Leadership Council. At one point, the Senator from Kansas, Senator DOLE, had raised some questions about the manner in which they operated, and I have also raised some questions. I am pleased to say that they have moved in the right direction. Maybe not quite as far as I would have hoped they might move, but I think that they have taken some action in response to the concerns that I had previously expressed, and that the minority leader had expressed.

So I think we have made some headway, not quite as much as I would have hoped, and I hope that in the future the Congressional Youth Leadership Council, and other organizations that bring young people in will tell them exactly how they have been selected, and will see to it that there is full disclosure of any profitmaking aspects of their conduct.

But I do say that the CYLC has taken some steps in the right direction.

Let me speak about another part of the bill that reflects really the most determined effort that I have made in connection with any bill for a long period of time. This Senator has been disturbed about the fact that when young black children are up for adoption, some black social workers in this country, as a policy matter, have opposed transracial adoptions for these children because the social workers believe that somehow such adoptions would adversely affect the child's ability to be proud of his of her heritage and the history of blacks in this country and in the world.

Neither I nor any other right-thinking person I know would want to do that. Every race, color, or ethnic group has value and should look back to its ancestors with a source of pride.

But that does not mean that when a black child comes up for adoption that somebody should stand in the way of that child being adopted by a white family if the white family is fully capable, and in a position to provide loving care and wholesome guidance for that young person, and there is not a black family of equally capable characteristics also wanting to adopt that black child.

Let me make my position clear: If there is a white family and a black family that want to adopt the black child and they are equal in all respects, then the black family ought to have preference. But time and time and time again social workers of this country, as a policy matter, have opposed transracial and multiethnic adoptions. As a consequence, children have been sent from this foster home to that foster home, from this group home to that group home, and remain in foster care limbo. When the foster care ends in a particular State, no matter what age the child might be, the child is then homeless and out on the street. I do not have to tell you what happens.

So I said we cannot permit this kind of discrimination to occur. I introduced a bill with Senator CAROL MOSELEY-BRAUN to put an end to such discriminatory policies. We held hearings and passed it out of committee. We then sent the bill to the floor. I must say that I not only had my transracial bill added as an amendment that is on this education bill—I also added my bill as an amendment to the minority health bill that is presently in conference with Congressman WAXMAN, who is very supportive of our concerns. I did all these amendments and work because I wanted to be sure before I left this body, which I will be doing shortly, that we addressed ourselves to this issue and did not walk away from it and all the many children who need our help.

When my bill went to the House, some changes were made that the Department of Health and Human Services concluded were necessary to make the bill pass constitutional muster and to get the job done better. It is with some regret that I acknowledge the fact that one of the groups that has been most supportive of the bill as originally introduced, the National Council for Adoption, and was kind enough to present me with an award some months ago, felt that the changes that were made by the House did some damage to the legislation and as such this organization changed from being supporters to opponents. I cannot tell you how sad I feel about that.

However, I do not agree with their conclusion that the House and HHS changes weaken my bill. I believe that Donna Shalala, the Secretary of HHS,

and those who are working at that agency, are determined to enforce my bill and to make it possible and easier for black children to be adopted by white families if there is not a black family of equal characteristics and stature available.

If HHS does not, I say to you that as a private citizen I will raise all kinds of problems if this act does not work by reason of the HHS failure to or incorrect implementation of it. I will not sit silently on the sidelines. I have been assured in every way possible that this administration will see to it that the bill works in accordance with the intent of this Senator and so many others who are supportive of it. I am proud of the fact that Marian Wright Edelman of the Children's Defense Fund, the National Child Welfare League, the ACLU, and Adoptive Families of America, all strongly support this bill. But I want to be certain and will monitor the situation to see to it that this bill works in a way that I originally intended it to work.

I want to say that I attached my transracial adoption bill to just about every single piece of legislation or conference report that was pending in the Senate, I was determined that I would not leave the Senate before the bill was passed by the House and Senate. I have no doubt that the President will now sign the bill because he publicly and strongly endorsed the bill and addressed the very concerns that I have expressed here in these short remarks.

We would not be where we are today had it not been for the devoted effort of Gail Laster who worked so closely with me with respect to the transracial adoption bill, and Cheryl Birdsall, who worked so diligently and continues to work diligently with respect to all issues having to do with education.

Madam President, it is one of the proudest moments of my Senate career that I had a part in making transracial adoptions to be permitted and fought for, and in making it illegal to stand in the way of a transracial adoption just because some social workers have a policy objection to them. I support adoptions of all kinds, for all children, and I am a very happy man.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Who seeks recognition?

Mr. HARKIN. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I listened to the comments of the distinguished Senator from Mississippi. I must say I find myself in agreement with many of them. As one who does not serve on the committee, I find it sometimes very difficult to have input on what is really happening out in the streets and communities with respect to education. But I rise now to support particularly the chapter 1 formula in the H.R. 6 conference report which reauthorizes the Elementary and Secondary Education Act.

I want to particularly thank the committee, the committee staff, the chairman, Mr. KENNEDY, and others who have at least been responsive to my concerns as best they could be because during the last 2 years I have tried very hard to participate in the chapter 1 debate. I think you know how important the chapter 1 formula is to States and particularly to my State, California, and many other States that have not received their Federal fair share in the past.

While it does not represent as much change as I supported, the new formula I believe is a clear improvement over current law and will provide more funds where they are most needed and help the overburdened school systems in high-growth States like California.

One of the things that we must all come to grips with as discretionary funds decrease and demand for domestic spending increases is that it is critical the dollars really go where the need is. I think we all have to become less parochial and more involved in where the need is if we are really going to improve public education throughout this great country.

I think it is widely known that the existing chapter 1 formula is unfair and ineffective, especially for the high growth States of this Nation such as California, where the population of poor children grew 38 percent between 1980 and 1990. The current formula provides different amounts of funds to poor children depending on where they live rather than treating all poor children equally for the purposes of the distribution of these funds.

The current formula spreads funds to so many school districts with very low levels of poverty that it undercuts the effectiveness of the program in high poverty areas. Most importantly, the current formula uses outdated poverty data to distribute funds to States long after students have moved to the other places. That is one of the basic problems.

I have introduced legislation called the Poverty Data Improvement Act which is very simple. It says that every 2 years the formula allocations shall be recalculated based on up-to-date census data, so that dollars can follow where the children are. A modified version of this requirement is included in the new chapter 1 formula, as I will describe later.

While I pushed for even more substantial revisions, it is important to note that the new formula does contain several beneficial reforms, and I am grateful for them. After the first year, key new provisions will be phased in, including more targeting of funds to high poverty areas, and the use of updated poverty data.

Beginning in 1996, instead of sending funds to State and school districts with very low levels of poverty, the new formula will distribute a growing share of funds to the most poverty stricken States and schools in the Nation. That is after all the way it should be. Every year thereafter the most high poverty schools can receive more of the funds that they desperately need to help their children succeed in school and in life.

Beginning in 1997, instead of relying on decade-old census data, the new formula approved in the ESEA conference report will also use updated poverty data. As a result, States with growing numbers of poor children will not have to wait until after the next census is released in order to have their allocation increased.

The new formula means that California schools—with over 5 million students—can finally have hope of receiving the fair share of chapter 1 funds, which has been denied in the past. Each year under the new formula, the benefits will become more and more apparent, as changes are phased in and California receives a larger share of chapter 1 funds.

In fiscal year 1995, the last year in which the current funds formula will be used, California will receive an estimated $729 million in chapter 1 funds, up $35 million from the prior year, based on an appropriations level of $6.7 billion. I support this increase in chapter 1 appropriations and will continue to support increases as long as funds are targeted where they are needed.

In fiscal year 1996, the first year of the new formula provisions, California will receive $782 million in chapter 1 funds, an increase of $53 million over the previous year and more than $7 million above what the State would get under current law based on an appropriations increase of $400 million in the targeted formula.

In fiscal year 1999, when updated poverty data will have been included in the chapter 1 formula, California will receive much more than the $907 million that is projected without poverty data updates—a $13 million increase over what the State would have gotten under the current formula.

This sounds very complicated. But what it all boils down to is that there is some improvement.

However, there are remaining inequities, especially the gap in how different States receive aid for poor children. I think a poor child should be treated the same no matter where he or she attends school.

Under the new formula, as in current law, allocations range widely, from over $1,000 per poor child for Alaska, Delaware, New Hampshire, Rhode Island, New York, Wyoming, and Vermont to less than $700 per poor child for many States, including Alabama, Arizona, Arkansas, Utah, and Oklahoma.

California's allocation will be $752 per child, which is still below the national average of $775. So, while the new formula has the potential to target more funds and make use of updated data, the underlying problem of differences in funding between States remains.

Mr. President, I ask unanimous consent that a chart that shows the distribution of funds be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED TITLE I, PART A GRANTS FOR 1995–96 (FISCAL YEAR 1995) UNDER THE CONFERENCE VERSION OF H.R. 6

State	Total grant	Basic grant	Concentration grant	Average grant per formula child
Alabama	$122,416,000	$106,911,000	$15,505,000	$676.13
Alaska	14,586,000	13,389,000	1,197,000	1,239.03
Arizona	95,960,000	83,080,000	12,880,000	690.36
Arkansas	73,358,000	64,178,000	9,180,000	675.25
California	729,198,000	637,751,000	91,448,000	751.94
Colorado	66,330,000	60,653,000	5,677,000	775.80
Connecticut	50,417,000	47,097,000	3,321,000	947.78
Delaware	15,064,000	13,880,000	1,184,000	1,184.22
District of Columbia	19,354,000	16,752,000	2,602,000	1,022.88
Florida	276,129,000	244,741,000	31,387,000	784.67
Georgia	158,806,000	140,673,000	18,133,000	672.58
Hawaii	18,363,000	16,548,000	1,815,000	834.44
Idaho	21,337,000	19,517,000	1,820,000	646.27
Illinois	304,764,000	270,831,000	33,934,000	870.76
Indiana	102,912,000	94,964,000	7,948,000	747.45
Iowa	49,136,000	46,504,000	2,632,000	713.10
Kansas	47,862,000	44,416,000	3,446,000	739.39
Kentucky	121,382,000	106,167,000	15,214,000	742.63
Louisiana	185,072,000	160,190,000	24,882,000	681.92
Maine	24,185,000	22,370,000	1,815,000	859.33
Maryland	83,107,000	76,710,000	6,397,000	960.43
Massachusetts	116,644,000	106,557,000	10,087,000	967.44
Michigan	292,349,000	261,139,000	31,210,000	965.20
Minnesota	80,330,000	73,929,000	6,401,000	799.18
Mississippi	121,746,000	105,699,000	16,047,000	679.85
Missouri	113,721,000	101,472,000	12,249,000	725.94
Montana	25,235,000	22,273,000	2,962,000	833.95
Nebraska	29,642,000	27,330,000	2,312,000	739.06
Nevada	18,010,000	16,323,000	1,687,000	745.10
New Hampshire	15,472,000	14,395,000	1,078,000	1,128.06
New Jersey	136,542,000	124,821,000	11,720,000	977.82
New Mexico	57,809,000	50,048,000	7,761,000	681.77
New York	599,856,000	531,628,000	68,229,000	1,004.56
North Carolina	123,358,000	113,202,000	10,156,000	666.04
North Dakota	16,416,000	14,601,000	1,815,000	795.23
Ohio	288,644,000	256,044,000	32,599,000	867.07
Oklahoma	81,721,000	71,592,000	10,128,000	674.20
Oregon	62, 026,000	57,199,000	4,827,000	877.61
Pennsylvania	295,622,000	267,079,000	28,543,000	980.06
Puerto Rico	253,030,000	219,011,000	34,019,000	451.36
Rhode Island	20,666,000	18,433,000	2,233,000	1,006.17
South Carolina	88,865,000	79,188,000	9,676,000	662.89
South Dakota	18,467,000	16,583,000	1,884,000	670.71
Tennessee	118,799,000	103,608,000	15,191,000	677.68
Texas	579,564,000	505,461,000	74,103,000	721.48
Utah	31,391,000	29,451,000	1,940,000	629.12
Vermont	14,500,000	13,407,000	1,093,000	1,228.10
Virginia	97,265,000	88,995,000	8,271,000	745.28
Washington	92,395,000	84,857,000	7,538,000	783.02
West Virginia	65,154,000	56,656,000	8,498,000	808.60
Wisconsin	116,136,000	107,937,000	3,198,000	914.04
Wyoming	15,256,000	14,059,000	1,197,000	1,167.61

ESTIMATED TITLE I, PART A GRANTS FOR 1995–96 (FISCAL YEAR 1995) UNDER THE CONFERENCE VERSION OF H.R. 6—Continued

State	Total grant	Basic grant	Concentration grant	Average grant per formula child
U.S. Summary	6,566,372,000	5,840,300,000	726,072,000	775.39

U.S. Summary—Basic and concentration grant totals are equal to the level of funding provided in H.R. 4606, in the same proportions as fiscal year 1994 appropriations (i.e., approximately 11 percent concentration grants, 89 percent basic grants). Estimates prepared by CRS. The only change in the basic and concentration grants from current law is an increase in the State minimum to the lesser of 0.25 percent or the average of this plus 150 percent of the national average grant per child.

Mrs. FEINSTEIN. Mr. President, I want to particularly thank Senator BYRON DORGAN of North Dakota who sponsored the gun-free schools amendment. I cannot tell you how important I think this amendment is. If we cannot guarantee that our schools are safe places, if we persist to worry about the youngster who brings the gun to school and not worry about the good children who do not bring guns to school and the education they are getting, we just continue with misplaced priorities.

The gun-free schools provision is part of the conference report. I am hopeful that every school district all over this Nation will put it into effect immediately, and I hope that parents that learn about this will see that their school districts put it into effect.

What this legislation is meant to do is ensure zero tolerance for guns in school. If you bring a gun to school, no matter what the excuse, you are expelled for a year. This is a strong, tough, no-nonsense message. Schools must be safe places. They are for learning; they are not for getting shot in the back; they are not for being big man on campus with a .38 tucked in your pocket; they are for learning, and they must be safe places.

Mr. President, when it comes to education, I am one that very much favors a decentralized system. I am hopeful that in the coming years, on a bipartisan basis, we might really begin some major conversations in this body as to how we can make our schools work for our young people, what we can do to be helpful to the States. I suspect one of them is to see that the States really have the ability to do what is necessary.

I am one that very strongly believes there should be achievement levels set which are mandatory achievement levels in each of the grades. And if a youngster does not achieve that level, instead of rewarding that youngster with promotion, one ought to find out why that youngster is not learning, address the problem, and do what is necessary to deal with it.

I am also one who believes very strongly in chartered schools. Recently, I visited a school by the name of Vaughn Elementary School in Sylmar, CA, a large school of 4,000 students—a school that has had the lowest test scores in the district, a student body that is dominantly minority—which became a chartered school, with a new principal, who brought in parents and teachers and they worked together and planned together. They decided on their curriculum. Guess what? Test scores are going up. The parents handle the budget, and they have saved money. They have more books and supplies than they have ever had, and they have instituted—because they want it—a uniform policy, which is now going into effect. It is working in that school.

I have also been a supporter of bilingual education because we have a diverse educational student body. But one of the problems now in California schools is there are up to 80 different languages in a school. So there are new challenges. How do you handle youngsters that are not proficient in English, not able to learn English, when you have so many languages in a school? Is it not better to teach them first a learning ability in English so they can go ahead and learn and think in English? I am beginning to think that the answer is "yes," because if there are so many different languages and if the teachers have to spend so much of their time coping with this, then the learning for each youngster decreases.

These kinds of new problems of the day are brought on by changing demographics. I think local school boards and State school boards, and, yes, even U.S. Senators, have to begin to look again at what is happening in our schools.

I think, overall, this is a bill that moves us forward, and I am proud to support it. It is not a perfect bill, but I would like to conclude by thanking the members of the conference committee for their indulgence and by thanking our Senate committee and by indicating my support for this legislation.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I know we are under controlled time. Could the Chair indicate to me what is the present allocation of the time that remains?

The PRESIDING OFFICER. The Senator has approximately 2 hours on his side.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, I ask unanimous consent that George Jesien, a Kennedy Foundation fellow with the Labor Committee, be granted floor privileges for the remainder of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. When the 103d Congress adjourns later this week, the American people will begin their assessment of our accomplishments. We

started this Congress with an ambitious agenda. While we have not met all of our goals, the 103d Congress has been extremely productive on education, and we can be proud of our achievements. Fortunately for school and college students and their parents across the country, the gridlock that has affected Congress on so many other issues has spared education.

The passage of ESEA later today will be the culmination of 2 years of impressive bipartisan cooperation and accomplishment in all aspects of education. President Clinton can be proud of this record, and so can Democrats and Republicans alike in Congress. In this Congress, after ESEA passes, the Senate and the House will have completed action on six major bills that will strengthen all aspects of education for all students—preschool through college.

In years to come, this Congress may well be known as the education Congress.

A decade ago, the report of the National Commission on Excellence in Education called for urgent action to improve the quality of education. We all heard the warning—a "rising tide of mediocrity" was eroding our schools and undermining our national strength.

Despite this warning, there was little immediate progress in rethinking the Federal role in improving education. President Reagan tried to eliminate the Department of Education altogether. President Bush called himself the education President, and his administration established an impressive agenda of goals, but the emphasis instead was on smaller-scale private school projects.

In the last 2 years, under the leadership of President Clinton, we have enacted an unprecedented series of bills with broad bipartisan support to restructure the Federal role in education and make existing Federal programs much more responsive to the Nation's critical needs in the years ahead.

First, we expanded Head Start, so that more young children will have access to these highly successful educational activities. We set aside 25 percent of all new funds to be used in quality improvement projects, such as better training of staff and better working conditions.

As part of that legislation, we also created a new Early Start program—a zero-to-three initiative for infants and toddlers to provide prenatal care, training in parenting, and comprehensive and continuous social services to families with very young children.

We have learned that for many children, Head Start starts too late. If we wait until the age of 4, when Head Start begins, we have already lost the battle for many children. The goal of Early Start is to give them and their families the support they need when they need it the most.

Second, to support local school reform, this Congress enacted the landmark Goals 2000 bill. This legislation is already helping schools across the country develop their own plans for improving the curriculum and set high standards for student achievement.

Over the next 5 years Goals 2000 will help schools to carry out reforms such as extending the school day and school year, reducing the size of classes, increasing parental involvement, and integrating various subjects into fewer courses. The legislation encourages voluntary standards for courses, so that parents and communities will know what students should learn in core subjects such as English, history, math, and science. It also supports teacher development and training to revitalize teaching in American schools.

Third, today, with the passage of the pending major revisions in the Elementary and Secondary Education Act, we are overhauling the largest single source of Federal aid to education. This massive bill will provide $60 billion for schools across the Nation over the next 5 years.

The reforms we have made in ESEA will target more funding to middle-income and low-income communities that need it most.

We give schools much more freedom to take aid earmarked for disadvantaged students and apply it to schoolwide reforms.

The bill also contains important initiatives to encourage the professional development of teachers, as well as significant steps to prevent violence in schools and fight drug abuse among students.

ESEA also includes the Technology for Education Act, to assist teachers in their efforts to bring computers and other new telecommunications tools into the classroom. Computer software, video equipment, electronic networks, satellite broadcasting, and other technologies are revolutionizing learning in the best schools, and we need to make them more widely available in all of our schools.

Fourth this year, we also broke new ground in helping students enter the workforce with the academic and occupational skills needed to hold a good job. The School-to-Work Opportunities Act is designed to close a key education gap with other countries and end the relative lack and ineffectiveness of work-based learning programs in the United States.

Japan and European nations have extensive apprenticeship and company-based training programs that give graduates the skills to hold good jobs. The United States has done too little to ease the transition from school to work, especially for the so-called forgotten three-quarters—the 75 percent of American students who do not earn a 4-year college degree. The School-to Work Act addresses this problem by encouraging coordinated programs that link classroom learning with actual work experience.

Fifth, we also took a far-reaching step to make college more accessible and affordable for large numbers of students. The Budget Reconciliation Act of 1993 established a new direct student loan program that will save students $2 billion in loan fees and give them more flexible repayment options. Direct lending will also save taxpayers $4 billion in reduced subsidies to banks and other loan guaranty agencies. Mr. President, that is enormously important.

This is a very important and significant assistance to students as well as to families that need to find resources through loan programs to send their sons and daughters or themselves through the college and university systems in our country.

Sixth, finally, we passed the National and Community Service Act, which encourages Americans of all ages to become more involved in their communities. Key activities include service-learning programs in schools, senior citizen efforts, and the new AmeriCorps project, which offers vouchers for college tuition in return for community service. In the long run, this new lay may be the most important education reform of all, because it encourages citizens and communities to restore the ideals of civic duty and service to others to their rightful place in education. Congress cannot solve the profound problems we face in education, but involved citizens can.

Six bills in 2 years. It has not been easy. At times we have had to fend off filibusters from our opponents. We have had to work hard to find common ground. We have threaded many needles, and adopted many compromises that were painful to achieve. But in the end we have succeeded in building a new bipartisan consensus on the basic principles that must guide Federal education reform.

We need to start early. If we wait until children come through the schoolhouse door, it is already too late for many of them. They have fallen behind and will never catch up.

We need to emphasize high standards for all students. For too many years, we have been willing to accept too little from students and from schools. We need to set goals for what children should learn in school, and we need to give schools more resources to help meet those goals.

We must emphasize local responsibility for results. In the past, Federal education programs have too often tried to micromanage local decisions on schools. Teachers and parents know local needs best. I don't intend to try to dictate local school reforms and neither should Senator HELMS. The best Federal role is to let States set their

own performance standards and give schools greater freedom to decide how to use Federal money most effectively.

We need to invest in teachers. Good teachers are at the heart of good schools. But too many of today's teachers are overburdened and receive little backing in their effort to learn new teaching methods. With adequate time and support, they can be more effective in developing new ways to teach.

We must bring more schools into the future with new technology. Technology is transforming all other sectors of the economy. Yet most classrooms today lack a computer. For students to acquire the skills they need, they must have more opportunities to work with technology in school.

Communities and businesses must work in partnership with schools, and schools must work with them. Schools will not succeed as long as they are isolated from the rest of the world. Communities and businesses must take greater responsibility for the success of local schools and find new ways to work with students and teachers. Schools can teach more effectively and better prepare students for future careers by integrating community service and work experience into the curriculum.

We need to keep college affordable and accessible. The road to a college degree should never be barred by a dollar sign. Students who succeed in high school and want to continue their education should not be discouraged by the costs, or saddled with repayments so large that they cannot afford the career they prefer.

If college becomes the preserve of a wealthy few, the Nation will be losing the talents of millions of its citizens who could contribute immensely to our society in numerous and satisfying professions where the chance for the chase for the almighty dollar is not the overriding and driving concern.

Our education system is and should be locally based. But as we have seen in this Congress, there is much that the Federal Government can do to assist education reform. Federal spending may constitute only 6 percent of the Nation's education budget, but the Federal Government can offer urgently needed seed money for innovative projects.

Through research and targeted incentives, we can provide leadership and essential aid to improve all aspects of education.

In a sense we have only just begun. As we look to the future, I hope we will continue the reforms we have begun so successfully in this Congress. Above all, let us never lose our grip on the bipartisan spirit and commitment by Senators, Representatives, and the administration alike that have made this unusual trend of achievement possible. We have kept gridlock at bay on education, and the Nation is the winner.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota [Mr. DORGAN].

Mr. DORGAN. Mr. President, while the Senator from Massachusetts is on the floor, let me say that there are many in politics these days who look for prevailing winds in which to raise their sail. I was struck, as I sat here and listened once again, that Senator KENNEDY has in good times and bad, no matter which way the wind is blowing, represented the timeless truths about what is important in this country. Investment in this country's children represents this country's future. Senator KENNEDY has spent many years in this Senate, in all kinds of different political climates, fighting for exactly the same thing, the opportunity to give our kids a chance to lead this country to a better future.

I compliment the Senator for his wonderful work on the Improving America's Schools Act.

Mr. KENNEDY. I thank the Senator.

Mr. DORGAN. Mr. President, I would like to follow up on some remarks that were made by Senator FEINSTEIN. First however, let me thank Senator KENNEDY for helping Senator FEINSTEIN and I preserve an important provision in this conference—the Gun-Free Schools Act of 1994.

I know that this provision caused some consternation in conference, but I think the final result is the right result. In this piece of legislation, we send a message in the form of a national standard that we want our schools to be safe. The Gun-Free-Schools Act, which is included in this piece of legislation, says to schools all around this country that we want to be sure when children go through the front door of their school each morning, they are going into a place of safety.

As we have discussed this Gun-Free Schools provision over the past several weeks, I was interested to learn from some people that they think the Federal Government has no business discussing the issue of guns in schools. Some would say, "Keep your noses out of that. That is none of your business."

Well, sadly, the epidemic of violent crime in this country has moved from city streets to America's classrooms. There are no national statistics, even though the Centers for Disease Control is beginning to record them, documenting the number of shootings in schools. However, I know of at least 41 people who have been killed in shootings in schools, or on school grounds, in the last 2 years.

It cannot escape the notice of people that our schools, especially in large cities, are now having to put metal detectors and security guards at the doors. And still guns are getting in to our schools.

I would say to those who believe this is none of our business, do not give me five reasons, or even two reasons—rather give me just one reason why anyone should ever be allowed to bring a gun to school. Just one reason.

Schools are places of learning and they must be safe. Children cannot learn if they do not feel safe. And that is what this issue is about.

Some say, "Well, the Federal Government has no business telling anybody anything." In this amendment we preserve—even as we establish a national standard of expulsion for kids who bring guns to school—local control by saying in the law itself that the head of the local school agency can make a case-by-case exception and modify the expulsion requirement, if they think it is necessary. We are saying that we want a national standard. And we also say in the law that there can be a case-by-case exception when the local school authorities think that is necessary.

Additionally, people say, "Well, if you expel some kid who brings a gun to school, the kid is going to be out on the street terrorizing people."

If some kid brings a 9-millimeter or a .38 to school, and decides to threaten some other kid, and is therefore expelled when caught with the weapon, some people say, "Well, what is going to happen to that kid?". I will tell you what is not going to happen to that kid. That kid is not going to be in school with other kids. He is not going to be in the classroom with that gun. That kid is either going to be expelled and on the street, or the school can, as our law provides, set up an alternative setting in which they can educate that kid. But that kid will not be back in the classroom during the 1-year expulsion. That is what our law says.

Let me reiterate, we have not taken control away from the local school authorities. We have set a national policy, that says if you bring a gun to school you will be expelled. But the head of the school agency can make a case-by-case exception if they think the expulsion policy is not appropriate for a specific case.

I have mentioned this to my colleagues before, and I want to do it one more time, this is not an abstraction. I toured an inner city school this year. I went through the metal detector at the front door. I saw the police officer watching the front door. I talked to the principal, superintendent, and students at that school.

Just a month after I visited that school a tragedy occurred. One student bumped a second student at the water fountain down near the cafeteria. The student then pulled out a pistol and shot his schoolmate five times and left him lying on the floor critically wounded.

I have met that youngster who was shot five times while in school. Fortunately, he survived. His name is Jerome. My guess is that Jerome understands. I think all the other kids like

him who fear for their safety in school understand. I think Jerome's parents understand. And I think teachers understand that we cannot use excuses to tolerate such dangerous behavior. We must say that you cannot bring a gun to school. We must say if you do, you will be expelled. If we can't do that, our schools won't be safe.

This policy is not inappropriate. Thirty years ago the biggest problem in schools was truancy and chewing gum. Today the biggest problem in our schools is drugs, guns, and teenage pregnancies.

We already have some national standards for our schools. It makes sense to have a similar standard for guns. For example, when a school district decides it wants to use Federal funds, do you know what it must certify on the application? I have a copy of the application. Right in the middle of the application a school district must certify that its schools are a drug-free-workplace. If the school district does not certify that it is a drug-free-workplace, it cannot access Federal funds of any kind. Every school district must certify that it has a drug-free-workplace policy. Everyone agrees that it is fine to require schools to certify that they are a drug-free-workplace. But what kind of logic is it that some people feel we should not require gun free schools.

We also have told schools they must be equal opportunity employers. We tell them they must meet OSHA workplace safety requirements. We tell them they must establish drug-free school zones, and drug offenses within these zones carry double penalties. Schools have to be handicapped accessible. Schools are required to have a minimum number of school days each year.

So what the Senator from California [Mrs. FEINSTEIN] and I did was simply say, "Let us also recognize the change in our times and the danger to our kids and decide that schools must be safe and establish a national standard that says guns shall not come to schools."

We are not eclipsing local control. Our law says the local agency can make an exception where appropriate. But we do believe all across this country there ought to be one simple, clear, message to students and parents alike—you shall not bring a gun to school. If you do, there will be a certain penalty.

Again, I want to, as I close, commend the work of Senator FEINSTEIN, Representative GEORGE MILLER, and the others who helped enact the Gun-Free Schools Act. To enact this law in this conference report is one day going to save the lives of children. We are probably not going to know their names, and we will not know the circumstances. But if we can decide all across this country that kids can be safer in schools if we will not allow guns in school, then we will have done something for our kids.

I have a young son in a classroom right now. I hope that classroom is safe. And I hope every child in school today in this country is sitting in a classroom that is safe. Sadly, I know that is not the case.

And at least part of the reason for that is some kids today have walked in the front door of their schools with guns. Some kids have done that because they do not believe they will have to pay for their behavior. They believe that this society will tolerate everything. They believe the society will make excuses for everything. In this instance, I say, let us decide no more excuses. Let us have a zero tolerance policy on the issue of guns in schools. Let us tell the young people who would think about bringing a gun to school tomorrow, "Don't even think about it. It is not appropriate. There is a uniform policy and certain penalty. If you don't want to pay the price, then don't even think about bringing a gun to school."

I hope those who misunderstand this provision, those who say, "Well, you have taken all the authority away from the local school districts," now understand that is simply not the way the law is written. It is written for one important purpose—to establish a national standard to tell everyone we do not want guns in our schools and we are serious about it. I am convinced that one day this law will save lives and that it is the right thing to do.

This Congress has taken many steps to improve our elementary and secondary schools. I am proud to have supported the Goals 2000: Educate America Act, the Safe Schools Act, and other important education bills. We now have before us perhaps the most important piece of education legislation to be considered by the 103d Congress.

The House and Senate have labored long and hard to complete this reauthorization of the Elementary and Secondary Education Act. I commend the Labor and Human Resources Committee, as well as the House Education and Labor Committee, for their leadership on this bill. Under the guidance of Senators KENNEDY, KASSEBAUM, PELL, and JEFFORDS, the Senate conferees have brought back an excellent bill.

Most Federal aid for elementary and secondary education programs, totaling more than $12 billion in fiscal year 1995, will be reauthorized by this legislation. In addition, this bill will significantly improve education law and set new directions for the education partnership between Federal, State, and local governments. The bill will restructure many Federal programs to help schools use Federal funds more productively and help students meet high standards of achievement.

This act will provide approximately $60 billion in Federal education aid for schools across the Nation. It will also help make our schools safe for learning. Finally, the reforms in this bill will make Federal educational programs work better for our students. I urge my colleagues to join me in supporting this legislation.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, there are a couple of points in this bill that I would like to address.

I am concerned that the language in the bill requires that school officials act willfully in order for Federal funding to be withheld. I am convinced that in the real world the willfulness standard will be meaningless. No school district anywhere will have its funds withheld for violating students' first amendment free exercise right to pray. That is probably why the conference committee adopted the language in the first place.

In the context of a violation of rights, willfulness legally means that the individual has acted to voluntarily and intentionally violate a known legal duty. Consideration of these requirements will show that willful violations will never occur. The first issue under the conference report willfulness standard is whether there is a legal duty to allow schoolchildren to pray. The law clearly states that if schools are opened to extracurricular activities, access cannot be denied to certain groups because of their religious content. Other content-based religious speech distinctions also violate legal rules. But, intentional violations of these legal rules are already actionable under section 1983, the Civil Rights Act of 1866. So the conference report creates no new rights protective of religion.

The second issue is whether the school official knew of the right. For a school official cannot intentionally violate a legal right unless he or she knows of the existence of the right. If the school official either is ignorant of the law, or misunderstands the law, or has a good-faith belief that he or she was not violating any legal right, then the official cannot willfully violate the right. One cannot intend to violate a right if one is ignorant of it, misunderstands it, or believes that the right does not exist. In the end, the question is a factual one, and would require any aggrieved parent or an education department lawyer to bring a lawsuit that would take a long time and a great deal of money to resolve. Innocent mistakes will not result in a cutoff of funds, yet the violation of the students' first amendment rights is just as evident as if the official intentionally violated a legal right.

It would be easy for a school official to take any action against religion, but

in doing so, violate no legal right that he knew of. Any lawyer could provide some basis for a good-faith belief that the official was in compliance with the law. So long as the official could show that he subjectively believed that his action violated no right, he could never willfully violate anyone's rights.

Under the standard in the conference, funds would never be cut off unless the administrator knew of the right to engage in religious activity, and intentionally decided to violate that right. That will virtually never happen. Even if it did, the funds would not be cut off unless there was proof that in fact the administrator acted in this fashion.

So I want my colleagues to know that the language we passed to safeguard first amendment rights of students had teeth. The conference report does not. This bill will not enhance in any way the ability of the Federal Government to make sure that school officials respect the first amendment free exercise rights of students.

We expect our school administrators to know the Civil Rights Law on the risk of losing Federal funding. We do not require a willfulness standard for those funds to be cut off. We should be equally adamant that our school officials protect students' first amendment rights.

I am also concerned, Mr. President, with the chapter one formula that came out of the conference committee. I supported the Senate language added by Senator HATCH, which removed the restrictions on the equity bonus. Under the change made by Senator HATCH's language, each State received the full benefit of its equalization effort.

Under the Hatch chapter one formula which passed the Senate, 38 States would have received increased chapter one allocations. Iowa would have received $2.5 million more than the original formula in S. 1513.

Unfortunately, according to the Congressional Research Service, Iowa is among 31 States to lose funds from 1996 to 1999 under this conference passed formula. Iowa loses almost $10 million in funds from 1996 to 1999. The big winners under the formula changes are New York, California, Texas, and Illinois.

Mr. President, I worked very hard to have seven amendments included in the Senate bill, which I supported. But the concerns I have on the school prayer language and the chapter one losses bring me to the position where I believe we can do better next year. Though some have said that funds will be lost if we do not complete action on this bill before this Congress adjourns, that simply is not true. All programs will continue under the previously approved programs and authorization levels.

I think we can do better next Congress and I voted against cloture for this reason.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, as a member of the Labor and Education Committee and also as chair of the Senate Appropriations Committee that appropriates money for the Department of Education, including title I, I would like to correct the record. I have the greatest respect and friendship for my colleague from Iowa. However, sitting here listening to his remarks and comments, I certainly wish the Senator, my colleague, had talked to me before he made those comments. Maybe I would not have to stand up to correct them. Because, frankly, what my colleague just said simply does not comport with the facts.

The chart that Senator COATS sent out this morning, and used this morning, it is like that old saying: In the Bible it says "There is no God." It says that in the Bible.

But the sentence before it says, "The fool hath said in his heart, There is no God."

So, if you take things out of context you can prove the Bible says "There is no God." That is what Senator COATS did this morning.

Senator COATS sent this notice around to our offices this morning, "Urgent, Members Attention Only," and it says, "Senator HARKIN: Reasons to Vote No on Elementary-Secondary Act; Iowa Would Lose $9.95 a million." I assume that is where my colleague got that figure.

Senator COATS is only telling half the story. He is sort of it says, in the Bible, "There is no God," but he does not tell you what the sentence before it says.

I tried to get the floor this morning to correct it. We were under a time agreement, the time ran out and I could not get the floor. Fortunately, I was able to talk to Senators as they came to the well to let them know that the figures that Senator COATS was putting out were wrong.

Let me correct that RECORD now. Iowa does not lose $10 million. I happen to chair the Appropriations Committee that funds the money. There is no way this would have gotten through if my State was going to lose $10 million, I can tell you that, Mr. President. No, what we did and what is not being said here and what is not understood—and I say this to my friend from Iowa, my colleague—there are two parts to this formula on title I. There is the targeted grant formula. That is what Senator COATS is using. If you only look at the targeted grant money, yes, Iowa and a lot of other States lose money. But what we added in conference was another portion of the formula called effort and equity, something I feel very strongly about. I debated it on the Senate floor. So when we went to conference, in trying to strike a deal with the House, they only wanted targeted grants, but I insisted that we also have a second formula for effort and equity, and that is what we did.

So under the bill itself, there is money that goes for targeted or for effort and equity. New moneys that we will appropriate can be split by the Appropriations Committee. Some can go to targeted, some can go to effort and equity. The Appropriations Subcommittees will decide. First of all, next year we have already appropriated the money for fiscal year 1995. That is already done. For fiscal year 1996, there is a hold-harmless clause. So no States are going to lose money in 1996, not Iowa nor any other State can lose money in 1996. So, again, Senator COATS used this from fiscal year 1996 to 1999. You cannot use 1996 because there is a hold-harmless clause.

Beginning in fiscal year 1996, the Appropriations Committee, under the authorization of this bill, is allowed to use whatever new moneys we appropriate, up to $200 million in 1996, for effort and equity. Beyond that, such sums as are necessary.

Senator COATS used a figure from CRS of $400 million. I can show you the record in conference. They were talking about $400 million increases in title I. I said, "I don't know what you are talking about." The average over the last 5 years has been $275,000, and under the budget caps and the ceilings we have, there is no way over the next 5 or 6 years that we are going to have a $400 million increase in title I. I would like to see it. If you are asking me if we can get the money, would I like to put $400 million in title I, absolutely; but we are not going to have that kind of money.

So in title I then, assuming we can get a $200 million increase, the Appropriations Committee can put all of it into effort and equity, 75 percent of it into effort and equity, half of it into effort and equity—whatever we want to do.

So what we did is we prepared a chart showing what would happen to the States if just half of the money went into the effort and equity or if all of it went into effort and equity.

Under either one of those scenarios, Iowa, instead of losing money, makes money. In fact, I do not have the runs for anything other than $400 million, but even under $400 million, Iowa would gain about $400,000 a year; and if we put the whole thing into effort and equity, Iowa would gain about $1.8 million a year.

Mr. GRASSLEY. Will the Senator yield?

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Will the Senator yield for a question?

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Prior to the question, if I can just say, first of all, I

compliment the Senator because I know when it came out of committee the first time, that he got the formula that was in the original bill introduced improved dramatically. So our State would be helped and probably a lot of other States would be helped. So I compliment him on that.

I do not know anything about his activity in conference or any other process, but I did notice his work in that area, and he did improve it and I compliment him for it.

My question is only this: Senator COATS and I are both relying upon the work of the Congressional Research Service. I have not found the Congressional Research Service to be wrong very often, if at all, that I can recall. Has my colleague from Iowa discussed this with the people in the Congressional Research Service to see if they made a mistake and how they made a mistake? Can you tell me how they made a mistake?

Mr. HARKIN. I appreciate the question. I will try to respond to it. The figures I am using come from the Congressional Research Service. What I am saying is that Senator COATS only took one column.

Mr. GRASSLEY. I think I have that chart here.

Mr. HARKIN. If you look at the chart, what he did was he took the second column over, which just says $400 million under targeted formula. Senator COATS used that column. He did not take the other two columns. The other two columns add effort and equity; the third column over showing what would happen if we split it in half; the last column showing if we put it all into effort and equity.

I cannot in any way tell my colleague how much we will put in. I can assure him it will be a minimum of 50 percent. I suggest, knowing the members of the Appropriations Committee and that 33 States will be helped by effort and equity, it stands to reason that the bulk of the money will go into effort and equity. So I would say we are probably close to the column on the right-hand side, which shows Iowa getting $54 million.

Keep in mind, that is based on $400 million. There is no way we are going to get $400 million, but it gives you an idea of what happens under this thing.

So what Senator COATS did is he simply took out of context what CRS came up with. He took one column, and that is why I tried to get the floor this morning to explain that is not so. That is just not the way the Appropriations Subcommittee is going to operate, and that is why we put the effort and equity thing in there.

In no way is Iowa going to have their moneys reduced under this effort and equity formula. That is the point I tried to make this morning and I tried to make it in the well to the Senators. As I said about my Biblical example, about taking something out of context, sure you can take one column, but that is not what we are operating under.

I hope that clears it up. Does my colleague have any further questions on that?

Mr. GRASSLEY. I do not have any further questions, Mr. President. I will say, I hope it clears it up because I would like to think we are passing legislation that will be more fair to more States than that original chart that I saw. But I also suggest that I have been informed that Senator COATS is going to come over and try to discuss what interests my colleague from Iowa in some further depth, and I think I will defer to his discussion of that.

Mr. HARKIN. I will be glad to. I talked about this with Senator COATS in private. I will discuss it with him on the floor and have him respond as to what CRS put in the other columns because he just used one column, he did not use the other two.

Mr. President, I ask unanimous consent that the CRS table to which I referred be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1996 CHAPTER 1 ALLOCATION ESTIMATES

[All runs include $400 million increase]

State	Current Law	$400 m under targeted formula (Costs)	$200 m under targeted formula and $200 m under effort and equity	$400 m under effort and equity
Alabama	$130.1	$129.4	$129.2	$129.1
Alaska	13.5	15.5	15.6	15.7
Arizona	102.0	102.4	102.1	101.8
Arkansas	78.0	77.6	77.5	77.3
California	775.1	782.8	778.2	773.7
Colorado	70.5	69.7	70.6	71.6
Connecticut	53.6	53.2	54.3	55.3
Delaware	14.5	16.0	16.1	16.1
District of Columbia	20.6	20.5	20.5	20.4
Florida	293.5	292.2	293.3	294.4
Georgia	168.6	167.6	168.2	168.9
Hawaii	19.5	19.4	19.8	20.2
Idaho	22.7	22.3	22.8	23.3
Illinois	323.9	326.3	324.2	321.9
Indiana	109.3	107.7	110.2	112.6
Iowa	52.2	51.2	52.6	54.0
Kansas	50.8	50.0	51.1	52.1
Kentucky	129.0	128.6	128.1	127.5
Louisiana	196.7	197.6	195.5	193.3
Maine	25.6	25.2	25.8	26.3
Maryland	88.3	87.8	89.1	90.4
Massachusetts	123.7	123.3	123.9	124.6
Michigan	310.7	310.3	308.9	307.5
Minnesota	85.3	84.2	85.9	87.8
Mississippi	129.4	130.3	128.3	126.5
Missouri	120.9	120.1	120.5	121.0
Montana	26.8	26.4	26.5	26.7
Nebraska	31.3	31.0	31.6	32.3
Nevada	19.0	19.0	19.4	19.8
New Hampshire	15.4	16.5	16.8	17.1
New Jersey	144.2	143.8	145.9	148.0
New Mexico	61.5	61.4	61.0	60.6
New York	636.0	642.1	633.8	625.4
North Carolina	130.9	129.3	131.4	133.4
North Dakota	17.4	17.4	17.4	17.5
Ohio	306.8	304.3	305.2	306.1
Oklahoma	86.9	86.1	86.5	87.0
Oregon	65.9	64.9	65.8	66.8
Pennsylvania	314.2	312.2	312.7	313.2
Puerto Rico	269.0	266.9	264.0	261.1
Rhode Island	21.8	21.7	22.0	22.2
South Carolina	94.4	93.6	94.3	94.9
South Dakota	19.5	19.5	19.6	19.7
Tennessee	126.2	125.1	125.6	126.2
Texas	616.0	619.0	613.8	608.7
Utah	33.4	33.0	34.2	35.4
Vermont	13.4	15.4	15.5	15.5

FISCAL YEAR 1996 CHAPTER 1 ALLOCATION ESTIMATES—Continued

[All runs include $400 million increase]

State	Current Law	$400 m under targeted formula (Costs)	$200 m under targeted formula and $200 m under effort and equity	$400 m under effort and equity
Virginia	102.7	101.9	103.8	105.6
Washington	98.2	97.2	98.7	100.3
West Virginia	69.2	68.8	68.7	68.4
Wisconsin	123.4	122.2	123.5	124.9
Wyoming	15.0	16.2	16.3	16.3

Mr. HARKIN. Mr. President, if my colleague wanted to make the point that what we came back with from conference was not quite as good for certain States, including my own, as was in the bill passed by the Senate, he is absolutely right. But the reality is that the House would not accept that. So we had to work it out with the House, and I think we worked it out in a reasonably fair manner, I must say.

The original formula that came out of the Clinton administration, what they had advocated, was devastating for Iowa and for a number of other States.

But we worked with Senator PELL, Senator KENNEDY, Senator HATCH, Senator KASSEBAUM and Senator JEFFORDS. We worked this whole thing out in committee on a bipartisan basis to come up with a better formula. We did that. We had votes on it. We had debates. We even had a debate here on the Senate floor. We had a vote. But in going to conference it was clear that the House Members were not going to accept in totality what we had done in the Senate. And thus we came up with this new formula. And, quite frankly, I must say I think the new formula is fair.

I just want to say the Congressional Research Service, again, will do any run that Senators ask for. If you ask for a run on $500 million a year, they will do that. You can do a run on $1 billion a year. They will do that. But just because these tables are prepared does not mean that is actually what is going to happen. As I said, they ran these tables based upon a $400-million-a-year increase in title I. As the chairman of the Appropriations Subcommittee that funds this program, I can tell you right now, unless somebody comes up with some magic money someplace, we are not going to have that kind of money. We will be lucky to get the average of the $275 million that we have gotten over the last 5 years.

So we tried to do two things with title I: target our scarce resources to areas where they have a high concentration of eligible children, but then also to be fair to rural States such as Iowa where we may not have high concentrations but we certainly do have needy children, children in poverty, title I eligible children, but they may be in small towns and communities scattered around the States and thus the formula does address that.

(Mr. WELLSTONE assumed the chair).

Mr. HARKIN. On the issue of school prayer, the language that we have in the Senate bill is almost identical to what passed the Senate in the first place. There was a debate on an amendment I think offered by Senator HELMS, if I am not mistaken. That amendment was soundly defeated here on the Senate floor. And thus what we went to conference with and what we came back with from conference is basically the same language on prayer in the schools as was contained in the Senate-passed bill. So I cannot understand how someone—if they voted for the bill when it left the Senate, I cannot now see why they would vote against this bill based on school prayer. There may be other reasons, but I do not see why there would be a reason to vote against it on that basis.

So, Mr. President, I wanted to clear up these questions on title I funding because I simply did not have the opportunity under the time constraints this morning.

I think Senators can refer to the table and you can see what States come out as winners under the effort-and-equity formula. I am told there were 33 States that so come out—Iowa being one of those, I might add. Now, some States did not fare as well. But again, we tried to take our scarce dollars and allocate them in the best way we could.

I have asked many times in many audiences around this country, Where is it written in the Constitution or the Bill of Rights or the Declaration of Independence, where in any of those documents or any amendment thereto, where is it written that education in this country is to be funded by property taxes? I dare anyone to find anywhere, in any of our documents that set up the foundation for our country, that it says primary and secondary education is to be funded out of property taxes.

It is nowhere to be found. It has just sort of sprung up, and this is the way education funding developed in our country.

Well, of course, we did not have an income tax, as we know, prior to 1917. So basically all we had before that was Federal excise taxes and some tariffs and things like that. And so as States and local communities saw the need for general education, the only source they could go to was the property taxes and that is what they did. So the system built up.

Now, just because that is the way it was built, does that necessarily mean it is right for today? Should we simply adhere to a system of funding for elementary and secondary education that sprung up in the 18th and 19th centuries as a means of funding elementary and secondary education in the 20th and 21st centuries? I think that is a fundamental question we ought to be asking ourselves because, you see, if you fund education based upon property taxes, then clearly you get the inequalities we have today. Very rich areas with very beautiful homes and high property taxes have great schools. Inner cities, low-income areas, poor housing, low income have poorer schools. And as Jonathan Kozol said in his book, we have savage inequalities in our country today in schools and in education.

Why is it that 12 miles from this Capitol where I happen to reside, in Virginia, Fairfax County, and where my children have attended public schools—I still have one in public school; one just graduated from public high school—we have great schools. We have great teachers, great facilities, the best schools. They are wonderful. We have equipment. We have computers. That is 12 miles from the Capitol. But in other parts of Viriginia, the situation is not as rosy. That is what happens when you have a system of education based upon property taxes.

So I think that what we ought to be examining is how we rectify this, how we start to change that system, or we will continue to have these savage inequalities. Lest anyone think, "Well, what is wrong with that? We have a poor school district, poor students, poor schools. So what?" The fact is that when that child goes through that poor school and he receives an inferior education and cannot get a good job and earn a decent income, when that young person goes to a dilapidated school, and they see on television, they read in the papers, they know the good schools are out there, these kids are not stupid. These kids that go to these poor inner city schools know that nearby there are great schools, and they get stuck in schools where the roof is leaking and they do not have computers, and they do not have the best of

education. They know. And the message it sends to them is, you do not count. This is what we think of you because this is the school you go to.

When that child becomes a teenager, and they say "Well, that is what society thinks of me, I am not good. They gave me a bad education, no good schools, what the heck, I might as well drop out. I am not getting anything out of my school anyway, I might as well drop out." That is where we have the highest dropout rates.

Then that dropout does not just affect that local school district. That student who has dropped out affects all of us. It affects the entire United States because that young person who drops out will not become a participating, productive member of society. Thus, the welfare rolls go up, crime goes up and dependency goes up. Then we respond by building more prisons, you see. That is the end result. We just build more prisons and lock them up.

So we cannot escape. There is no escape from this. We may live in the suburbs. We may live in great areas and we may think our schools are great and we do not have to worry about those poor schools. Yes, you do. You better worry a lot about those poor schools.

So that is why we need to rectify this. Thus, we have Federal aid to education to try to get funds down to help disadvantaged students, to try to get some money into these schools. That is why we built into this formula what we called "effort in equity." What we are trying to say is there are some States that do a great job of equalizing funding.

In other words, through the State income tax systems or other forms of State revenues, they have taken money and put it down into local school districts so that the poorer school districts are brought up to the level of the best and the richest school districts. That is called school equalization formulas.

Some States have done a great job at this. I am proud of my State. We started at it nearly 20 years ago. We are one of the best in the country.

Some States do not. Some States do not have an income tax system. That is fine. We cannot tell a State what kind of State tax system they have. That is up to the State. But what we can do is say to that State if you want Federal dollars for education, we will give you a bonus, we will give you an incentive. If you have better equalization formulas, if you have a better effort, first of all to fund education, and then if you have equalization, we will give you some more money.

That is what the formula does for title I. That is the way it ought to be.

I do not think that we ought to take taxpayer dollars from around this country and give it to, say, Texas where they have a lot of inequality in their schools, where they do not have a State income tax system and we bail them out. I do not think taxpayers in Iowa, Minnesota, Rhode Island, New Hampshire, or New York or anyplace else ought to bail them out. But if they want to equalize, to have a better effort, then we will be glad to help a little bit more.

So that is sort of in response to the comments of the Senator from Mississippi about Federal aid to education. We live in one Nation. Primary and secondary education still is a function of local governments as it ought to be, in the States as it ought to be. But I believe we have an obligation to the children of this country, regardless of where they live, to ensure that they get the best possible elementary and secondary education.

I was told, Mr. President, about a study that was commissioned by the Government of Singapore. The government of Singapore commissioned a study and wanted a recommendation on what kind of education system they should establish for Singapore. A group of educators, business people, and others were commissioned to do this study. They came back after a worldwide study and they recommended that the state of Singapore, the Government of Singapore, adopt the elementary system of Japan, the secondary system of Germany, and the college system of America because that was the best. I think if you look at it, and you look at what we do the best in this country, postsecondary education is the best in the world. People come from all over the world to go to college here or to post graduate school. Guess where we put the most Federal dollars? Postsecondary education.

I see the distinguished Senator from Rhode Island. We have Pell grants that we give to students to go to college, poor students, so they can have access to college education. We also have student loans. We have all kinds of moneys that flow out to our colleges and universities.

I just wonder what would happen in primary education if we spent per pupil in the primary education what we spend per pupil on college students, from the Federal Government. It might be a little bit different in this country. That is why I think the nation of Singapore said yes, we will adopt the United States system of postsecondary because it is the best. I think we need to reverse it. We need to not reverse it—I do not want to become less than the best in postsecondary. But we ought to become the best in primary education.

I daresay it is going to take the same kind of involvement that we have done with Pell grants and guaranteed students loans, the same kind of investments we made in our Land Grant Colleges, the same kind of research that we put into postsecondary education research in our colleges around the country. If we do that, then we will equalize it. Then we will not have these poor school districts with poor students and poor equipment and poor teachers.

So that is why we need this Elementary and Secondary Education Act. It does not do it all. It does not even really do what I think we ought to start doing. It begins as one small step in that right direction. I hope in the next few years we will start reversing our priorities in this country and we will start seeing that if we want to spend less on building prisons and we want to put less into crime bills and hiring 100,000 more policemen for our streets, the best thing we can do is to put the money into elementary and secondary education.

An ounce of prevention is still worth a pound of cure. I do not know how many times we have to learn that lesson but maybe we have not learned completely yet because we still have those who say Federal Government should not have any vote.

I will close on this note, Mr. President. Twenty years ago when I came to Congress, I remember that the National Education Association—I think at that time there was a team—a proposal that was put forward. It was called the one-third, one-third, one-third proposal. I thought it had a lot of merit and I supported it. Quite frankly I still do. The idea behind it was that primary, elementary, and secondary education ought to be funded: One-third local, one-third State, and one-third Federal.

At that time—I may be off a percentage point or two—but it seems to me that at that time in the late 1970's the percent of total funding for elementary and secondary education that came from the Federal Government was right around 10 or 11 percent. That was in 1978, about 10 or 11 percent. We were talking about taking it up to 33⅓ percent, one-third. What happened in the 1980's? We turned around and went in the other direction. If I am not mistaken, it is right around 5 or 6 percent now. So we have gone in the opposite direction from where we were in the 1970's, when many educators, school boards, PTA's, and others, were saying we should have one-third, one-third, one-third. We are not even at 10 percent, where we were in 1978. We are down to 5 or 6 percent in terms of Federal help for local schools. So we have gone in the wrong direction and we have to turn it around. This bill is a small step in the right direction to start turning it around.

Mr. President, this effort took a long time this year. I know the occupant of the chair serves on our committee and has been a great force in getting this bill through and making sure that we address the needs of our kids, and elementary and secondary education. It was a long struggle, with a lot of debate and a long conference, but we got

it through and now we are going to vote at 5:30.

I thank the Iowa education community, including the Iowa Education Association, the Iowa School Board Association, the School Administrators of Iowa, Iowa Parent-Teachers Association, Iowa Department of Education, and members of the Iowa Legislature. We were in contact with them constantly. They were very helpful to me and my staff throughout the reauthorization process.

I want to state for the record how much I appreciate the help of all of those organizations and others from the State of Iowa.

Mr. President, it is October and children are back in school. It is also a very appropriate time to take up the conference report for the Improving America's Schools Act. This bill reauthorizes the major Federal programs that impact our Nation's schoolchildren, including the largest single program—title I.

Contrary to popular opinion, the 103d Congress has passed a number of very important pieces of Federal education legislation. Last spring, President Clinton signed two important education initiatives—Goals 2000: Educate America Act and the School To Work Opportunities Act.

Those bills responded to important concerns about our Nation's educational system. Goals 2000 established the framework for comprehensive, systemic reform of elementary and secondary education. The School To Work Opportunities Act responded to the critical issue of making sure that all of our students are well prepared for the workplace. Goals 2000, School To Work, and Improving America's Schools Act are integrally linked. Together, they form the most extensive examination of elementary and secondary education since 1965 when the first Federal Elementary and Secondary Education Act was enacted.

While I cannot stress the importance of the earlier legislation, I believe they were setting the stage for this conference report. Improving America's Schools Act authorizes the bulk of Federal education programs. Put quite simply, it is where the money is. This legislation authorizes $13 billion in spending for our Nation's elementary and secondary school children.

The bill is quite lengthy so it is impossible to comment on all of its many provisions. I would like to use my time to talk about just some of the important features of this legislation.

The bill reauthorizes the title I Compensatory Education Program for 5 years. It significantly restructures the program to ensure that students targeted by title I will be taught to the same high standards as other students. Report after report has told us about the tremendous need to improve American education so we can effectively compete with other nations. This legislation makes many needed changes aimed at assuring a high quality education for all American students.

The legislation also rewrites the formula for distributing funds under the title I program to make more effective use of these limited Federal funds. While the formula has changed from the bill we passed last summer by a 94 to 6 vote, it still contains some very important elements of the original Senate formula.

Mr. President, I think most Americans are familiar with the glass ceiling—that invisible barrier that often keeps competent and capable women from ascending to top jobs. Many of us are less aware that early in life it isn't the glass ceiling of the corporate suite but the plaster walls of the classroom that keep female students from realizing their potential.

The inclusion of the gender equity in education package will ensure that girls receive a share—an equal share—in the American dream by requiring equal treatment in the classroom. I am very pleased that the bills gender equity in education bills sponsored by myself, Senator MIKULSKI, Senator SIMON, and Senator MOSELEY-BRAUN have been included in this legislation.

I am also pleased that the conference report also includes the Elementary School Counseling Demonstration Program as part of the fund for improvement in education.

Elementary school counseling programs can make a big difference in the lives of young children. Children today face enormous challenges. Some live with a drug-addicted or alcoholic parent, some are suffering from the trauma of a divorce, some are victims of physical, sexual, or mental abuse. And they need our help.

By making contact with a child early on, these students have a better chance of developing the self-esteem and problem-solving skills that will benefit them during their teenage years. This principle has been put into practice in the Des Moines Independent School District with a program called smoother sailing.

Smoother sailing provides professional counselors to work with students in groups on self-esteem and conflict resolution activities. These professionals are also available to work with students on an individuals basis. And it works.

Attendance is up, classroom disruptions are down and test scores have improved since smoother sailing began in the Des Moines public schools. Elementary school counseling demonstration grants will provide grants to establish and expand counseling programs in elementary schools to focus on prevention and early intervention at a critical time in the development of children.

Title III of the legislation focuses our attention on the need to improve technology in our Nation's schools. I cosponsored the Technology for Education Act which has been incorporated into this legislation.

Walk into any workplace today and it is a much different place than that of 30 years ago. The same is true of our homes, highways, grocery stores, and shopping centers. But, enter most of our schools and it still looks very much the same. Desks are in orderly rows and much of the work being done on blackboards with chalk and on paper with pencil. And these are the tools educators are expected to use to help train the future work force. There is a huge disconnect between the worlds of school and work. We must bridge these gaps in order to be competitive and this legislation will help us meet those goals.

The State of Iowa has established an outstanding statewide distance learning network for education. The Iowa Communication Network links secondary schools, with the colleges and universities of the State in a unique interactive system.

I am also aware of the Community Learning Information Network, a national, nonprofit consortium. CLIN provides community-based technology and information delivery systems and interactive distance learning to link elementary and middle schools, employers, social service agencies, and other community organizations to provide a safe and enriched full day environment for children including at-risk and limited-English-proficient children.

These distance learning programs are good examples of activities that need to be supported in the future through improved education technology.

Mr. President, in closing, I have often spoken about the importance of education—it is vital to the future of our country. The economic health of our Nation and well-being of our children depends on the education of our citizens.

One of our Founding Fathers, Thomas Jefferson, spoke eloquently about the importance of education for a strong and lasting democracy. He said, "a democratic society depends on an informed and educated citizenry."

Thomas Jefferson's words remind us about that it is in the national interest to have a strong educational system. Improving America's Schools Act will help build the educated citizenry that forms the strong foundation for our Nation. I urge my colleagues to support this legislation.

Mr. President, this is a good bill. I urge my colleagues to vote for the conference report. Also, at the conclusion of my remarks, I would like to include a statement in the RECORD on the implications of this legislation for students with disabilities.

IMPLICATIONS OF THE IMPROVING AMERICA'S SCHOOLS ACT FOR CHILDREN WITH DISABILITIES

As chairman of the Subcommittee on Disability Policy, I would like to take this opportunity to comment on the implications of the Improving America's School Act of 1994 for children with disabilities.

The passage of the Americans With Disabilities Act in 1990 and our recent celebration of the law's fourth anniversary highlight the national policy path on which our country has embarked which focuses on the inclusion, independence, and empowerment of individuals with disabilities.

Part B of the Individuals With Disabilities Education Act extends to all students with disabilities the right to a free and appropriate public education based on the unique needs of the child. To the maximum extent appropriate, children with disabilities must be educated with children who are not disabled. Separate classes, separate schooling, or other removal of children with disabilities from regular educational environments occurs only when the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Although major strides have been made in educating students with disabilities, in far too many schools around the country, separate educational systems have developed with little or no coordination—one system for regular or general education, a separate and distinct system for special education. This isolation and lack of coordination creates artificial barriers to achieving a world class education for all disabled students.

The Improving America's Schools Act of 1994 is fully consistent with the ADA. In addition, it is also consistent with Goals 2000: Educate America Act and complements the spirit of part B of the Individuals With Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

This legislation is significant because it takes this Nation's educational systems one step closer to viewing all of our children as having the potential for achieving excellence according to their abilities. The term "all students" is defined as students from a broad range of backgrounds and circumstances, including students with disabilities. The legislation recognizes the need to provide additional support to these students where appropriate, so that they can achieve the challenging State content standards and challenging State student performance standards in the core academic subjects. The legislation makes programs for students who are disabled as accountable as other educational efforts by holding children to the same high standards and by providing the necessary accelerated curricular programming to make those standards attainable.

The legislation also encourages parental involvement and encourages schools to reach out to parents, including those with disabilities, and identify barriers to increased parent participation. Provisions in the legislation encourage school personnel to remove potential barriers to parental involvement and to provide training and support to facilitate meaningful parent participation in school activities and the education of their childern.

The legislation also directs local school personnel to coordinate their programs for educationally disadvantaged children with other educational services agencies and Federal programs, including resources provided under IDEA. Rather than building separate programs, this legislation encourages greater coordination among programs so that children with a wide range of challenges can be more fully integrated in the general education program and provided the necessary supports to make that integration effective and facilitative for learning.

The legislation recognizes that much-needed change and lasting school reform will not occur unless teachers are provided with opportunities to learn, study, and discuss new strategies for working with students with diverse learning needs, including students with disabilities. Therefore, title II enhances professional development opportunities for our Nation's educators through a series of activities. First, the legislation encourages institutions of higher education to improve the teaching and learning of all students by, among other actions, incorporating effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including students with disabilities, in order to ensure that all students have the opportunity to achieve challenging State student performance standards.

Second, the legislation authorizes the use of funds to disseminate models of high quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including individuals with disabilities, and to develop activities to prepare all teachers, and, where appropriate, paraprofessionals, pupil services personnel, and other staff in the collaborative skills needed to appropriately teach children with disabilities in general education settings, consistent with their individual educational programs, in the core academic subjects. Third, the legislation requires that State and local educational plans describe how programs in all core subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including individuals with disabilities, by incorporating pedagogical strategies and techniques which meet such individuals' educational needs.

Lastly, States are authorized to carry out professional development and recruitment activities designed to increase the numbers of individuals with disabilities teaching in the core academic subjects.

These activities will help assure that America's teaching force is better prepared to address the needs of students from diverse populations and is trained in the collaborative skills need to work with their educational colleagues to assure that all students meet the high standards that are set for them and that the true promises of IDEA and the ADA are achieved.

Consistent with the focus on establishing and maintaining high expectations for all students, including students with disabilities, the conferees believe that it is critical that all students, including those with disabilities, participate in school assessments. The legislation includes provisions for the participation of all students with diverse learning needs and the adaptations and accommodations necessary to permit such participation. The conferees emphasize the importance of these provisions because of evidence of considerable exclusion of students with disabilities from national and State data collection programs. For example, it is currently estimated that the National Assessment of Educational Progress excludes 50 percent of students with disabilities.

Based on evidence from States such as Kentucky, Maryland, and others, the conferees believe that all children can participate in assessment efforts. Most students—over 98 percent in Kentucky's experience—will be able to participate in the regular assessment provided to nondisabled children with accommodations such as extended time limits, use of large print or braille versions of assessments, or use of a reader, scribe, sign language interpreter, or technology. The remainder may need adaptations to participate such as the use of information provided by an individual who has extensive knowledge of the student's performance or portfolio assessments which permit students to demonstrate their educational proficiency.

The conferees also believe that the IEP, required by part B of IDEA, serves as an excellent source for identifying the necessary adaptations and accommodations for students with disabilities to fully participate in assessments. The supports provided in the instructional environment will also serve the student in the assessment process and will help provide valid information on student progress and achievement.

I'm pleased to inform my colleagues that the legislation allows a local educational agency to use title I funds to

pay the excess costs of providing services to children with disabilities. This will allow local educational agencies to utilize funds under this legislation for the provision of special education and related services described in a disabled child's IEP. Heretofore, this practice was prohibited.

As my colleagues will remember, the Senate bill contained two amendments regarding disciplining students with disabilities. The Gorton amendment would have modified the "stay put" provisions of IDEA by allowing school districts to remove a child from their educational setting and be placed in an alternative setting for up to 90 days for bringing weapon to school or asserting that the child was engaging in life-threatening behavior. If the parent appealed, the child would stay in the alternative setting pending all appeals. The Jeffords amendment would allow a child to be removed and placed in an alternative setting only for bringing a weapon to school.

The House Education conferees were vehemently against the Gorton amendment as were many national parent and educational organizations. Many of the House conferees felt that we should postpone any potential changes until next year when we reauthorize IDEA.

The legislation agreed to in conference includes compromise language. First, the legislation directs the Secretary of Education to disseminate widely the existing discipline policies for students with disabilities with the present provisions for changing a student's placement if deemed necessary. Second, it directs the Secretary to gather data on the incidence of children with disabilities engaging in life-threatening behavior or bringing all types of weapons to school. The data to be collected by the Secretary will provide us with useful information to determine what types of changes, if any, are needed for the reauthorization of IDEA. Third, the legislation directs the Secretary to submit a report to Congress by January 31, 1995, analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities.

The compromise language also includes a modified Jeffords amendment. This amendment alters the "stay put" provision of IDEA in order to provide discretion to school officials to remove any child who brings a weapon to school and who has a disability or alleges he or she is disabled and place such child in an alternative educational setting for up to 45 days. The term "weapon" is defined as a firearm as defined in section 921 of title 18, United States Code. If a parent objects or appeals to the courts, the child remains in the alternative placement and not in the original placement. This process is identical to the process included in the Gorton amendment, except 90 days was changed to 45 days.

Second, the Jeffords amendment codifies an interpretation by the Office of General Council of the U.S. Department of Education regarding the relationship between the Gun Free Schools Act and IDEA, as modified by this amendment. Third, the Jeffords amendment sunsets the amendment made to IDEA on the date the reauthorization of such legislation is signed into law.

Although I, and many parents and educational groups, would have preferred to postpone making any changes to IDEA and the safeguards it offers to students with disabilities until the law is reauthorized, I believe the provision incorporated into the legislation provides school officials additional flexibility while we can obtain the critically important information on the extent and types of problems facing our schools.

Lastly, I'm particularly pleased that the bill incorporates S. 2144, the Support for Families With Children with Disabilities Act of 1944, which I sponsored along with my colleagues Senators JEFFORDS, KENNEDY, SIMON, DODD, LEAHY, METZENBAUM, and WELLSTONE. The bill adds a new part I to IDEA. This is a critically important new program.

The purposes of the legislation are to: First, provide financial assistance to States to support systems change activities to assist each State to develop and implement, or expand and enhance, a statewide system of family support for families of children with disabilities and to ensure the full participation, choice and control by families of children with disabilities; and second, enhance the ability of the Federal Government to identify Federal policies that facilitate or impede the provision of family support for families of children with disabilities, provide States with technical assistance and information, conduct a national evaluation of the program of grants to States, and provide funding for model demonstration and innovation projects.

The legislation states that it is the policy of the United States that all activities carried out under this act shall be family-centered and family-directed and be consistent with the following principles: Family support for families of children with disabilities must focus on the needs of the entire family; families should be supported in determining their own needs and in making decisions concerning necessary, desirable, and appropriate services; families should play decisionmaking roles in policies and programs that affect their lives; family needs change over time, and family support for families of children with disabilities must be flexible and respond to the unique needs, strengths and cultural values of the family; family support for families of children with disabilities is proactive and not solely in response to a crisis; families should be supported in promoting the integration and inclusion of their children with disabilities into the community; family support for families of children with disabilities should promote the use of existing social networks, strengthen natural resources of support, and help build connections to existing community resources; youth with disabilities should be involved in decisionmaking about their own lives; and services and support must be provided in a manner that demonstrates respect for individual dignity, personal responsibility, self determination, personal preferences, and cultural differences.

This legislation will help us transform current State systems, many of which foster dependence, separation, and paternalism, into systems that foster inclusion, independence, and empowerment for American families with children with disabilities who have chosen to raise their children at home. The legislation helps States through systems change grants, develop or expand and improve family-centered and family-directed, community-centered, comprehensive, statewide systems of family support for families of children with disabilities that are true to the precepts of the ADA. As a witness at our hearings testified:

> This modest statute has the potential to influence Government policy, Federal, State, and local more positively than do many of the Federal Government's largest pieces of legislation. I know, because the State of New Hampshire has taken its first steps in this direction of family support, and it is the best human services policy that we have made in the last two decades.

I am pleased to have been able to join with parents in Iowa and across this country in developing and passing this legislation which will now begin to give this message of support and empowerment to families with children with disabilities across all of our States.

In summary, the provisions in this legislation will serve as an effective vehicle for strengthening our overall efforts to meet the needs of all children in the United States and ensure that children with disabilities are included in the mainstream of educational progress and reform and their families are treated with dignity and respect.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GREGG] is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for a period of 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Could the Senator repeat the request?

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 15 minutes.

Mr. PELL. Is the time coming out of the time of the minority?

The PRESIDING OFFICER. This would be time, it is the Chair's understanding, coming out of the minority side on the conference report. I ask the Senator from New Hampshire if that is the case?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The Senator may proceed.

THE UNITED STATES POLICIES IN HAITI

Mr. GREGG. Mr. President, I wish to address, once again, as I have on a number of other occasions, the issue of what our policies are in Haiti. There has not been a great deal of discussion in the last few days about this issue, although a number of our Members, including myself, just recently returned from a brief trip there to try to assess the situation.

I continue to be concerned that we as a country, and this administration specifically, have not defined a national goal which justifies the huge amount of commitment we have made in Haiti, specifically the fact that we have put a large number of American troops on the ground there and put their lives at risk, and we have committed to spend at least a billion dollars in a plan laid out for us by the administration—probably multiple billions of dollars in this country.

We are spending it without any definition, in my opinion, of what is the national interest there. We have discussed that issue before at some length, and I hope there will be a resolution jointly sponsored by both sides which will give us more of a definition as to what is going on in Haiti and the timeframes involved there, and which will get the administration to define the mission for us in Haiti, what the rules of engagement are in Haiti, and how much it is going to cost on a daily basis. I think that is critical.

As we proceed down this road on the issue of Haiti and how we are going to deal with that nation, one of the obvious key factors is that we went into Haiti, according to the President, for the purposes of restoring to power President Aristide. Yet, today, there appears to be more and more issues as to Mr. Aristide and as to his credibility, character, and also his purposes. Should he obtain the position of President again?

I want to refer today to two issues raised in the press, and I believe this Senate has an obligation to pursue these issues and to get some determination as to what the accuracy of these questions are. First, of course, is the representation that has been in the press from a number of quarters that Mr. Aristide is alleged to be taking money that was paid to him by the Colombian drug cartel. DEA has requested the opportunity to interview him and has been denied that by our Justice Department. Those are two representations that have been made in the public and reported September 30 and have been followed up on in a number of reports, and they are serious, obviously.

The fact that we would be putting the American imprimatur of "good government" on an individual who may be taking bribes from the Colombian drug cartel is serious. The fact that American troops are on the ground in Haiti for the purpose of defending this individual and his supporters and for the purpose of reinstituting his Government, when that Government may actually be headed by an individual who has this sort of potential background, is serious.

We need some answers here, and I hope that we will receive them from the administration, and that they will, at a minimum, allow their own Department of Drug Enforcement to pursue their investigation without interference from the Attorney General.

The second group of issues which are raised relative to Aristide are his actions in relationship to the American commitment there. There is a story by Bradley Graham today in the Washington Post which has a number of very interesting issues raised in it. Specifically, it states that Mr. Aristide, through his lawyers—remember, his lawyers are paid American lawyers who represent him here and receive a great deal of money—his lawyers have represented that they will not sign what is the traditional status-of-forces agreement so our military on the ground knows what their purpose is and what their relationship is to the Government of Haiti, unless they receive a commitment from our troops that our troops will go in and disarm the enemies of Mr. Aristide, as defined by the Aristide faction.

That, of course, is a very threatening position to put our troops in—that they would basically have to do a house-to-house search for weapons in Port-au-Prince and throughout the country of Haiti for the purpose of disarming people who may arbitrarily be chosen by the Aristide forces and Aristide faction as their opponents.

When you look at the history of Mr. Aristide's political movement, you see that in the past he used the purposes of mob violence in order to enforce his own political agenda. And there is, from my experience—which is brief, I must admit, my exposure to the Haitian situation—serious and probably legitimate concerns by a number of people in Haiti that once their weapons are removed, they and their families may be the subject of mob violence.

Second, the attorneys have said a condition of his signing the status-of-forces agreement is that the American forces must be committed to protect him and his people personally. I find that to be an interesting condition to put on American forces. The fact that the status-of-forces agreement has not been signed is truly an affront to this Congress, this country, and especially to our soldiers who are on the ground there.

One wonders if it is just a continuation of the Aristide reaction to the situation that we have seen throughout this process, because as is described by Mr. Graham, he says:

> Aristide was angry and disappointed by the deal crafted by former President Jimmy Carter that led to the peaceful occupation of Haiti by the U.S. troops on September 19. The exiled president, whose restoration to power is the goal of the U.S. intervention, was unhappy that the deal allowed Haiti's top military leaders to remain in office until as late as October 15 and did not require they leave the country after stepping down.

As a result, Mr. Aristide refused to thank the American troops or the American people for their commitment there for a number of days.

One has to question this person's approach to the whole issue and whether he is an individual who qualifies for the commitment of American soldiers that is being made there or the American tax dollars that are being put into this country.

Furthermore, it appears that this administration has designed a fairly comprehensive plan for the future of Haiti, and I find this to be the most disturbing because in this article it states:

> U.S. officials have shared with the Aristide representatives a number of papers outlining America's plans and intentions in Haiti.

I want to tell you this administration has not shared those plans or those intentions with either this Congress, this Senate, or with the people of the United States As far as we know as a Congress or as a Senate, or as far as the people of this country know, there is no definition that has yet been given to the policies in Haiti.

We are seeing a mission which is subject to constant fluctuation in its purposes and its goals, and we are seeing a mission where our own troops are put on ground in a position which is confusing and difficult to enforce and where they are being asked to be policemen one day in support of one group and policemen another day in support of a different group.

Yet this administration has been able to share with Mr. Aristide, according to this article, numbers, papers outlining American plans and intentions in Haiti. I do believe that it is time that they also shared those papers and plans and intentions with this Congress and with this Senate.

I would hope that as we move down this road into the Haitian situation we would recognize that this is a murky and difficult business, that there is a potential here to draw American forces and American tax dollars into a very deep and murky lake and that we could end up in a position where a large number of American military personnel and

American personnel generally and a large number of American dollars could be expended without any clear and effective policy to guide that activity.

We clearly have some significant questions about Mr. Aristide and about his policies, about him personally, and what he has been doing and in the area of the DEA probe and about his policies and his role relative to the United States in regard to a status-of-force agreement.

These need to be answered and, most important, the American people need to know what is the end plan, when are we going to get our troops out, and how much is it going to cost us. These are serious questions, and they need to be answered.

I would hope that this Congress before it adjourns goes on record asking for those answers and that the administration has the courtesy to give them to us.

I yield back the remainder of my time.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I yield 15 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to yield 5 minutes of my time to my colleague from Montana, if I may, and when that time is expired I will use the remaining time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much thank the Senator from Rhode Island and the Senator from Connecticut.

I ask unanimous consent that my remarks appear as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF PRIVATE RELIEF BILL FOR WADE BOMAR

Mr. BAUCUS. Mr. President, I am proud to say last night the Senate passed a bill of monumental importance to me and to Wade Bomar. Who is Wade Bomar, you ask? Well, I will tell you.

Wade Bomar is a brave man. He is 31 years old and a father of three who lives in Billings, MT. Five years ago, on a hot August day in 1989, Wade volunteered to help the Bureau of Indian Affairs extinguish the Pryor Gap fire, which was threatening the nearby Crow Indian Reservation.

The fire was out in the woods. Forest fires are terrible, dangerous, unpredictable events. Montanans have always known that. The whole country has come to learn that this year. Nobody was killed in this one, thank God. But during the fire, a burning, 100-year-old pine crashed down on Wade. It left him paralyzed from the waist down and unable to work again.

Meanwhile, as Wade was fighting the fire, the Senate was debating a bill to compensate firefighters permanently disabled in the line of duty. The bill passed and went into effect a few months later.

So if Wade has been injured a little while later—or if the act has applied retroactively—Wade would have qualified for a payment of around $100,00 under the Public Safety Officers' Benefit Act. Payments do not happen often under that act. But when they do, it means an awful lot.

But Wade did not choose the day he was to get hurt. And the act was not retroactive. So the fire left Wade and his young family with nothing but a lot of hospital bills and no means of paying them—not to mention an incredible amount of physical and emotional pain.

He has no medical insurance; and because of his bills, he cannot afford health or dental insurance for his children. They are shut out of school field trips. His son cannot afford the risk of joining the local hockey team.

Wade is a courageous man. He can make it on his own. But his injury has left him with a hospital debt that he simply will not be able to pay. He needs and deserves our help.

So in May of last year, after exhausting all the bureaucratic and administrative avenues, I decided that we had to be direct. I introduced a private relief bill to give Wade Bomar the compensation he has earned. And by passing my private relief bill, the Senate has given Wade Bomar that compensation.

With these funds, Wade will bring himself out of debt and give his family some security. Wade's son will be able to join the hockey team. His 6-year-old daughter can go on field trips with her first-grade classmates. It fairly settles the score once and for all.

The 103d Congress is coming to a close. There is a lot of rancor and division in the air. And in times like these, people often forget why we are here. But I can tell you the answer. We are here to help people like Wade Bomar, people who are the victims of forces outside their control, and whom we can help.

I called Wade last night after the Senate passed the bill late last night. He was genuinely overcome with emotion. And to be honest, I was too. Bills like this—days like today—are the reason I ran for Congress in 1974. And they are the reason I have stayed on the job ever since.

Mr. President, I am grateful to my colleagues in the Senate for giving a hand to Wade Bomar. I am grateful to my colleagues not just as Senators who have helped out with a bill, but as Americans who have done something good for a fellow citizen in need.

I give particular thanks to my colleague from Missouri, Senator DANFORTH, for working with me and also to my staff member Dave Flanagan who worked very hard following this to be sure that this day finally came to pass.

And I urge the House of Representatives to follow suit in the few days remaining before the 103d Congress closes down.

I thank Senators DODD and PELL for yielding.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I commend the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, and the distinguished chairman of the Education Subcommittee, Senator PELL, along with Senator KASSEBAUM, the ranking Republican member of the committee, and others, for the tremendous job that was done on passing in this body, and the other Chamber, the Improving America's Schools Act of 1994.

Mr. President, I am proud to have been a party to this bill. I am confident that this legislation is going to make a great deal of difference to school districts all across our country.

Mr. President, by passing the bill before us, we make good on our promise to the next generation of Americans.

Throughout our history, we have invested in the education of our young people. We have put our hearts, our minds, and our pocket books into building schools, buying books, and educating our kids. We have done so secure in the knowledge that education is a strong and sturdy ladder up to a better life for our children and a better future for our country.

That's what this bill is all about. Along with the Goals 2000 legislation we passed earlier this year, the Improving America's Schools Act goes a long way toward fulfilling our promise to offer the hope of education to all of our 49 million schoolchildren—regardless of where they live or how much their parents earn.

BREADTH OF PROGRAMS CONTAINED IN THE BILL

Just a simple glance at the table of contents of this bill demonstrates how much more is at stake here than high-octane political issues like school prayer:

The Title I Program, which provides supplemental services to disadvantaged children.

The Eisenhower Professional Development Program, which was expanded to include all the core academic subjects.

The Safe and Drug-Free Schools and Communities Program to reduce violence and drug abuse.

The Impact Aid Program to compensate communities with a significant Federal presence.

The New Chapter II, renamed the Innovative Education Strategies Program, which will assist States across-the-board in their school reform activities.

The Technology for Education Program, which will provide schools with new Federal resources to bring technology into their classrooms.

An Educational Infrastructure Program—with an appropriation of $100 million—which will help begin the long process of improving the crumbling infrastructure of our schools.

The Bilingual Education Program.

The Even Start Program.

And the list could go on and on.

Each of these programs delivers on the promise we have made to support America's children and schools. They will provide teachers, parents, and communities with the Federal help they need to carry them into the 21st century.

IMPORTANCE OF FEDERAL PROGRAMS

Some argue that the 6 percent that the Federal Government contributes to education is so limited that it is meaningless. I would agree that it is much too small, and I will continue to work with Senator JEFFORDS and others to increase our commitment to education. But these dollars are certainly not meaningless.

In thousands of communities all across the country, Federal education money provides that extra bit of support necessary to buy computers or hire tutors. It pays for foreign language instruction or more library books. It makes possible professional development to ensure that teachers meet high standards. It allows schools to experiment with innovative programs in parental involvement and coordinated services. Federal dollars do matter a great deal, and that's why this bill is so important.

IMPORTANCE OF TITLE I PROGRAM

In particular, these dollars mean a great deal to disadvantaged children, those who are in the most desperate need for the advancement that education can offer. Too many children find themselves in communities ill-prepared to care for them, support them and educate them. We all know of schools in our states where the buildings are crumbling, the books are old, the teachers are not qualified, and the chances for students are slim.

While I don't believe we do enough to help students in those schools, this bill at least offers them a ray of hope through the Title I Program, which offers needy students in poor communities supplemental Federal assistance in the form of additional teachers, computers, after-school enrichment and summer programs.

TITLE I TARGETING

To make sure we get the biggest bang for the buck, this legislation targets title I funds more toward the communities with high concentrations of poverty. The bill eliminates eligibility for the most affluent districts that have poverty rates of less than 2 percent. Frankly, I wish we could have targeted funds even further than this conference report does. But it certainly moves us in the right direction, and it will make a real difference in many of our poorest communities.

EFFORT AND EQUITY FACTOR PRESERVED

In addition, we retained in a modified form the new effort and equity factors, which the Senate adopted as a part of its original formula. Beginning in fiscal year 1996, appropriators will be able to channel funds into this important additional formula.

These funds will serve to reward States that are making a substantial investment in education and that are addressing the disparities in spending among their school districts.

It is absolutely unfair that two children who live a few miles apart receive greatly different educations—all because of variations in their respective communities' property tax bases. This new incentive money will encourage States to look seriously at these issues and will provide a tool the Federal Government can use to help States trying to establish more educational equity.

CJD INITIATIVES

I was pleased to work on a number of additional components to this bill.

SCHOOL SAFETY

As chairman of the Subcommittee on Children, I have struggled for the last 3 years with the crisis of youth violence, much of which takes place in our schools. Earlier this year, the Senate approved my Safe Schools bill, which provided stop-gap support for schools working to meet the challenge of violence. The Crime bill included the Ounce of Prevention Council, which will fund after-school and summer programs to provide children with alternatives to street life and violence.

This legislation takes us one step further by expanding the Drug-Free Schools Program so that it will include a new focus on safety. More than $500 million of Federal funds will now be available to schools to prevent violence.

And I am pleased that changes I offered will ensure that all schools receiving these funds will have the most promising tools at their disposal—conflict resolution, peer mediation, and other strategies that teach children about nonviolent ways to resolve disputes.

CHARACTER EDUCATION

In addition, we also incorporated my initiative to provide new Federal support for character education. We can get at the roots of violence, drug and alcohol abuse, and other discipline problems by teaching kids the importance of traits such as honesty, responsibility, respect, trustworthiness, and civic virtues.

We also include their partnerships in character education pilot project program, which Senator DOMENICI and I offered as a floor amendment when we first considered this bill. This program will support State and local partnerships in 10 States for developing and implementing model programs of character education.

TRANSITION INITIATIVE

This legislation also establishes support for the transition initiative, which I authored in the Senate bill. This program will provide children in the early grades with a better chance of educational success through increased parental involvement, coordinated services, and appropriate curriculum.

CONCLUSION

Every day we hear a great deal about the things that are wrong with America—crime, welfare dependency, and the disintegration of the American family. The problems are always easy to spot.

But the solutions are a lot harder to identify. But today we have before us a solution. It will reduce crime and welfare dependency, strengthen the economy, improve our communities and neighborhoods, and enhance the lives of millions of Americans. Education—that is the answer.

And that is what this bill is all about. I urge my colleagues to join me in supporting it.

HAITI

Mr. DODD. Mr. President, it is coincidental that I am following the distinguished Senator from New Hampshire, Senator GREGG, regarding Haiti because I wanted to take a few minutes this afternoon and report to our colleagues on a trip that I and five of Senate colleagues made last Saturday to Haiti. The delegation included the distinguished senior Senator from Rhode Island and the chairman of the Foreign Relations Committee, Senator PELL, Senator WARNER of Virginia, Senator LEVIN of Michigan, Senator COVERDELL of Georgia and Senator GREGG of New Hampshire.

The six us, Mr. President, spent about 7 hours in Haiti on Saturday. We went down in the morning and made it back about 1 o'clock Sunday morning. We had a rather full and extensive day. We met with people from all across the political spectrum in Haiti, including, of course, Lt. Gen. Shelton and the commanders of our military forces who are in Haiti.

I would like to take a minute or two and use the remainder of my time and

share with my colleagues at least this Senator's impression of our visit there and how the situation looks as we saw it.

The purpose, Mr. President, of our visit was to discuss with our military commanders the wisdom of including a date certain for the departure of United States troops from Haiti in any resolution that the Senate might consider. Second, to see firsthand the progress being made to implement the Carter agreement and provisions of other relevant U.N. resolutions. And third, to assess the security situation.

We saw a number of people, as I mentioned, General Shelton, Ambassador Swing, parliamentarians from all the major political parties acting Prime Minister Robert Malval, the Haitian minister of defense, Jean Beliotte, the head of President Aristide's transition team and other members of the transition team, members of the Haitian business community, General Cedras, and the military commanders. Some members of the delegation also visited some U.S. military units operating in and around Port-au-Prince.

Mr. President, with respect to the primary purpose of our visit to determine whether it makes sense to legislate a date certain for withdrawal of United States forces from Haiti, the delegation came away—and I think I can speak here unanimously for the delegation—we came away with the view that such action would be contrary to United States interests.

While other Senators may speak for themselves as to how they came to this view, speaking for myself, Mr. President, it was the briefing by General Shelton that crystallized my thoughts on this important matter. General Shelton made it quite clear to all of us during his briefing that setting any date for withdrawal of our forces would seriously jeopardize the security of United States military personnel, as well as make the successful completion of his and our mission in Haiti that much more difficult.

General Shelton pointed out that he was not a Member of Congress, he was not speaking politically, but, in strictly military terms. He felt that any fixed date might cause him to have to accelerate their activities, might cause mistakes to happen, thus placing U.S. forces in some potential harm. I think all of us, regardless of our differences of opinion about whether or not our forces should have gone into Haiti in the first place, or how that should have occurred, came away with the unanimous point of view that General Shelton was correct.

There may be, as early as tomorrow, a resolution before this body regarding our presence in Haiti. My strong hope is that no date certain will be included for the reasons that I have already mentioned.

We had very little time in Haiti—as I mentioned, 7 hours—but we did meet with a broad cross section of Haitian society, parliamentarians, business leaders, or simply talking with people in the streets.

I was struck by how hopeful Haitians seemed that their 3 years of trial and travail were nearly over and by how much they have all come to believe that, whatever their personal feelings about President Aristide, his return to Haiti is their only hope for ending the current crisis. Maybe the group that best crystallized that was the business community. To a person, they all said they had voted against President Aristide in the elections. But to a person they all said they hoped he came back as quickly as possible, that they saw his return as an opportunity to achieve stability and offer some hope for the people of Haiti.

So even for people who are not supportive of him politically, the general consensus there was that he ought to get back, and they are prepared to be supportive for the remainder of his term.

This hopefulness contrasts, I might add, sharply with the mood I encountered when I first visited Haiti earlier in the year, in March. At that time, there had been months of inaction by the international community, despite blatant acts of provocation and violence by General Cedras and his followers. The Haitian people were in despair. They truly believed that the entire world had forsaken them.

Operation Uphold Democracy—the name of the operation that has brought as many as 20,000 of our forces to Haiti—appears, in my view, Mr. President, up to now, to be making significant progress. And I cannot underestimate the joy, the true joy, with which our troops have been welcomed by the people of Haiti. I presume many have actually seen this on their television screens over the last 2 weeks.

There has been some last-ditch efforts by enemies of democracy in Haiti to derail the return of President Aristide, but most Haitians, the overwhelming majority, truly believe that President Aristide is going to return shortly, and they applaud that decision.

Mr. President, there are now some 20,000 American men and women in and around Haiti. And I can tell you from seeing them first hand that the American people can be rightly and justly proud of these fine young men and women. Their skill, their courage and their commitment is to be applauded by all. And whatever we may do with our resolutions, whatever other views people may have about the wisdom of going into Haiti in the first place, I hope everyone will strongly express their support for these people who, having been given orders to go to Haiti, are doing their job, I think, admirably.

And I particularly want to point out the tremendous leadership of General Shelton and his staff. I was truly impressed with the briefing that he gave us and the respect with which he is held by everyone that we saw him come in contact with.

No one should give one moment of comfort, in my view, to those elements in Haiti who, through their unspeakable abuse of their own people and through their blatant acts of provocation and defiance, have brought us to where we are today.

Matters have gone remarkably well, Mr. President, in Haiti to date. I have not seen any news reports in the last 15 or 20 minutes, but it is truly miraculous that, after almost 2½ weeks, going on 3 weeks, in what is a very hostile environment or an environment where violence could break out, we have lost no U.S. personnel. In a city of that size, with 20,000 Americans on the ground, it would not be uncommon for us to hear of difficulties. And despite the fact that we had one soldier injured and one who apparently took his own life, it really is truly miraculous that things have gone as well as they have.

I would caution all of us that Murphy's law, anything that can go wrong will go wrong, is alive and well in Haiti. And while things have gone well to date, that does not mean we will not face some problems in the coming days and weeks. But, up to now, I think it has been a truly remarkable mission.

One major obstacle to President Aristide's return should be resolved shortly, and that is the departure of the military junta. Based upon our meeting, the delegation's meeting with General Cedras and his colleagues, it is our judgment—again, I think, unanimous judgment—that General Cedras has come to terms with the fact that he is going to step down. He told us very clearly—Senator WARNER asked the question very directly of him, whether or not he would be living up to the Carter agreement to step down by October 15. He unequivocally said that he intended to do just that.

And as to the question of whether General Cedras and the others will leave the country, I, for one, have no doubt about it.

The justifiable hatred, I must tell you, Mr. President, felt towards these three individuals—that is, the leadership of the Haitian military—you could feel it, it was palpable. Life would be impossible, I think, for them should they choose to remain in Haiti.

Colonel Francois, who heads up the police, appears to share my judgment about his prospects for a pleasant life in Port-au-Prince. Colonel Francois has already packed his bags, I am told, and gone into exile in the Dominican Republic.

Despite these positive comments, Mr. President, and the success of the mission to date, I would not wish to leave any doubt in the minds of our colleagues that difficulties remain in

Haiti. The security situation is serious and worrisome. Thanks to General Cedras and others in the high command, paramilitary groups exist throughout the country, and they are very well armed.

The good news is that General Shelton is seized with the importance of dealing with this problem quickly. He assured our delegation that it is a major priority for him and his forces to see that these groups are disarmed—with or without the cooperation of Haitian Armed Forces; preferably with their cooperation.

We have seen over the last several days U.S. forces moving quite aggressively to dismantle the FRAPH headquarters and collect weapons caches. The judgment of those who know something about paramilitary organizations is that if we are able to disarm and dismantle the leadership of these groups, this should be sufficient to render harmless the vast majority of the participants in these organizations.

General Shelton explained in some detail what appears to be the overlapping membership between the Haitian Armed Forces and the various paramilitary organizations. He related to us the details of the arrest of a heavily armed Haitian who was found to be carrying membership identifications of three organizations—the Haitian Armed Forces, the Attaches, and the FRAPH, the political wing, if you will, of the armed groups—suggesting that the total numbers of the armed military and paramilitary groups may be smaller than appearances would suggest.

In addition to these armed thugs—and the word "thugs" was used by General Shelton, and I think appropriately so, to describe them—large public demonstrations also pose a potential security problem.

Our colleague, Senator LEVIN, I think, very properly, Mr. President, urged the supporters of President Aristide not to take to the streets even in peaceful demonstrations because they can create, unintentionally, the possibility of violence. It gives the opponents of President Aristide the opportunity to create situations that could be explosive.

I think Senator LEVIN's suggestion was taken to heart. President Aristide has also urged his supporters to remain calm, and in his speech yesterday at the United Nations he emphatically made the point that revenge and retaliation are not to be a part of his government. I hope the people of Haiti will listen to his words and follow his advice as strongly as they have in other matters.

I would join President Aristide in urging all Haitians who want to see their President return quickly, to cooperate with United States Forces as they attempt to create a secure environment for the restoration of the legitimate Government of Haiti.

As my colleagues know, the Carter agreement, like the Governors Island accord and United Nations Security Council resolutions before it, calls upon the Haitian Parliament to enact a general amnesty law—this to facilitate the early departure of General Cedras and the others.

Last Wednesday the Parliament was reconvened by President Aristide. While they have not yet adopted an amnesty law per se, they are getting closer to it. I think we left Port-au-Prince with a sense of confidence that these different political groups present in Parliament will be able to reach a satisfactory resolution of the amnesty problem. Members of the delegation urged the parliamentarians to reach consensus on that point.

Prime Minister Malval is willing and desirous of taking over the civilian control of government. He cannot do so as long as Mr. Jonassaint is there. If Mr. Jonassaint will step down, then the acting Prime Minister can assume the levers of civilian control in that government. That would be a very positive thing. I hope that would occur in the next few days.

Should Mr. Jonassaint be persuaded to step down, then Prime Minister Malval indicated he was prepared to act as the caretaker Prime Minister pending President Aristide's return, and the naming of a new Prime Minister.

So I want to conclude by saying that up to now our forces have done a good job. I think we should at this juncture be tremendously confident that we are on the right course; things are going well. To hear some of my colleagues talk here, I am left with the impression that there is almost a sense of disappointment that things have gone as well as they have over the last several weeks. I am somewhat stunned by the allegations, the new ones now, about President Aristide's involvement with drug trafficking that appeared yesterday in the Washington Times. Anyone who reads the documentation from our Department of State reporting on Aristide's tenure as President would read very clearly the significant cooperation that the Aristide government gave to our drug enforcement agencies and authorities. This is a new allegation. It is groundless. It is another attempt at character assassination, first, he was considered psychopathic by some. That charge has now been debunked entirely. Now we get a new charge—some will do anything possible to try and discredit this individual. Anyone who has met him and spent time with him, as I have, would tell you there is an entirely different conclusion that ought to be reached about him.

Our troops are doing a good job. Democracy is on the march. It has a chance in Haiti. I do not know if it can be secured. But there is a chance here. I think we ought to be proud of the fact we have been able to participate in giving this small poor country some 200 miles off our shore a chance to have a future. I think every citizen and every Member of this body, despite any differences that may have existed over the decision to go to Haiti, ought to be proud of what we have achieved up to now and to try to work cooperatively to secure a better future for the people of Haiti.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of President Aristide's speech he gave at the United Nations yesterday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH BY HAITIAN PRESIDENT IN EXILE JEAN-BERTRAND ARISTIDE

Mr. President, Mister Secretary General, distinguished delegates, ladies and gentlemen.

How happy I am to hail you on behalf of the Haitian people, and with a sense of joy to address the most heartfelt congratulations to Monsieur Amara Essy, minister of foreign affairs of Cote d'Ivorie, on his election to the presidency of the 49th general assembly session.

Mr. President, as I wish you every measure of success, I would make it a point to assure you of the fullest cooperation of the delegation of Haiti. To Ambassador Insanally, may I address my compliments for having so so masterfully guided the work of the 48th general assembly session.

Our congratulations and appreciation go out as well to the secretary general of the United Nations, Mr. Boutros-Boutros Ghali, thanking and appreciating him for the ties of solidarity he was woven with the Haitian people. We say thank you, Mr. Secretary General, from the bottom of our hearts.

To all of you, dear friends, throughout the international community, thank you a thousand times over for the support you have given to the Haitian people throughout these last three years. Allow me to address words of special appreciation to President Bill Clinton, and to our special friends the United States, Canada, France, Venezuela, Argentina, and to all states, notably those of CARICOM, that offered their contribution to making the reality of resolution 940 and to the implementation of the Governors Island agreement. Ladies and gentleman, how happy I am indeed to hail you and to thank you in a very special way. Finally, 11 days from now I will be back in Haiti. (Applause.)

Thanks to the heroic courage of the Haitian people and thanks to your solidarity we soon will be back. Your eyes and our own will contemplate the opening of the flowers of democracy. Eleven days hence I shall invite you to celebrate this festival of reconciliation of democracy and of peace back home in Haiti.

Even now, with the getting under way of the peace operation known as Uphold Democracy on the 19th of September just passed, a tropical smile has shed light upon the faces of those that espouse and love peace. Together, President Clinton and we have managed to open up a channel of hope after so much suffering.

My hat is off to the Haitian people. Honor and respect go its 5,000 victims. Father Jean-Marie Vincent has died so that Haiti might live. The resistance of the Haitian people finds its deepest roots in a historical past,

where day and night a beacon of liberty has shone quite rightly to—(inaudible)—who declared at the moment that he embarked for France: "In turning around, I see that you have only cut down the trunk of the tree of liberty. Its roots will grow yet again because its roots are many and deep indeed."

At the threshold of the bicentennial of our independence, these roots nourish us with the sap of democracy. Never shall the Haitian people cease to fight to guarantee its inalienable rights, its rights that no one can deny it: rights to life, to liberty and to happiness. Never shall we cease to fight for setting up a socially just, economically free and politically independent Haitian nation.

Thus, the first black republic on earth, today torn asunder by the coup d'etat of September 30th, 1991, resolutely and definitely is marching towards the establishment of a democratic society. Via diplomacy, we attain democracy. (Applause.)

Faced with this lugubrious drama and tragedy that has involved three years of suffering, the pangs of pain have pierced our hearts. And yet our people excel in portraying reality before it, with help. The brave live ahope and fools live afear. Better late than never. In following the river, you finally reach the sea, Plato said, even during the second century before our time.

To this end, notwithstanding democratic structures set up by Solon and Pittacus in the 6th century before Christ, it was necessary to wait until (Ephielt ?), (Cleistine ?) and Pericles came along to see democratization of political life in Athens made a reality.

It is hope that makes you live, I say. And above and beyond the dreadful spectacle that is embodied in the last three years, we march towards the year 2004 with optimism. The path that goes there necessarily involves a historic crossroads where the elections of 16th of December, 1990 and our return to Haiti cross.

Eleven days from now I shall be there, this thanks to the determination of the Haitian people and to our solidarity—a history worthy of being paid attention to, because there is no history worthy of attention other than that of free peoples. The history of peoples subjected to despotism is only something that is worthy of a gathering of anecdotes.

Eleven days hence we shall be there. A bright light will all but blind our eyes, the light of reconciliation. Between violence and vengeance, reconciliation steps in, between impunity and iniquity, justice steps in. In other words, we, the president of the Republic of Haiti, clearly and firmly say yes to reconciliation, no to violence, no to vengeance, no to impunity, yes to justice. (Applause.)

We shall prepare the coffee of reconciliation through the filter of justice so that one shall find there no longer any trace of violence nor any vengeance. (Applause.) Via reconciliation you have to see to it that enthusiasm embrace all—the hearts of one and all, rich and poor, civilian and military alike. Via reconciliation must you see to it that torrents of tears shall no longer flood our eyes filled with pride.

You, parents and friends of our 5,000 victims, you have endured this crushing yoke, you all—rich and poor, military and civilian alike—soon a light will flood the very recesses of your hearts. We are indeed here talking about the light of reconciliation, otherwise how indeed to dispel the gloom of sub-human want and misery, how indeed do you move from want to poverty with indignity?

Exploring countries the world over shows us that one-fifth of the people in development every day suffers from hunger, a quarter of them is deprived of the ways and means for ensuring their very survival, a third of them is vegetating in extreme want.

In this connection, the social development summit scheduled for 1995 in Copenhagen must afford fresh possibilities for reducing the terrible conditions in which are languishing over a billion people that are the victims of hunger, disease and being stripped of everything. In Haiti in 1994, the number of children going to school amounts to 750,000. Over 1.25 million children remain at home or work on agricultural lots, and yet our constitution stipulates that education is a right that all our citizens have. It is a duty incumbent upon the state which it cannot sidestep. Thus, 10 years hence we will have to take care of 3 million children in school. This presupposes an increase in number of teachers from 35,000 to 100,000, and the number of schools from 8,000 to 20,000. Once back in our country, we shall undertake a literacy drive that should allow us to attain a significant reduction in illiteracy, down to 5 to 10 percent.

Reconciliation amongst one and all, of course, is absolutely imperative. Reconciliation and peace are intertwined everywhere and always. The dissolution of the Soviet bloc has favored the opening of a new era after decades of bipolarization, and yet we have the responsibility of protecting peace with our own countries. Between 1989 and 1992, 82 armed conflicts were recorded. Three of them only pitted one state against another.

Back home, institutionalized violence did not unleash a civil war but rather genocide instead. Even today, notwithstanding the presence of the multinational force, acts of violence against our people are continuing. The disarming of the paramilitary group, notably FRAPH and their attaches, is indispensable to see to it that peace reigns throughout our country. Obviously, the restoration of democracy will bring reconciliation for all, peace to all of us, respect and justice to every single citizen.

Lavalas brings a message of peace. The arms must fall silent for us to have peace. (Applause.)

The professionalization of an army 1,500 strong and the establishment of a police force separate from the armed forces are part and parcel of the process of peace which must be protected, a peace which must be guaranteed, and this for the happiness of all Haitian men and women. The armed forces of Haiti, as Article 265 of our constitution stipulates, are apolitical. They are, as it says in Article 264, set up to guarantee the security and integrity of the territory of our republics. Article 269/1 specifies that the police must ensure the maintenance of public order, must protect life, and must protect the property of citizens.

It is time to create a stable environment, making possible national reconciliation on our land, where we shall have no longer more than an army of 7,000 absorbing some—where we no longer shall have an army of 7,000 absorbing 40,000—40 percent, rather, of the national budget. Globally speaking, military expenditures are considerably in decline for the last six years at the rate of roughly 3.6 percent per annum.

Why then, back home, do we have a situation where there is one soldier for every thousand Haitians, at one point eight physicians for every 10,000 inhabitants; while in the industrialized countries you have on average one physician for 400 inhabitants?

Once back home, we shall set en train our health program to correct the current situation, namely, 1,000 physicians for 7 million inhabitants, one nurse for every 2,200 inhabitants, one hospital bed for every 1,300 of our people. Our goal by the year 2004 will be that of taking care of 8 million Haitians with 2,000 physicians and 8,000 nurses, and to increase the number of hospital beds to a rate of one for every 400 inhabitants. We will have to open a health center in every district, and we shall have, then, some 52 of these. Each municipal area will have its own dispensary.

The measures to be adopted in terms of health will allow us to reduce the rate of infant mortality from 135 to 40 per 1,000. Our population will see its average life expectancy raised from 54 to 65. Reconciliation and reconstruction are intimately intertwined, and we shall prepare the coffee of reconciliation, I say again, through the filter of justice so that we shall no longer find there any trace of violence, nor of vengeance.

Above and beyond our national boundaries, the tragedies of Rwanda, Burundi and Bosnia-Hercegovina have confronted us day after day. The suffering of one man or woman is the suffering of any other, and every individual is a human being. Ever since the end of the Second World War, over 23 million people have been killed in armed conflict. How can one remain indifferent in the face of the tempest of violence that have scourged so many of the countries with which we enjoy fraternal ties, including Liberia, Somalia, Georgia, Sudan and Armenia—to cite just a few? Happily, certain conflicts have evolved towards a situation of peace over the last couple of years. We hail with hope the horizons of peace that have begun to emerge in the Middle East between Israel and Palestine, the same applying to South Africa, where the first nonracial and free elections have been held.

Neither racial barriers nor barriers of class must exist at the threshold of the year 2004, the Haitian diaspora, where our 10th Department, as it were, is the special place for us to celebrate reconciliation between Haitians and Haiti. I say bravo for our 10th Department. Haiti is the Haitian's greatest wealth. (Applause.) Haiti always will be our chez nous, our back home. Let us go back home. We can embellish our homeland and turn it, as it were, into a rainbow.

Returning peace to Haiti will allow us to devote ourselves to rebuilding Haiti along with its infrastructure and its economy, reconciling Haiti with the Haitians as it were. Now there are 17.4 percent meaning 740 kilometers of paved roads. The remainder of roads—that is, 2,960 kilometers—have a hardened earth surface only. Ten years hence, all major and secondary towns and—cities and towns will be linked by a network of some 2,500 kilometers of paved roads. The new municipal roads that will be laid down will account for some 3,000 kilometers. In 1994, we only have a 1.3 percent forest cover left. At that rate there will be no longer any forest in Haiti

In 1998, with the major drive to reforest that we're going to set up, over six million trees will be planted per annum. In the year 2004, one third of our territory, thus, will be reforested. It goes without saying there will be a climate of political stability that will allow us to promote economic growth. In 1991 economic policy and fiscal discipline as adopted by the government—Lavalas government brought in $5,200,000 in customs receipts, as well as in domestic revenues from public enterprises, an historic performance for our country.

By the year 2000 at a growth rate of 10 percent per annum the same receipts will bring in $1.26 billion.

In monetary terms the results were just as satisfactory. An increase in the reserves of foreign exchange of some $20 million, an increase in comparative value of our gourd—the national currency—by some 11 percent and inflation rate brought down from 20 to 12 percent.

But what remains of these achievements after three years of plunder? The debt ceiling has been raised at—twice over. Inflation is estimated at some 60 percent, the comparative value of our national currency the gourd has drastically declined by some 300 percent in terms of relative value to the U.S. dollar. The public finances are in bankruptcy and the public treasury has recorded a loss of $100 million for the budgetary years 1992 to 1994. This means there's an absolute need for this reconciliation between Haitians and Haiti, a sine qua non for creating a modern state by rebuilding the economy. We have to open the economy to attract foreign investment and to provide goods at better prices to Haitian consumers. Synergistic relationships are indispensable between the private sector and the state.

At the level of developing countries, external indebetness has grown and multiplied 15 times over in just two decades. From $100 billion in 1970, it rose to $650 billion in 1980 to go to the level of $1.5 trillion in 1992, which is an enormous—this debt burden—an enormous brake on the development of third world countries. In 1992 these countries had to shoulder debt servicing to the tune of $160 billion, that is twice the amount of official development aid. And yet, what you note are certain signs of a turnaround. Back home, payments arrears rose to $42 million in September 1993, and will surpass $81 million in December of this year. As soon as I get back home $13 million will be freed up as the government's contribution to reducing these same arrears.

Setting up a state based upon the rule of law also implies reconciliation between Haitians and Haitians. Citizens of a country where every man and every woman is a human being. Equal before the law. Administration of real justice will spare us the vicious cycle of violence and vengeance. Today the people of Haiti have no access to a system of justice. For our 565 municipal areas, there are only 174 courts and 300 attorneys. Now then, the rule of law remains an indispensable tool is responding to building the kind of world we aspire to by the year 2004.

Between now and then, each and every one of our communal areas will have to get its own court. The number of attorneys will be doubled to attain the level of some 600. A reformed judicial system backed by an independent national—nationwide civilian police force some 10,000 strong will restore confidence to our citizens, thus the restoration of democracy will bring about respect and justice for one and all.

In 2004, after some 10 years of sound, democratic management, we shall be in a position of having achieved a structured civil and civilian society where the bread of tolerance will be shared amongst political parties, the parliament, elected local officials, trade unions, socio-professional organizations, women on the farms, grass roots organizations, religious and ecclesiastical groups and communities, Protestants, Catholics and practioners of voodoo alike, cooperatives and non-governmental organizations and so forth.

At the threshold of the third millennium, the principle "one man, one vote" can only accelerate the march forward of democracy globally. From half to three-quarters of the world's population lives under relatively pluralistic and democratic systems of government. In 1993, elections were organized in 45 different countries, sometimes for the very first time. Back home in our country in 2004, we shall already have held four municipal elections, six legislative elections and three presidential ones. Public administration will already have strengthened by the modernization of ministries and public institutions. Political life will be more active at the local level because most of major decisions will be taken at the level of the 565 municipal areas and the 135 municipalities.

Mr. President, distinguished diplomats, dear friends of ours throughout the international community, thanks to your support and thanks to the determination of the Haitian people, we shall soon see this brighter 'morrow created to spare the world from the scourge of a new global war. The United Nations over the course of the years has seen its role expand, and its responsibilities become more and more significant in an international setting that is totally different from back then. Gathered as we are in the context of this, the 49th session which marks the prelude to the commemoration of the 50th anniversary of our organization, I voice the hope, the organization, may always prove able efficaciously and efficient to respond to the new challenges that will arise the world over.

Haitian people, I say—you, the young people of Haiti, source of our pride and our dignity, all of you, to save our beloved Haiti, I say to you, let us all be united under the cover of the palm trees spread wide, of this cover of liberty—(applause)—and these palm trees that have written in them in unity their lives' strength.

I say to you, let us all be united under the cover of the palm trees spread wide, of this cover of liberty—(applause)—and these palm trees that have written in them in unity their lives' strength.

Our universe is expanding. The 100 billion galaxies making it up are moving farther and farther away at the very time that we Haitian men and women are moving closer and closer together to one another. Reconciliation amongst one and all and justice for all. As the earth proceeds through a solar eclipse, it moves along at the clip of 30 kilometers a second. Let the land of Haiti turn around the sun of justice at a similar speed, I say.—(Applause.)

All of you at this rendezvous of reconciliation, all of us marching toward the year 2004, towards the bicentenary of our independence. Spread the word, spread the news in calm and in peace. Let democracy's sweet sound win today.—(Applause.)—I'm counting on you and you are counting on me. Adieu. Our next meeting is not far away.

Alone we are weak; together we are strong.—(Applause.)—All of us together, we are Lavalas. That is the way it is.—(Applause.) That indeed is the way it is. I stress again, alone we are weak; together we are strong.—(Applause.)—All of us together, we are Lavalas.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to oppose the conference report accompanying H.R. 6, the "Improving America's Schools Act of 1993."

It appears that we are getting into a guessing game with the amounts allocated under the compromise formula. I received one "Dear Colleague" which states that shifts in funding amount to less than 2 percent. It also shows gains in every State. What is fails to show is the allocations for the years 1997, 1998, and 1999. It fails to compare how each State will do under the current formula versus the formula proposed under this legislation. It also fails to show how devastating a 2-percent shift in funding would be to South Carolina.

Fortunately, I have received another "Dear Colleague" which does compare the current formula and the proposed formula for the years 1996 through 1999. Instead of showing everyone gaining, it shows that at least 30 States and Puerto Rico will lose substantial amounts of money under the proposed formula.

Mr. President, I want to repeat that statement: that at least 30 States and Puerto Rico will lose substantial amounts of money under the proposed formula.

My home State of South Carolina stands to lose approximately $6.3 million under the conference formula. South Carolina gained in allocations under both formulas passed by the House and the Senate. However, the so-called compromise forged in the last moments of the conference is now worse for South Carolina and 6 of the 10 poorest States in the Nation. Amazingly enough, a number of States that lost under the Senate and House formulas, who had members on the conference committee, came out with gains under this formula.

Those States that gained had members on the conference committee. With the way the House and Senate passed it, that would not have been the case.

During the conference, we constantly heard arguments that this is not a "poor" program. We also heard that poverty is not the only way a child can be educationally disadvantaged, and I agree. However, the formula is based on wealth of the counties. In other words, it is tied directly to the poverty rates in a State. How does a formula based on rates of poverty overlook six of the 10 poorest States in the Nation? And that is what this does.

This is not to say that money solves all the problems associated with poor school performance. There are other factors, such as the stability of the family, crime rates, and basic learning skills. However, there is a correlation between the wealth of a school district and the success of the children in that district.

Much has been said about "targeting" the money to the poorest children. Indeed, that is one of the reasons I supported this legislation the first time here in the Senate. I felt at that time that it targeted the neediest areas. I also supported it because it pushed more money to the local level. As the evidence shows, the legislation produced by the conference does not do

this. It appears that if one is a small State and meets the "small State minimum" it does it very well. Also, if as one has a large metropolitan area in the State, the State does very well. I am not saying these areas are not in need of help. I am saying that the rural poor continue to be overlooked by this legislation.

Mr. President, let there be no mistake. I am an ardent supporter of public education. There are a number of programs in this legislation that I support. There are a few that I do not support. I voted for this legislation here in the Senate on August 2, 1994 because I believed that on balance the Senate version was a good bill. However, at that time, I informed my colleagues that I could not accept a bill that was substantially changed. The legislation produced by the House/Senate conference has done just that.

First, as I have already discussed, the funding of title I has been substantially altered.

Second, the conferees have once again taken the "low road" when it comes to the issue of school prayer.

The conferees discussed the vote taken by the House to instruct the conferees to insist on the Johnson/Helms language. At that time, the Chairman of the conference, Congressman WILLIAM FORD, stated that he would not do as his colleagues had instructed him to do by a vote of 369 to 55. Chairman FORD stated that he voted for the motion to instruct the conferees to insist on the Johnson/Helms language, and that he did not yield 1 minute to his colleagues to criticize the instruction. He then stated that because he voted for it and suppressed opposition to the instruction he did not feel obligated to support the amendment in conference. We must ask where the logic is in this argument.

I compliment my friend and colleague from Kansas, Mrs. KASSEBAUM, on her amendment. It addresses the issue of school prayer, and for that reason I voted in support of her amendment on the Senate floor. However, I believe the Johnson/Helms language best addresses the issue of school prayer. The Johnson/Helms language simply prohibits a school from having a policy of denying constitutionally protected prayer. The Kassebaum amendment requires the student to go to Federal court and prove there was a willful intent to deny student-initiated prayer and violates a court order. Unfortunately, under the Kassebaum amendment, the student will likely have already graduated before there is a judicial resolution.

As is becoming all too common in education, our conferees chose to select the lowest common denominator.

Finally, many of the programs contained in the Senate version were maintained, and many programs were even improved in conference. Unfortunately, other programs that were adopted here in the Senate were not included or were modified in detrimental ways. At this time, I do not believe many of the important aspects of that bill have been retained in conference.

Now, Mr. President, I ask unanimous consent that a chart concerning this matter showing the amount of money from 1996 through 1999 pertaining to South Carolina appear in the RECORD, showing the current law amount and the conference report and the difference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA—H.R. 6/S. 1513 FORMULA

Fiscal year	Current law	Conference	Difference
1996	$94,422,000	$93,638,000	($784,000)
1997	99,852,000	98,445,000	(1,407,000)
1998	105,287,000	103,218,000	(2,069,000)
1999	112,362,000	110,328,000	(2,034,000)
Total	411,923,000	405,629,000	(6,294,000)

Mr. THURMOND. Mr. President, I intend to vote against this legislation, and I urge my colleagues to vote against this measure as well.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, first of all, I thank Senator KENNEDY for his very skillful leadership with this piece of legislation, the Elementary and Secondary Education Act, which has really had a much more difficult journey than it should have had, on the basis of its merit, through the Senate. I think only with his skillful leadership will we be able to, in a very short period of time, pass this piece of legislation. I should also like to thank Senator PELL, who is chairman of the Education Subcommittee, and certainly Secretary Riley, for all their leadership as well.

For my part, I wish to talk about some provisions that are very specific and concrete that I worked on, that other Senators worked on. But these were initiatives based in part on a Minnesota model that I think are important. Then I want to express a little bit of disappointment. And then I wish to conclude.

The funding for effort and equity, Mr. President, I actually think is very important. We had to fight very hard for this. It is really the first time that we have incorporated this into national legislation. My colleague from Iowa, Senator HARKIN, spoke to this very well. I do not think I really need to repeat the case that he made, just to say, Mr. President, that there is something fundamentally wrong with such an emphasis on a property tax, which is all too often highly correlated to the wealth of a community, which therefore means that the sort of right to equality of education which has everything to do with whether or not we are going to have equality of opportunity, is all too often based upon the wealth of a community.

So I think the extent to which we have a carrot in here that encourages States to move toward more equity in their funding for their school systems is all for the better. That is what we are about as a Nation, to make sure that each child, every boy and girl, every young man and woman, can be all they can be.

Second of all, the mathline program is one that I am excited about because this is sort of an effort that came out of Minnesota, KCTA, and it is essentially teacher mathematics. This mathline program is one we are very pleased with. It is kind of a demonstration model. But I think that is the way it works. We start out with sort of concrete things that work, that provoke the hopes and aspirations of others.

I think that is what people are looking for, specific, concrete, commonsense models that work, and that is one we were really proud to incorporate into this bill.

The cultural arts partnership, again with the strong support of Senator KENNEDY and Senator PELL, especially, makes all the sense in the world. I am telling you the sort of connection between the arts in the community and children in our schools is critical. It is wonderful. It brings out the creativity in young people. It could not be a better idea.

Finally, the summer institute, which was based on all the positive experience with the writers workshop, is one, as a former teacher, that I really pushed hard on with the support of Sherry Ettleson, who works with me. This is one that makes a great deal of sense.

There are a number of critical ingredients to make education work, and one of them—I did not say the only one but one of them—is you have to have teachers with a high sense of morale. Too much of this past decade, plus part of the 1990's—that is to say, the 1980's and part of the 1990's—has been a devaluing of the children and devaluing of the work of the adults that work with children. I think, to the extent that teachers can come together in some summer programs, share experiences, kind of renew one another, get fired up, believe in their work, believe in the children that they teach, that is all for the better. That is part of what we need to do to make education work. And where education works is not in Washington, but it is back in our communities, in North Dakota or in Minnesota.

My final point, which is disappointment, but not enough disappointment to think that this is not a very important piece of legislation—it, indeed, is—is I just think that some of the comments made by my colleagues about what should the Federal role be, and about the allocation of resources from the Federal Government back to our States and local communities, to

my mind is just simply propounded wrong.

I remember when we had this debate about the crime bill, and I will just simply tell you one more time, Mr. President, what I heard from the law enforcement community, I think without any exception. I think without any exception, I have heard from men and women in the law enforcement community that we will never, never, never break the cycle of violence, no matter how many prisons we build, no matter how long the sentences are, unless we make sure that young people have the opportunities.

So, Mr. President, I think that this bill is an important first step. I do not think there are anywhere near enough resources going back from the Federal Government to our States and local communities. No one would argue that money is the answer, but I will tell you money is key to adequate physical facilities; it is key to the labs and textbooks; it is key to the ability of school districts to hire and retain good teachers; it is key to the support for students with special needs, which is a good part of what we have been talking about within this piece of legislation; and I think it is absolutely key to national security.

I am convinced that there will come a time in our country—and unfortunately it is not now, not yet—where we will, as a Nation, decide that critical to our national security is an investment in the health, skills, intellect, and character of young people. We just have to come to understand that.

Mr. President, until we do understand that and until we commit all the resources we should commit—and we are not there yet and this bill is not there—we will continue to pay—I hate to say this on the floor of the Senate—the interest. And the interest will be high rates of dropout, high rates of illiteracy, high rates of drug abuse, high rates of alcohol abuse, and, yes, high rates of crime.

So I just hope that come the vote at 5:30, we will have a good, strong, vote. I am sure that we will. And I think that the country will be better off for our having passed this piece of legislation.

Mr. President, I also would like to just ask unanimous consent to take about 10 minutes to speak on another issue, if I might.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DOMESTIC VIOLENCE

Mr. WELLSTONE. Mr. President, in connection with violence, domestic violence is the leading cause of serious injury to women, more common than muggings and car crashes combined. A woman is beaten every 9 seconds in the United States of America. Four million American women were beaten by their husbands or boyfriends in the last year alone. At least 25 percent of domestic violence victims are pregnant when beaten. Close to half of all the incidents of domestic violence against women discovered in the national crime survey were not reported to the police. And violent youth are four times more likely to come from homes in which their fathers beat their mothers, than are nonviolent youth.

By the way, Mr. President, I also have not talked to a judge or a police chief or sheriff who has not said to me, "Senator," or, "PAUL, we will not stop the violence in the neighborhoods and the communities unless we stop it in the homes."

Mr. President, I started out with the statistics because October is National Domestic Violence Awareness Month. In recognition of this occasion, I would like to call to the attention of this body an art exhibit in the rotunda of the Russell Senate Office Building. This exhibition includes portraits of domestic violence survivors, and it provides a "window of understanding" into the strength and the hopes of battered women nationwide.

Mr. President, the organization which assembled this collection, "A Window Between Worlds," is an extraordinary, nonprofit program which is dedicated to bringing the healing power of the creative arts to women who are the victims of domestic violence. This display is the culmination of a tour which has brought 31 exhibitions to 18 States. Throughout this journey, "A Window Between Worlds" has assisted domestic violence facilities in using art as a resource for survivors, helping to establish 18 new ongoing art programs for battered women across the country.

Mr. President, Sheila and I decided to invite Cathy Salser. Each October we have invited artists and those that have been down in the trenches, that have been struggling with this issue to come to Washington. We decided to invite Cathy Salser and "A Window Between Worlds" to Washington and display it in the Russell Senate Office Building because we believe that it is critical to bring this reality face to face with the decisionmakers and the leaders in this Nation.

We did that with the "Silent Witness" December play from Minnesota last year, and many of my colleagues came by and saw that and commented to me how important it was to them in personal terms. These paintings that Cathy Salser has done are such powerful lobbyists. In fact, I think they are the most powerful lobbyists. I do not think any of us will be able to put the issue of domestic violence in categories.

Mr. President, I could go on and on about this exhibit. I will just make three final points.

Through art, "A Window Between Worlds" guides battered women to discover safe ways to rebuild their own self-worth and hope for the future. It is empowering for those women. I want to commend "A Window Between Worlds" and Cathy Salser for providing this unique empowering resource for battered women and for assisting domestic violence programs nationwide to be able to use this as an effective tool for women to be able to rebuild their lives.

Finally, Mr. President, I would like to thank all of the survivors in the United States of America of domestic violence who have made this exhibition possible by courageously sharing their lives through this art. In doing so, those courageous women have offered us "A Window Between Worlds," which provides us an opportunity to gain a new understanding of this tragedy, a new insight into the hopes of the victims, and a new respect for their strength and will as they rebuild their lives.

It is only through this kind of exhibition now in the Russell Office Building rotunda that we can continue as decisionmakers to face the reality of what is happening to our country, the violence that none of us approve of, violence that will have to ultimately be dealt with at the community level but violence that we can make an enormous contribution toward lessening and ending by coming up with creative programs, working with people throughout the country, and enacting good public policy that will make a very positive difference in the lives of women, of children, and, yes, finally, Mr. President, of men as well.

I have to tell you that I think the most empowering thing I have ever seen in Minnesota besides the strength of some of these women who in the face of unbelievable pain and suffering have had the strength to come forward, the strength to rebuild their lives, is the fact that in communities, especially where Sheila has gone throughout the State of Minnesota, men come to those meetings and they talk about what it is that they can do to help. They ask what they can do to help.

I say to my colleague from Indiana, who I know cares a great deal about this issue, it is great to see the law enforcement community and ministers come, and I think people are aware. Once upon a time we used to say it is nobody's business. We do not believe that any longer. I think this display is extremely important. And I hope that my colleagues will be able to drop by to the rotunda of the Russell Senate Office Building to see this fine work by Cathy Salser and "A Window Between Worlds."

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. COATS. Mr. President, I would like to return to the discussion of the Elementary and Secondary Education Act conference report, which we will shortly be voting on.

I spoke earlier outlining reasons why I believe Senators should be concerned about passing this legislation, primarily because it sets in place education policy directed by the Federal Government for the next 5 years. It inhibits a number of reforms that I think are taking place and should take place at the State and local level. Clearly, there has been disillusionment with the Federal role in education, and that disillusionment obviously is the result of the lack of progress and lack of success in our educational program that I think all Americans would like to see.

One of the most persuasive reasons for Senators to vote against this bill was a presentation of how title I, formerly chapter 1, funds would be distributed to the various States. I asked the Congressional Research Service for the figures that they had compiled based on official runs which the conferees requested the CRS to run for this particular bill.

The Senator from Iowa [Mr. HARKIN] has apparently indicated that this Senator from Indiana cooked the figures or, as I think the quote was, "doctored" the figures so as to skew the results. All this Senator did was present the figures as presented to him by the Congressional Research Service. It was the conferees in the conference between the Senate and the House that requested the Congressional Research Service to make the runs under the assumption that there would be a $400 million increase in the appropriation. I did not make this request. The conferees made the request. So the only estimates available to us from the Congressional Research Service were the estimates available under the conferees' request and under the assumption that there would be a $400 million increase in the appropriation.

When those numbers came back, they permitted a comparison of how each State would fare under the current law formula as compared with the formula in the conference report. The Congressional Research Service ran both the current law formula and the new conference formula based on the conferees' requested assumption of a $400 million increase in the appropriation. When those two formulas are compared, based on the estimates prepared by CRS, it indicates that 33 States would get less Federal education money under the conference formula than the current law formula.

The Senator from Iowa, Senator HARKIN, says that the Appropriations Committee will not increase education funding by $400 million. That may be the case because he is the chairman of the Labor-HHS Subcommittee of the Appropriations Committee. He controls what will be increased and what will not be increased. But the only CRS estimates available to us assumed the appropriation increase of $400 million because that is what the conferees asked them to assume.

I just recently asked CRS how States would be affected if the appropriation remained unchanged or was only increased, say, $100 million or $200 million. They indicated to me that while they obviously did not have time to make the run, since that request was just as a result of discussion we had on the floor an hour or so ago, they indicated that a majority of States would still lose money as compared with the current law formula regardless of the amount appropriated.

The Senator from Iowa talks about a fourth grant program in the bill, a new one, called "effort and equity." This is the so-called "miracle cure" with which they could go to Members and say, "Well, we know that the CRS estimates indicate that 33 of your States are going to lose money. But we are going to make up that difference through the 'effort and equity' program." The effort and equity formula is a new grant program that is separate from the traditional chapter 1 grants, which apparently gives new powers to the appropriators. Under those new powers, the appropriators can shift funds from one State to another, and depending on what they appropriate, they can move some money around to remedy some of the inequities created by this bill.

I do not know how the Senator from Iowa or the appropriators are going to make this decision or if any funds will actually be appropriated—especially considering the House strongly opposes the effort and equity formula. But they apparently are going to have the power under this bill to move that money around. We will have to go to the appropriators and plead our case.

So that is what the confusion is in terms of the presentation of the numbers. Once again, it was not this Senator, it was the Congressional Research Service that provided the estimates. These estimates are based on the explicit language of the conference report, which states that any appropriation above the fiscal year 1995 level "shall be allocated in accordance with section 1125." That is what the bill says and that is what CRS based its estimates on. According to CRS, 33 States would receive less Federal education money under this formula than they would under current law.

For the information of all Senators, I will insert these charts based on CRS estimates into the RECORD.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

Estimated Title 1, Part A Grants Fiscal Year 1996–1999, Cumulative Comparison of Current Law With Conference Formula

States that lose under conference formula	*Fiscal year 1996–1999 cumulative loss*
Ohio	($22,657,000)
Puerto Rico	(20,371,000)
Pennsylvania	(15,827,000)
Indiana	(14,952,000)
North Carolina	(11,324,000)
Wisconsin	(10,937,000)
Virginia	(10,630,000)
Minnesota	(10,424,000)
Iowa	(9,955,000)
Tennessee	(9,937,000)
New Jersey	(9,665,000)
Georgia	(9,110,000)
Oregon	(8,318,000)
Missouri	(8,199,000)
Oklahoma	(7,562,000)
Kansas	(6,743,000)
Alabama	(6,301,000)
Washington	(5,839,000)
South Carolina	(5,719,000)
Kentucky	(5,319,000)
West Virginia	(5,281,000)
Maine	(4,499,000)
Arkansas	(4,216,000)
Montana	(3,789,000)
Colorado	(3,729,000)
Nebraska	(3,632,000)
Idaho	(3,133,000)
Rhode Island	(1,645,000)
South Dakota	(664,000)
Massachusetts	(606,000)
Michigan	(328,000)
Connecticut	(313,000)
New Mexico	(184,000)
Utah	(95,000)

Source: CRS.

States that gain under conference formula	*Fiscal year 1996–1999 cumulative gain*
New York	$70,970,000
California	61,344,000
Texas	23,344,000
Illinois	20,575,000
Florida	9,327,000
Vermont	8,795,000
Alaska	8,711,000
Delaware	7,447,000
Louisiana	7,289,000
Mississippi	5,739,000
Wyoming	5,628,000
New Hampshire	4,985,000
Maryland	3,793,000
Arizona	2,409,000
Hawaii	812,000
Nevada	672,000
D.C.	61,000
North Dakota	0

Source: CRS.

ESTIMATED TITLE I, PART A GRANTS 1996–97

[Fiscal year 1996; in thousands of dollars]

State	Fiscal year 1996 current law formula	Fiscal year 1996 conference formula	Fiscal year 1996 difference
ALABAMA	$130,105	$129,412	($693)
Alaska	13,533	15,503	1,970
Arizona	102,005	102,382	377
ARKANSAS	77,951	77,649	(302)
California	775,105	782,823	7,718
COLORADO	70,488	69,744	(744)
CONNECTICUT	53,581	53,225	(356)
Delaware	14,548	16,015	1,467
DC	20,573	20,458	(115)
FLORIDA	293,501	292,217	(1,284)
GEORGIA	168,638	167,636	(1,002)
HAWAII	19,508	19,363	(145)

ESTIMATED TITLE I, PART A GRANTS 1996–97—Continued

[Fiscal year 1996; in thousands of dollars]

State	Fiscal year 1996 current law formula	Fiscal year 1996 conference formula	Fiscal year 1996 difference
IDAHO	22,671	22,337	(334)
Illinois	323,930	326,295	2,365
INDIANA	109,336	107,734	(1,602)
IOWA	52,179	51,159	(1,020)
KANSAS	50,822	50,046	(776)
KENTUCKY	129,023	128,572	(451)
Louisiana	196,729	197,556	827
MAINE	25,590	25,185	(405)
MARYLAND	88,255	87,808	(447)
MASSACHUSETTS	123,682	123,255	(427)
MICHIGAN	310,734	310,276	(458)
MINNESOTA	85,304	84,157	(1,147)
Mississippi	129,414	130,282	868
MISSOURI	120,864	120,055	(809)
MONTANA	26,793	26,396	(397)
NEBRASKA	31,342	30,971	(371)
Nevada	18,987	19,010	23
New Hampshire	15,393	16,458	1,065
NEW JERSEY	144,175	143,840	(335)
NEW MEXICO	61,451	61,434	(17)
New York	635,985	642,095	6,110
NORTH CAROLINA	130,895	129,346	(1,549)
North Dakota	17,416	17,416	0
OHIO	306,802	304,437	(2,365)
OKLAHOMA	86,859	86,094	(765)
OREGON	65,917	64,913	(1,004)
PENNSYLVANIA	314,180	312,234	(1,946)
PUERTO RICO	268,967	266,886	(2,081)
RHODE ISLAND	21,775	21,736	(39)
SOUTH CAROLINA	94,422	93,638	(784)
SOUTH DAKOTA	19,530	19,502	(28)
TENNESSEE	126,197	125,078	(1,119)
Texas	616,047	618,952	2,905
UTAH	33,360	33,009	(351)
Vermont	13,351	15,418	2,067
VIRGINIA	102,685	101,907	(778)
WASHINGTON	98,195	97,221	(974)
WEST VIRGINIA	69,220	68,774	(446)
WISCONSIN	123,406	122,244	(1,162)
Wyoming	14,955	16,219	1,264

Note.—States in upper case do better under current law formula.

Source: CRS.

ESTIMATED TITLE I, PART A GRANTS 1997–98

[Fiscal year 1997; in thousands of dollars]

State	Fiscal year 1997 current law formula	Fiscal year 1997 conference formula	Fiscal year 1997 difference
ALABAMA	$137,597	$135,560	($2,037)
Alaska	14,315	16,406	2,091
Arizona	107,887	108,099	212
ARKANSAS	82,443	81,439	(1,004)
California	819,845	835,840	15,995
COLORADO	74,569	74,200	(369)
Connecticut	56,695	58,386	1,691
Delaware	15,390	17,440	2,050
DC	21,759	21,421	(338)
FLORIDA	310,465	309,245	(1,220)
GEORGIA	178,263	176,041	(2,222)
Hawaii	20,638	20,698	60
IDAHO	23,980	23,332	(648)
Illinois	342,652	345,969	3,317
INDIANA	115,673	112,120	(3,553)
IOWA	55,196	53,038	(2,158)
KANSAS	53,745	52,696	(1,049)
KENTUCKY	136,471	134,930	(1,541)
Louisiana	208,073	208,679	606
MAINE	27,042	26,161	(881)
Maryland	93,340	93,850	510
Massachusetts	130,853	133,522	2,669
Michigan	328,709	328,964	255
MINNESOTA	90,213	88,334	(1,879)
Mississippi	136,878	137,939	1,061
MISSOURI	127,851	126,338	(1,513)
MONTANA	28,316	27,395	(921)
NEBRASKA	33,058	32,174	(884)
Nevada	20,078	20,138	60
New Hampshire	16,268	17,444	1,176
NEW JERSEY	152,194	151,341	(853)
NEW MEXICO	64,994	64,635	(359)
New York	671,737	685,673	13,936
NORTH CAROLINA	138,356	135,940	(2,416)
North Dakota	18,416	18,416	0
OHIO	324,537	319,182	(5,355)
OKLAHOMA	91,867	89,914	(1,953)
OREGON	69,740	68,308	(1,432)
PENNSYLVANIA	332,374	329,821	(2,553)
PUERTO RICO	284,476	278,882	(5,594)
RHODE ISLAND	22,958	22,683	(275)
SOUTH CAROLINA	99,852	98,445	(1,407)
SOUTH DAKOTA	20,591	20,469	(122)
TENNESSEE	133,462	130,527	(2,935)
Texas	651,588	654,889	3,301
Utah	35,299	35,648	349
Vermont	14,124	16,328	2,204
VIRGINIA	108,099	106,096	(2,003)
Washington	103,888	104,380	492

ESTIMATED TITLE I, PART A GRANTS 1997–98—Continued

[Fiscal year 1997; in thousands of dollars]

State	Fiscal year 1997 current law formula	Fiscal year 1997 conference formula	Fiscal year 1997 difference
WEST VIRGINIA	73,177	71,929	(1,248)
WISCONSIN	130,563	127,904	(2,659)
Wyoming	15,820	17,167	1,347

Note.—States in upper case do better under current law formula.

Source: CRS.

ESTIMATED TITLE I, PART A GRANTS 1998–99

[Fiscal year 1998; in thousands of dollars]

State	Fiscal year 1998 current law formula	Fiscal year 1998 conference formula	Fiscal year 1998 difference
ALABAMA	$145,079	$142,555	($2,524)
Alaska	15,093	17,323	2,230
Arizona	113,765	114,520	755
ARKANSAS	86,928	85,730	(1,198)
California	864,520	889,464	24,944
COLORADO	78,628	77,614	(1,014)
Connecticut	59,785	61,194	1,409
Delaware	16,226	18,391	2,165
DC	22,945	22,525	(420)
FLORIDA	327,383	325,333	(2,050)
GEORGIA	187,903	184,870	(3,033)
HAWAII	21,763	21,698	(65)
IDAHO	25,281	24,332	(949)
Illinois	361,321	367,499	6,178
INDIANA	121,977	116,942	(5,035)
IOWA	58,203	55,060	(3,143)
KANSAS	56,651	54,881	(1,770)
KENTUCKY	143,907	142,119	(1,788)
Louisiana	219,410	221,163	1,753
MAINE	28,485	27,161	(1,324)
Maryland	98,427	98,551	124
Massachusetts	137,984	140,134	2,150
Michigan	346,622	346,891	269
MINNESOTA	95,106	92,160	(2,946)
Mississippi	144,337	146,475	2,138
MISSOURI	134,818	132,672	(2,146)
MONTANA	29,843	28,555	(1,288)
NEBRASKA	34,786	33,503	(1,283)
NEVADA	21,163	21,138	(25)
New Hampshire	17,133	18,430	1,297
NEW JERSEY	160,488	158,639	(1,849)
NEW MEXICO	68,535	68,260	(275)
New York	707,800	727,912	20,112
NORTH CAROLINA	145,852	141,928	(3,924)
North Dakota	19,416	19,416	0
OHIO	342,222	334,975	(7,247)
OKLAHOMA	96,867	94,287	(2,580)
OREGON	73,538	71,195	(2,343)
PENNSYLVANIA	350,488	346,434	(4,054)
PUERTO RICO	299,977	292,738	(7,239)
RHODE ISLAND	24,207	23,753	(454)
SOUTH CAROLINA	105,287	103,218	(2,069)
SOUTH DAKOTA	21,657	21,504	(153)
TENNESSEE	140,723	136,806	(3,917)
Texas	687,087	694,277	7,190
Utah	37,223	37,267	44
Vermont	14,891	17,246	2,355
VIRGINIA	113,602	110,737	2,865
WASHINGTON	109,548	109,206	(342)
WEST VIRGINIA	77,134	75,549	(1,585)
WISCONSIN	137,679	134,012	(3,667)
Wyoming	16,679	18,130	1,451

Note.—States in upper case do better under current law formula.

Source: CRS.

ESTIMATED TITLE I, PART A GRANTS 1999–2000

[Fiscal year 1999; in thousands of dollars]

State	Fiscal year 1999 current law formula	Fiscal year 1999 conference formula	Fiscal year 1999 difference
ALABAMA	$152,551	$151,504	($1,047)
Alaska	15,820	18,240	2,420
Arizona	116,499	117,564	1,065
ARKANSAS	91,498	89,786	(1,712)
California	894,835	907,522	12,687
COLORADO	82,913	81,311	(1,602)
CONNECTICUT	64,782	61,725	(3,057)
Delaware	17,143	18,908	1,765
DC	24,220	25,154	934
Florida	344,516	358,397	13,881
GEORGIA	197,776	194,923	(2,853)
Hawaii	22,900	23,862	962
IDAHO	26,550	25,348	(1,202)
Illinois	379,857	388,572	8,715
INDIANA	129,044	124,282	(4,762)
IOWA	62,946	59,312	(3,634)
KANSAS	61,257	58,109	(3,148)
KENTUCKY	151,992	150,453	(1,539)
Louisiana	231,593	235,696	4,103
MAINE	29,865	27,976	(1,889)

ESTIMATED TITLE I, PART A GRANTS 1999–2000—Continued

[Fiscal year 1999; in thousands of dollars]

State	Fiscal year 1999 current law formula	Fiscal year 1999 conference formula	Fiscal year 1999 difference
Maryland	103,760	107,366	3,606
MASSACHUSETTS	146,914	141,916	(4,998)
MICHIGAN	365,040	364,646	(394)
MINNESOTA	100,220	95,768	(4,452)
Mississippi	151,975	153,647	1,672
MISSOURI	141,501	137,770	(3,731)
MONTANA	30,601	29,418	(1,183)
NEBRASKA	36,060	34,966	(1,094)
Nevada	22,250	22,864	614
New Hampshire	17,864	19,311	1,447
NEW JERSEY	170,645	164,017	(6,628)
New Mexico	72,295	72,762	467
New York	747,979	778,791	30,812
NORTH CAROLINA	154,438	151,003	(3,435)
North Dakota	20,416	20,416	0
OHIO	357,465	349,775	(7,690)
OKLAHOMA	100,830	98,566	(2,264)
OREGON	77,628	74,089	(3,539)
PENNSYLVANIA	372,979	365,705	(7,274)
PUERTO RICO	316,644	311,187	(5,457)
RHODE ISLAND	24,945	24,068	(877)
SOUTH CAROLINA	111,787	110,328	(1,459)
SOUTH DAKOTA	22,589	22,228	(361)
TENNESSEE	147,109	145,143	(1,966)
Texas	718,099	728,047	9,948
UTAH	39,035	38,898	(137)
Vermont	16,234	18,403	2,169
VIRGINIA	118,801	113,817	(4,984)
WASHINGTON	115,623	110,608	(5,015)
WEST VIRGINIA	81,095	79,093	(2,002)
WISCONSIN	147,437	143,988	(3,449)
Wyoming	17,557	19,123	1,566

Note.—States in upper case do better under current law formula.

Source: CRS

Mr. COATS. The CRS estimates were provided at the request of the ESEA conferees. Those Members of the Senate and the House met in conference and said to CRS: Would you run the numbers on this assumption of a $400 million appropriation increase? Those are the numbers they ran, and the charts I have are simply the result of the CRS' runs.

Having said that, Mr. President, regardless of whether your State gets more money or less money under this new authorization versus current law, regardless, the substance of what is contained in this new thousand-page proposal, the provisions of that proposal ought to be disturbing to a great number of us.

As I indicated earlier, two former Secretaries of Education, Alexander and BENNETT, faxed a letter to each Senator urging them to defeat this legislation so that we could start again with the next Congress and provide a much more sensible approach to Federal involvement in education. In doing so, they pointed out, as I have pointed out, and others have pointed out, this does not deny funds to the States. This does not deny funding under this bill. There is a provision in the General Education Provisions Act which allows that funding to go forward regardless of whether Congress acts. So nobody is going to be denied their Federal education funds. In fact, if you go by the CRS estimates, 33 States will receive more money, because they do better under current law than under the new, revised formula, with the caveat that the Appropriations Committee may, under this new effort and equity provision, try to remedy some of that problem.

But when you look at this particular piece of legislation before us, which we will be voting on in less than an hour, and when you understand the kinds of things that are in this thousand-page bill, I think many ought to think twice before they lock in place a 5-year Federal program that overregulates, oversupervises, overcontrols what State and local educational institutions are doing in education.

Former education Secretaries Bill Bennett and Lamar Alexander had this to say about the bill before us:

The bill deals with accountability in a perverse way, essentially making schools and school systems accountable to Washington for compliance with regulations. Under the new federally imposed version of outcome-based education that applies, for now, to disadvantaged children, schools will be even less accountable to their consumers, their communities, and their States than is the case today, if this legislation passes.

The bill mandates the kinds of federally approved standards that Goals 2000 said would be voluntary.

They go on to say:

The bill mandates the kinds of federally approved standards that Goals 2000 said would be voluntary, because only with those approved content and student performance standards in place can a State or community get its Federal aid.

Although language having to do with the input standards was softened somewhat in conference, the bill takes a giant step toward reviving the legitimacy and Federal supervision of criteria that judge schools by their spending levels, by their pupil-teacher ratios, and so forth, instead of by their effectiveness.

Since Goals 2000 authorized the Education Department to develop national opportunity to learn standards, we can expect that these will soon exist and will be used. They point out that:

By mandating State plans that are based on federally approved standards, the bill moves the new National Education Standards and Improvement Council ever closer to becoming the national school board that critics warned of when Goals 2000 was enacted.

Former Secretary Alexander, a former Governor of Tennessee, indicated, "This means that Tennessee, for example, no longer has the final say over what young Tennesseans will learn in school. If the bill is enacted," he said, "that power shifts to Washington, unless, of course, Tennessee wants to forfeit its Federal aid." And, of course, that is the sword hanging over the heads of our States and educational institutions. Washington has this big pot of money for you, but if you follow the Federal standards and comply with the Federal guidelines, this money will be available to you. For financially strapped school districts and financially strapped educational institutions, that is a tough choice. If they want the money, they have to comply with the Federal standards. If they want the Federal money, the Federal strings come attached. This bill, the thousand pages, very substantially increases the number of Federal strings and Federal standards.

Secretary Bennett also noted that the National Assessment Governing Board is going to have its members chosen by education interest groups. Up to now, the board function has had its own nominating committee. Within a year or two, that will turn the country's most important and sensitive testing program into an appendage of the school establishment and Federal bureaucracy, which has already made clear its intention of race norming the test scores and probing families for sensitive information.

There are certain aspects from the bill itself that ought to be disturbing to us. Let me read: "Both the House bill and Senate amendment say that if they do not already do so, aggregate State expenditures for the operation of elementary and secondary programs must equal or exceed the level of Federal expenditures for the operation of such programs by a time certain."

The way I read that is that this is yet one more unfunded mandate on the States. The bill also says that all laborers and mechanics employed in the performance of any contract and subcontract for the repair, renovation, alteration, or construction of any building or work that is financed in whole or in part by a grant under this title shall be paid wages in accordance with Davis-Bacon. We all know Davis-Bacon imposes on many areas higher wage standards than what would otherwise be applicable.

So this is another high-priced win for mandating schools to perform contract work, repair work, mechanical work, renovations, alterations, or construction based on a federally dictated wage.

Opportunity-to-learn standards are advanced in this bill. The text reads: "Each State plan shall describe such other factors the State deems appropriate to provide students an opportunity"—it goes on to say—"which may include opportunity-to-learn standards"—"to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards."

I ask the question: How likely is the Education Department to approve plans that do not include opportunity-to-learn standards?

The bill goes on to say: "Each local educational agency identified under paragraph 3"—that is as having failed to meet State student performance standards—"shall in consultation with schools, parents, and educational experts revisit the local educational agency plan. Such revision may include reviewing the local educational agency plan in the context of the opportunity to learn and standards or strategies developed by each State."

The text goes on to say that "the term 'performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of achieving that all teachers have the knowledge and skills necessary."

That sounds like outcome-based education for teachers to me.

I also spoke about the fact that the conference report eliminates what were some promising reforms. It undermines those promising reforms. It says that a local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that both the sending and the receiving schools agree to the student transfer.

What good, I would ask, is choice if the school you want to escape has the power to deny you an exit visa?

The bill says that the Senate amendment but not the House bill provides that the ESEA shall not be construed to deny States or local educational agencies the opportunity to use Federal funds to contract with private management firms, and the Senate receded to the House in that provision.

It goes on to define a number of provisions related to gender equity. It also deals with a number of social and miscellaneous issues that are tangential at best to the educational process. The conferees have taken some innovative ideas that were discussed, debated, and passed on the Senate floor and dismissed them in conference.

I could go on and on with page after page of objections that have been raised relative to the legislation before us.

So, regardless of where any individual Senator might come down on the subject of funding, on the subject of the Federal dollars that will be available to local educational agencies, regardless of where you may come down on that, whether or not you want to take CRS's view based on what they were asked to do by the conference, whether or not you think you can make your case with the appropriators and rebalance your State's deficiency by this effort-and-equity formula, regardless of where you come down on that, there are serious, serious questions about the expanded Federal role in the education of our children in terms of dictating to States and local governments and local educational agencies how education should be conducted.

Frankly, it is a part of a significant debate going on in our country now as to how and whether and if we will be able to bring about reforms in our educational system that will truly make a difference, that will truly bring the results that we are all looking for.

If there is one correlation that is true, it is that the more money the Federal Government spends and the more power and authority it exerts, the lower the results are from our public educational system. No case has

been made that increased Federal spending and involvement in education improves the product. What we ought to be concerned about here are the results. We ought to be concerned about the product. We ought to be concerned about whether or not our children are getting the education they need and deserve in our public school systems.

And while there are certainly school systems that are doing the job and while there are certainly courageous teachers that are trying to do the job and local authorities that are trying to bring about changes, it seems that every time they attempt to take a step forward, the Federal Government comes in and says: "No, no, no. If you want to receive Federal dollars, you have to do it our way. We have the wisdom in Washington. We have the agency and the bureaucracy here and we have it all figured out. If you will just do it our way, we will achieve what we want to achieve in the educational process in this country."

Well, frankly, doing it Washington's way has had its day in the Sun, and it has not produced the results.

I say let us give State and local educational agencies more flexibility and more authority to try something different and to bring about some real innovation and reform in our schools. Let us give parents some choices about their children's future rather than locking them into a system that they know has failed.

Probably one of the most egregious abuses of power presented are the decisions that have been made to deny children from low-income families the opportunity to get an alternative education in some place other than their local public school.

Every effort on this Senate floor over the past several years to allow even demonstration programs for school choice to low-income students has been defeated, defeated by a powerful lobby that says, "We do it our way or no way." We do not even want to experiment to see if the other way works. And the plea this Senator has been making for years is, what are you afraid of? All we are asking for is a demonstration program. If you are right, it will not work, and then you can stand on the floor and say, "We tried that, and it does not work."

But we are saying, let us give it a chance. Parents who live in crime-infested neighborhoods, who have to send their children to crime-infested schools with inadequate educational possibilities for those students are crying out for an opportunity for an alternative.

We are saying why do not we set up 5 or 6 or 10, or whatever demonstration programs and give them some funds, and we will try it for 2 years? And if it makes a difference in their lives, if it makes a difference in their performance, if it makes a difference in their educational opportunities, then we will have a model program to expand that. If the public educational lobby and those speaking for it are correct, then they will say: "Look, you tried it, and it did not work. So let us not talk about it any more."

But they are even afraid to try it. They will not set aside one nickel to allow low-income children trapped in poverty, trapped in a failed educational system the opportunity to try something else.

The tragedy and the shame is that those who are saying to try to advance opportunities for children trapped in inner cities that have no chance to do anything except to go to the rat-infested, lousy educational, violence-prone local public school are denied that opportunity by the U.S. Senate and the U.S. Congress because they do not even want to take a chance that it might work. Why might it work? Because it would show up the public educational system for the bankruptcy that exists in parts of that system across this country.

I think it is disgraceful that we cannot even try something different, because we are so locked in by a lobby that says "our way or no way," or someone might show us up because they might do a better job than we do. So we need to protect our little fiefdoms here. So every attempt to try to do something different is taken into conference and the conferees sit there smugly and say: "I do not care if the Senate voted for that 2 to 1; I do not care if the House voted for that proposal 10 to 1; we are going to decide in here what goes in that bill. The heck with what the House and Senate say. The heck with what the people are saying. We want more of the status quo. We want more of what has given us this great educational system in America over the past 20 years and, by golly, we are going to give it to you whether you want it or not."

That is what we are going to get here in less than an hour, it appears, based on the last vote, but I think this country ought to wake up and I think the Senate ought to wake up. Actually, the country ought to wake up to what the Congress is doing and the public educational lobby is doing in denying opportunities for educational advancement in this country.

Perhaps when they do, they will demand that Congress give States and schools and parents and teachers and local administrators some flexibility to do something without hanging over them the Federal dollars saying, "Oh, if you do not do it our way and dot every 'i' and cross every 't' and make sure you run to Washington and comply with all the Federal standards and beg our bureaucrats and show them your plan and make sure it is just in accordance with everybody else's plan, unless we standardize education for Los Angeles and Baltimore and Miami and everybody gets on the same standard"—which I would contend is a standard of mediocrity that is a disgrace for the country with the wealth that we have—"unless you do that, you cannot play ball. You cannot get any Federal funds at all."

Maybe some educational institutions and maybe some States and maybe some localities will say, "Look, even without the Federal money, we think we can do a better job for the people that we serve." There are courageous teachers, courageous administrators, courageous superintendents of education, and courageous Governors who are asking us to do it differently, and yet we look at them and say: "No, no, no. We are going to do it our way, and if you want the Federal bucks you better play along."

So this bill now locks in the status quo for 5 more years. The country is demanding change. The country wants reform. The country wants to do it differently. But, no, we are going to lock it in for 5 years. "Do it our way 5 more years."

The same wonderful process that brought us lower SAT scores and that brought us a disgrace in public education in some areas, is going to continue for 5 more years. Well, that is not the way to address change and reform in America, and I do not believe that is the way to provide opportunities for our children.

Mr. President, I just hope that our Members can come down here at 5:30 and vote "no" on this bill, knowing that they are not going to lose a dime and knowing that we are going to have a much better opportunity next year to craft a bill that truly brings about educational reform in America.

Mr. President, I yield the floor

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to address the issues of the pending Elementary and Secondary Education Act.

Mr. President, I strongly support the conference report accompanying H.R. 6, a bill to reauthorize the Elementary and Secondary Education Act.

Before us is the single largest education program supported by the Federal Government. Yet, the debate we have had has really said little about education, but rather we have been distracted by important social issues which tend to distract us from emphasizing those things in this bill which do help to do what we must do to improve education in this country.

We are graduating kids who cannot read, yet we are worried about whether

they can pray in school. Let us let the schools try to teach them to read, and let their parents and churches worry about their religious instruction and observance.

We rank last or next to last in the industrialized world in our children's math and science ability, yet instead of worrying about how we teach science and math, we are consumed by how we deal with sexuality.

Our priorities in this debate are all wrong. We talk about one set of issues, while ignoring the more important issues. Instead of worrying so much about school prayer and sex education, we should be worrying more about how we are going to teach our children the skills they need to complete with the rest of the world.

The priorities of this debate are not those of the people who care about education across the country. Over a year ago, when I held a hearing on this bill in Montpelier, VT, one Vermonter after another told me that they wanted greater flexibility, and with it greater accountability. And we have done that in this bill. Vermonters told me that they wanted good performance rewarded, and we have done that, too.

What, really, is at stake in this debate? At stake, at the very heart of this bill, is $6 billion targeted to educationally and disadvantaged young people across this country, in both rural and urban areas.

Last year alone, 4 million students were served by this program. According to the national assessment of chapter 1, the Achievement of Disadvantaged students has improved since 1965, especially in reading, relative to the achievement of the general population.

Chapter 1 works. Students receiving chapter 1 services experience larger increases in their standardized achievement test scores than students who do not. And chapter 1 works because the poorest school districts are the ones least able to provide assistance to these needy children. They, more than most, need Federal help.

The education challenges we face are enormous. Right now, between 30 and 80 million Americans are either illiterate or functionally illiterate. They cannot read a story in a newspaper, balance their checkbook, or follow simple instructions on the job.

A quarter of our children do not graduate from high school, and of those that do, more than one-third lack the skills needed for college or entry-level work. Fewer than 50 percent of our high school graduates can now meet the goals we have set for reading and math skills.

As we sit in Washington bickering over provisions which have little bearing on education, millions of young people, teachers, administrators and parents await critically needed Federal support. Let us put our narrow interests aside and recognize the real purpose of this program—to increase the academic achievement levels of all children, and especially those who need our help the most.

This bill fundamentally changes the status quo by demanding high academic standards and encouraging the philosophy that all children can learn. And it states in no uncertain terms that poor children do not deserve a poor education.

What is more central to a democracy than education? The prominent educator Horace Mann once wrote that education, "beyond all other devices of Human origin, is the great equalizer of the conditions of men—the balance wheel of the social machinery."

I think what was true for him in Boston in the mid-1800's is just as true for us in Washington almost 150 years later. Look at any of the major problems we face today—the economy, crime, welfare—you name it. None of them will be solved with a single answer. But on each of them we do know the best single answer, and it is a better education.

Who gets the best jobs in this country? Those people with the best education. Who populates our jails? High school dropouts, for the most part. And who makes up the welfare rolls? Those people with the poorest education.

No act of Congress will cure all these ills. Their cure lies with the American people. But we will have failed if we do not give the people—the parents, the teachers and the children—the best tools we can. And as time has taught us, the strongest tool is a stronger educational system.

This conference report will help us move toward such a system. As reported by the conference committee, it retains much of the Senate bill. Let me quickly outline some of the important provisions. And let me point out that many of these provisions were pushed by my Republican colleagues on the Labor and Human Resources Committee. This has been a bipartisan bill, a strong bipartisan effort.

The conference report continues to give State and local educational agencies flexibility over school curricula and decisionmaking. While the bill requires States to ensure that our most disadvantaged young people receive the same high academic standards as all children, it requires States to develop standards in math and reading only for students served by title 1. It also allows States as many as 4 years to make the transition toward new testing systems based on performance measures rather than standardized tests.

H.R. 6 retains the Eisenhower professional development section which authorizes $800 million toward increasing access by teachers and school staff to intensive, high-quality professional development activities. The conference report retains the much-needed and long-awaited Federal support for the development and purchase of educational technology and continues a program to encourage the transition from early childhood programs to elementary school.

Finally, it continues what was known as chapter 2, now called title VI and increases the authorization to $370 million—well over the Senate passed level. As with the former chapter 2, title VI continues to provide schools the flexibility to respond to emerging local education priorities. The conference report does not eliminate all new programs created under S. 1513 but it does consolidate eight into an existing title and abolishes one of them.

I have not been asked many questions about the education provisions of the conference report, though. Instead, the questions that I have been asked by many of my colleagues concern how do I do under the formula? What happened with prayer? What are the prohibitions on sexual behavior, opportunity to learn, guns and violence?

Let me take a few moments to address these specific issues.

The formula adopted by the conference committee targets more funds to higher poverty areas, but will do so slowly so that no State will lose funds. While all funds up to the 1995 appropriations level will go out under a slightly modified version of current law, a higher percentage of all new money will flow to areas most in need.

In other words, it is the new money that will be distributed under the new formula, to ensure that more goes to the needy areas.

A 100-percent hold harmless will apply to all States and school districts in the 1996–97 school year. No State or district will lose a single dollar between 1995 and 1996, and most will receive more funds than they do currently.

The conference report retains the school prayer provisions of S. 1513. The Kassebaum amendment, which passed by an overwhelmingly vote of 93 to 7 remains in H.R. 6. As my colleagues know, the Helms amendment was defeated on the Senate floor.

The conference report does not drop the prohibitions on sexual behavior but modifies the Senate language. As my colleagues will recall, S. 1513 passed with two separate amendments regarding prohibitions on sexual behavior—the Smith-Helms amendment and the Kennedy-Jeffords amendment.

The compromise prohibits any funds received under this act to be used to develop or distribute materials to encourage any kind of sexual activity. It further prohibits the distribution of obscene materials or condoms to minors. Finally, it includes a House provision which requires that any sex education program be age specific and include the health benefits of abstinence.

The compromise is different than the amendment passed by my colleagues

from New Hampshire and North Carolina in one fundamental way—it does not attempt to direct or control the use of State and local funds or control State and local decisionmaking. The compromise is consistent with the provisions that prohibit Federal control over education in this country, and with the Republican philosophy of federalism that we all embrace.

H.R. 6 retains the amendment to require that States have in place a policy to expel for 1 year any child caught with a weapon on school grounds and contains a modification of the provision to discipline students with disabilities. That compromise requires the Secretary to collect data on the incidence of disabled children bringing weapons to school and exhibiting life threatening behavior and to report to Congress prior to the reauthorization of the individuals with disabilities education act, or IDEA, which is to be reauthorized next year.

Further, it extends IDEA's current 10 day stay-put provision to 45 days for students who bring guns to school. This compromise may not satisfy all the Members of this body, but it was a hard-fought battle with the House conferees to retain any provision addressing IDEA prior to next year.

Finally, the bill takes out the "teeth" of the House opportunity to learn, or OTL, provisions by eliminating the requirement that States develop or include OTL standards in their State plan. This provision is reinforced by Senator GREGG's amendment which prohibits mandates or control over State and local spending or decisionmaking over curriculum and instruction. In other words, local control is maintained, so important to the Members of this side of the aisle in particular.

Later today, we will be voting on final passage of H.R. 6. It is by no means everything I want. I was on the losing side in some arguments in conference.

But those losses, in context, are minor. If we fail to pass the bill, the losers will not be this Senator or any other, they will be America's children. I urge my colleagues to join me in passing this important legislation.

Mr. President, let me also point out that this is just a follow-up to what we have done this past year in the Goals 2000 bill. When we look toward the future, it is clear that this Nation is at risk when it comes to our educational system. Our students are not reaching the high educational levels that are necessary to cope with the economic demands of the future. Study after study has demonstrated that we must raise the educational level of our students, not only of those in school, which we are dealing with here today, but also of the adult population. Hundreds of billions of dollars are spent by businesses just in remedial education.

As I mentioned earlier, we have 30 to 80 million people in this country who are illiterate or functionally illiterate. In my mind, we cannot ignore this issue. Many of these citizens do not even have the skills to work in entry-level jobs. Clearly, if we do not provide them with an opportunity to gain the knowledge they need to succeed in the workplace, then this Nation will not be capable of keeping the jobs we have, creating new jobs, and bringing more higher-paying jobs into the country.

As I look to the future, I see serious problems in the area of crime, in the area of welfare reform, with the economy. As we near the next century, the only hope for solving these problems seems to be to provide States with the necessary resources, in the form of planning grants or otherwise, to help them meet the goals we have set out by the year 2000. It is my hope that next time, in addition to reauthorizing and funding those existing programs, we will search for and find a way to reorder the Nation's priorities and we will increase the funding for those programs which are dedicated to improving educational opportunities for our Nation's children.

If we can just take 1 percent of the budget each year, $15 billion, and for the next 8 years use that money to expand the funding for the Chapter 1 program, which incidentally is only funded about 50 percent, to fully fund Head Start, to fully fund the other programs we have, then we may be able to make the kind of inroads into solving the problems of this Nation's educational system in order to bring us into that next century.

I was so pleased with the result of the votes we got for cloture and I expect we are going to have even a higher number of Senators voting for final passage of the bill. So we can, I think, demonstrate to the public and to the Nation that we are willing to shift resources to take care of the problems we are facing now in the economy, to decrease the number of people who are breaking our laws and filling our prisons, so that in the future, instead of building new prisons, we will be able to tear them down, and to restructure the fabric of our social welfare system so that those individuals who are now caught in that system will gain the skills they need to participate as productive members in the great society that we have in this country.

So I look forward as we go on, Mr. President, to seeing that we do develop the tools necessary to reach the next century.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DEPARTING COLLEAGUES

Mr. JEFFORDS. Mr. President, since there is no one seeking recognition, I would like to take a moment to mention two of my colleagues who are leaving this body and proceeding to private life.

JACK DANFORTH is and has been a friend of mine for many, many years. We started together as attorneys general back in the early seventies and worked together on many interesting projects at that time. So I was very pleased when I was honored to be a Member of this body and could rejoin Senator DANFORTH. His leadership, which he has displayed to all of us, his ability to bring to a point the very difficult and complicated issues that we have before us is amazing to all of us. His dedication to bipartisanship, his dedication to finding consensus on difficult issues has greatly enhanced the ability of this body to do its job.

In particular, I worked very closely with him when we were dealing with the problems of civil rights during the Bush administration. He and I worked many, many hours with the administration and with Members on the other side of the aisle. He was the leader on our side in finding those magic words which would help us solve some of the serious problems that we had with respect to this complicated issue.

In addition to that, as we have gone forward in other critical areas this year, education, of course, but most notably health care, he was one of the original participants in the so-called mainstream activities of Senator CHAFEE and one of the most dedicated and loyal attendees of the Thursday morning breakfast. Senator DANFORTH had an admirable understanding and comprehension of the very difficult aspects of achieving meaningful health care reform.

He worked with us to the end, and shared in the disappointment that I, as well as Senator KENNEDY and others, felt when we were unable to bring together a coalition in time to achieve meaningful health care reform this year.

But without his help in many critical areas, we would not have been able to finally get consensus, even though it was too late by then to act upon a bill.

In addition, I would like to say a few words about my good friend from Minnesota, Senator DAVE DURENBERGER. He and I also worked closely together on many issues. In the area of education, and this bill in particular, we spent much time trying to find solutions to some of the difficult questions we face. I believe we did a good job, and hopefully it will be demonstrated by today's vote.

His intuition and knowledge of the many complexities of health care are what we are going to miss most. Achieving health care reform in this Nation, as we have found, is not an easy thing to do. The complications of trying to work with multi-State corporations as well as States while trying to have national uniformity raises many complex questions. Unfortunately, we did not start out in the right way with those kinds of issues. Rather, we tried to change the whole system.

He and I took it upon ourselves to deal with the mysteries of the so-called ERISA language, which is foreign to most. Only after years of being on the committees that deal with the complications of ERISA and with all of the difficulties of multi-State problems of businesses in the benefits area such as health care pensions, I believe we finally did put together an appropriate solution to State flexibility in the mainstream package.

As we found we had reached failure this year, there are many States which want to deal with the complicated issues of health care. Yet, to allow them to move forward without some Federal guidelines, and without understanding how to deal with multi-State businesses who have their own health care plans, created a great stumbling block for many months.

It was only this past month that we were able to work out something acceptable to me as one who is dedicated to giving States flexibility to handle their health care problems and, at the same time, be fair to the multi-State corporations that now have working health care plans.

So, Mr. President, I am going to miss him. His personality and his ease in discussing complicated issues will be a loss to all of us. I know we all want to share our thoughts about those two great Senators. But I for one today want to express it now in a moment when we are discussing one of the bills, for which they both have had very meaningful participation.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

IMPROVING AMERICA'S SCHOOLS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. There are approximately 11 minutes remaining.

Mr. MOYNIHAN. Mr. President, 2 weeks of near continuous debate and extraordinary dedication on the part of Senate and House conferees have produced a compromise on the reauthorization of the Elementary and Secondary Education Act. Although I was not a member of the conference committee, I did have serious concerns regarding the Senate Chapter 1 formula. Chairman KENNEDY was well aware of my concerns about New York's treatment under the Senate-passed bill, and I am pleased that the conference agreement includes a principled Chapter 1 compromise. The formula agreed to by the conferees corrects the inequitable allocation for New York contained in the Senate bill, which would have increased funds to 38 States at New York's expense.

Under the conference committee formula, New York's substantial needs will be addressed by allocating more to New York than would have either the House- or Senate-passed bills. New York received $578 million in Chapter 1 funds in fiscal year 1994. The Senate Labor and Human Resources Committee estimates that under the conference committee formula, New York will receive $599.9 million in fiscal year 1995 and $642.1 million in fiscal year 1996. This is a much needed improvement.

I would remind my colleagues that the principle upheld in this legislation is not a new one. It was established with the original bill enacted by Congress in 1965. That principle holds that the money should follow the children. But I would ask, "Which children?" The history that answers that question is a simple one.

President John F. Kennedy established a task force in the Executive Office of the President to study the issue of poverty and whether general education programs of the kind he was seeking would be more successful if focused on a specific problem. With these findings, he proposed the first Federal aid to education bill of a general nature, which neither House of Congress passed until after his assassination.

President Johnson, immediately upon taking office, saw the viability of that measure and the justice of it. In 1963, he declared a war on poverty, and by the following year, the Economic Opportunity Act was adopted. Thereafter, children and aged persons in poverty were to be a special concern of Federal legislation. And since then, the Federal Government has made such matters its particular concern.

In 1965, consistent with pledges made in the 1964 Democratic platform and The 1964 campaign generally, the administration and the new Congress understood their mandate to be: adopt aid-to-education legislation. The Presidential campaign of 1964 had been fought on just such issues. And, on April 11, 1965, the new Congress having no more than just come into office, President Johnson had the bill on his desk and signed it, the Elementary and Secondary Education Act of 1965.

As an Assistant Secretary of Labor in the Johnson administration, I had been involved in the Government's efforts in the war on poverty and in Federal aid to education. President Johnson proposed this new program of financial assistance to public schools serving children in "low-income families[,] . . . with the assurance that the funds [would] be used for improving the quality of education in schools serving low-income areas." This became chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

Now, to which children was that act directed? It was to children with family incomes below the Federal poverty standard, a statistical standard developed in the Department of Health, Education, and Welfare, now the Department of Health and Human Services—which continues its use today in various ways, as it ought to do.

The legislation before us upholds that just principle by focusing funds on high poverty areas. Under this legislation, school districts with a poverty rate of less than 5 percent will not receive targeted funds appropriated above the fiscal year 1995 level in fiscal year 1996. And in that same fiscal year, school districts with a poverty rate of less than 2 percent will no longer receive title I money.

The time has come to return this program to the principled ground on which it was founded, and this conference report begins that transition. Chairman KENNEDY, Chairman PELL, and the other conferees have done excellent work. I wish to commend them and to thank them. I strongly urge my colleagues to vote for this conference report.

Ms. MIKULSKI. Mr. President, I am pleased to support the reauthorization of the Elementary and Secondary Education Act. This legislation provides funding for all major Federal elementary and secondary programs. It is a good bill and an important one.

The primary purpose of this legislation is to improve the old Chapter 1 Program that provides money to help educate our poorest and most disadvantaged children. We certainly know how important that is.

But, this bill also contains smaller provisions that I must take this time to mention because they help create a new social intervention, not a new social program.

This legislation helps eliminate the problem of school violence. It contains a pilot program on character education, and it includes my legislation to help abolish every element of bias in our society—that is, it promotes gender equity in education for boys and girls.

First, this legislation expands the Drug Free Schools and Communities Act to encourage school safety programs. It gives States and local officials $630 million to boost their efforts to make their schools and communities safe and drug free. It will help fund violence prevention programs in our

schools, such as early intervention programs, counseling, mentoring, and before and after school programs.

Mr. President, I have seen the way the crime has infiltrated our schools and our communities. Students in Baltimore have told me that crime is one of their main concerns.

Students should not be concerned about crime. They should be concerned about getting their homework done, not about running from gunfire on the playground or on their way home from school.

This is an extremely important section of this legislation that should be noted and recognized. We cannot afford to tolerate any more of what is happening on our streets and in our schools. We need to say yes to kids who say no to drugs and yes to homework.

We need to make investments in our youth before the trouble begins, before they join a gang, and before they drop out of school.

That is why I strongly support the creation of the Character Counts pilot program.

Character Counts is an initiative to bring back some of the community building spirit that this country has lost. It encourages building individual capacity among our young people so that they can be a productive part of a larger community.

To me, character education means trustworthiness, fairness, justice and caring, civic virtue and citizenship; those aspects of continuity that will help us to not only cope with change, but to embrace change, and lead us into the 21st century.

For our students sake and for our sake, we need to advocate for a society based on virtue and value and not a society where every aspect or our cultural communication rewards and exploits violence and vulgarity.

People have known this for years. It is the habits of the heart that de Tocqueville spoke about. It is habits of the heart and habits of the mind that shape character. We need to teach it first in the best classroom we have—it is called the American family.

We need to teach in the homes. We need to teach in the neighborhoods; and, we need to teach in our schools.

It is about neighbors caring for neighbors, personal responsibility, personal respect for yourself and respect for others. It is about social responsibility, the desire to be part of a neighborhood, a community, and to truly be a citizen of the United States of America.

So, I am happy to see that this education bill supports this cause that I believe transcends party and geographic lines. Next week is designated Character Counts week and I am happy to be a part of the Character Counts initiative.

Third, Mr. President, I am especially pleased that this bill incorporates a package of bills introduced by myself and my colleagues to help make sure that we create an environment more conducive to learning. It is an initiative on gender equity.

Our agenda is to make sure that all Americans are given equal value in our society and to make sure that with equal value we have equal opportunity.

I, and my colleague, Senator HARKIN, have included language in this legislation to make sure that teachers are sensitive to the needs of all students. I know teachers do the best job they can.

We want to be sure, however, that no student is overlooked and that all students are treated equally in the classroom—girls and boys. In this legislation, teachers will have access to professional development programs and materials on gender equality in the classroom.

I added language to this bill to build on the concept of making our schools safe. The language I added allows schools to make the elimination of sexual harassment and abuse a part of its mission to create a healthy school environment for girls and boys.

Let me give you one example of why this language is important.

Students, parents, and teachers in Maryland, and across the country, have expressed concern about disturbing incidents of harassment between staff members, between staff and students, and peer harassment—among students.

Eighty-five percent of all girls and 76 percent of all boys reported being sexually harassed in some way. One result has been that one-third of the girls who have been sexually harassed reported not wanting to go to school, compared to 12 percent of the boys.

The purpose of my bill is to support our coordinators out there who are already working to address this issue of sexual harassment. Instead of teaching young girls and boys how to handle harassment, let us teach our students character and behavior that encourages mutual respect for each other.

My goal is to make every classroom and every school in the United States conducive for all students—through violence prevention, equity training and character building.

Finally, Mr. President, I would like to commend the chairs of the Labor Committee for their work on revamping the Chapter I, now Title I, distribution formula. I know it was not easy. It is a complicated formula and it is difficult to satisfy the needs of all states and districts.

I know that in Maryland Title I helps Maryland's disadvantaged students to get the education they need and deserve. This formula will help Maryland's efforts and is a step in the right direction.

I have only mentioned a few of the good things in this bill. It helps eliminate school violence and bias in our educational system and it helps to build character in our students.

I believe these are just some of the noteworthy programs that will create again the habits of the mind, the habits of the heart, and provide the social glue that will hold us together.

The education of our youth is an investment we cannot afford to overlook. It is what's best for our children and our future. I am pleased to support this legislation and I look forward to its passage.

Mr. KOHL. Mr. President, I rise in support of H.R. 6, the Elementary and Secondary Education Act, because I believe that this legislation is extremely important for all American students. I am delighted that even in the final days of the 103d Congress, when partisanship is running high, we have been able to rise above politics and accomplish something which will benefit this Nation's schools. I encourage all of my colleagues to support this bill.

H.R. 6 should not be misinterpreted as an attempt by the Federal Government to usurp State and local control. Rather in recognition of the daunting task of educating students at world-class standards, the Federal Government has developed a mutually benefitial relationship with local education authorities. I am impressed by the number of school districts and education professionals in my State that have contacted me in support of this legislation.

Today we are reauthorizing many successful Federal programs, such as; chapter I, assistance for disadvantaged students; chapter II, State block grants for school improvement; professional development programs; and Impact Aid. This bill also includes new anti-gun provisions which will make our schools safer and more productive. I strongly believe that by improving opportunities for every American student, we improve the quality of life for every American citizen.

Among the most controversial aspects of this bill has been the formula by which Chapter I funding will be distributed. I would like to thank Senators KENNEDY and PELL and the other members of the conference committee who have worked tirelessly to devise and fight for a fair formula. When President Clinton initially proposed targeting chapter I funds toward the most needy school districts. I must admit I understand the logic of this argument. The Federal government has very limited resources, and it makes sense that we should try to put these resources where they are needed most.

However, President Clinton's formula did not result in a reasonable allocation of our funds. His formula would have hurt many school districts in the interest of helping others. I believe that we have an obligation to do better than that. I worked very hard with my colleagues in the Senate to improve upon President Clinton's idea. I wanted to make sure that we did not waste our

limited resources. Yet, I did not want to penalize States which had invested in education. I was very pleased with the formula that the Senate passed in August.

Now, I realize that the formula we are voting on today is not as generous to States like Wisconsin as the Senate's formula had been. However, that is what compromise is all about. And in order to pass this bill we needed to compromise with the House. I believe that the conference committee's formula is reasonable. And it is clearly an improvement upon current law. For that reason, despite the fact that it is not my favorite formula, I will support this bill.

This bill is larger than any one program; any one provision; or any one formula. This bill is about improving all of America's schools. And I am pleased that the 103d Congress, despite being unable to agree on solutions for so many of this Nation's problems, will be able to do something for our students, and for our schools. I urge my colleagues to join me by voting yes on H.R. 6.

Mr. BURNS. Mr. President, I rise today to speak about H.R. 6, which reauthorizes the Elementary and Secondary Education Act [ESEA].

As my colleagues know, this bill reauthorizes important programs such as chapter I and the Eisenhower Program. These programs are all important to my State of Montana, as they are to the whole United States.

I would like to make a few comments about provisions in the bill. First, while I am pleased that more effort is being made to send title I dollars to the neediest districts, I am not sure the conference formula fully accomplishes that goal.

In looking at the winners and losers under this formula, and comparing the child poverty rates of the two, I see some serious discrepancies. I do not want to pick on any particular State, but some examples deserve attention.

For example, my State of Montana has a child poverty rate of 18.6 percent. Yet, under the new formula, Montana does not get as much title I money as it would if the current formula stayed in place.

Fifteen of the 20 States that gain under the new formula have child poverty rates less than that of Montana. For example, New Hampshire gains significantly yet has a 7.1 percent child poverty rate. Vermont and Delaware have a 11.1 percent rate.

Maryland has a 10.8 percent rate. Connecticut has a 10.2 percent rate. On the other hand, States with significantly high child poverty rates end up losing funds—New Mexico, South Dakota, West Virginia, Kentucky, South Carolina, Alabama, Tennessee, and Georgia all will get less than they would have under the formula already in place.

I would also like to touch on Impact Aid. This program is very important to my State of Montana, for there are seven native American reservations there. Many of the schools rely heavily—if not almost exclusively—on impact aid, for they receive little or no revenue from property taxes.

I am pleased that many of the provisions in Senator PRESSLER's bill, which I cosponsored, were included in the final version of H.R. 6. Funding constraints this year will mean that districts will see significant reductions, but I believe the formula itself is much more equitable to heavily impacted school districts.

I remain concerned about opportunity to learn standards. I am relieved that the conference language is less prescriptive than the original House-passed language on OTL standards. It is a matter of deep concern to me that policymakers here in Washington think that they should be able to have input into matters like class size, building standards, and textbooks to local school districts.

The locally elected members of Montana school boards do the very best they can to see that our children receive an excellent education. In many communities, there are not a lot of resources to work with, but the job gets done. These folks do not want more heavy-handed Federal intervention.

And as an original cosponsor of the Gorton amendment, I was disappointed that it was stripped from the bill. This language would have been a positive step forward for schools, teachers, and students who are being held hostage by violent students shielded from discipline by the well-intentioned but flawed Individuals with Disabilities Education Act [IDEA]. I am sure the Senate will be revisiting this issue in the 104th Congress, when IDEA will be reauthorized. I look forward to that debate.

Mr. GORTON. Mr. President, 2 months ago I voted in support of the Senate version of the Improving America's Schools Act, but my vote came with this caveat, if the conference committee strips the provisions that have been added to make this a better bill, I will help lead the opposition to the conference report.

I regret to say that the conferees did just that, and so today I withdraw my support for this legislation.

I am outraged that the Gorton-Lieberman "Local Control Over School Violence" amendment, which passed 60 to 40 with strong bipartisan support and support from the five national education associations, was struck during conference on the Improving America's Schools Act. Educators in my State are upset the language was struck.

My top priority this year has been to deal with the issue of violence in our schools. In January, I held an education summit at which I listened to nearly 200 parents, teachers, administrators, and students share their concerns about our schools. Their primary concern was violence in the classroom.

More specifically, here's what they asked for—freedom from the Federal red tape that ties their hands when it comes to school violence, freedom from Federal laws which prohibit them from implementing their own school discipline policies, and freedom to do what they need to restore safety in our schools.

Time and time again, I have come before my colleagues in the Senate asking for passage of an amendment that will protect our students from the violence that is tearing our society apart. Time and time again, the Senate adopts my school violence amendment with overwhelming support, but the conferees ignore the wishes of the Senate by striking the language during conference.

The bipartisan fight for school safety has simply been ignored.

This time, my amendment was replaced with a watered town version that fails to target the discipline problems our local school officials on the front lines experience daily. Last time, they replaced it with a study on school violence.

Educators in our schools across the Nation do not need or want their school policies dictated by Washington, DC bureaucrats. How can D.C. bureaucrats possibly come up with an effective solution for the violence that hit Ballard High School last year? How can D.C. bureaucrats come up with an answer to get weapons out of schools in Federal Way? Why should a Senator from Massachusetts be allowed to dictate the discipline policies for schools in Yakima, WA?

The answer is—they simply can't.

The solutions to the violence problems in our schools will not be found by D.C. bureaucrats who are so far removed from the problems that they simply don't understand them. They will come from those on the front lines—those who deal with children day in and day out, those who have been struggling with these problems, and those who hold the greatest stake in solving them.

What I find most frustrating is that the majority in this body think that all the wisdom in the world resides here, in Washington, DC, and none of it with the teachers and administrators we trust to educate our children at home. The message being sent by this conference report is that we in Congress do not trust our local educators and school board members and that we don't believe that authority should be restored to the local level.

That is the wrong message.

Educators must be allowed to address the problems of violent and criminal behavior in their schools. They must be given the ability to restore discipline,

reduce violence in our schools and in our communities. My amendment would have done just that. It would have returned authority to school officials to address serious disciplinary problems so they can do their jobs.

We are not going to provide the proper educational atmosphere for our students until we restore authority to our school authorities to do their jobs. Our schools and educators need our help now, and their pleas have been ignored twice.

The Gorton-Lieberman amendment was a strong first step in making our schools safer and restoring much needed local disciplinary control. The House and Senate conferees had a chance to increase the safety and protect our children in schools by incorporating the Gorton-Lieberman local control over school violence amendment. Instead, they stripped one of the few amendments in the education bill that would actually improve our Nation's schools.

Let me restate for the record the provisions and the action taken on these provisions that I declared must be kept in the conference report to retain my support. These provisions should not have been compromised.

The Gorton-Lieberman amendment to let local people determine how best to stop violence in their schools, without interference from Federal bureaucrats.

This language was struck and replaced with a watered down version that evades the discipline problems our local school officials on the front lines experience daily.

The Danforth amendment to create demonstration programs that allow for the development and study of same gender classes for low income, educationally disadvantaged children.

This language was struck.

The Smith-Helms amendment to prohibit the spending of federal taxpayer dollars for school programs that promote or encourage homosexuality as a positive lifestyle.

This language was struck.

The Hatch amendment to distribute fairly chapter 1 funds to schools in communities throughout the Nation, including my home State of Washington.

This language was struck and replaced with a new funding formula that actually reduces funding for title 1 in the upcoming years in 36 States, including Washington State.

Mr. President, negotiations should not have occurred on these provisions, and especially on my school violence amendment that would have made it safer to walk the halls and sit at the desks of our Nation's schools. The fact that my school violence amendment was stripped from the bill leaves me no choice but to vote "no" on the conference report.

The conferees could have done much better. Our Nation's children deserve better. We can do much better by coming back next year to rework this bill to restore decisionmaking and disciplinary control to those who must deal with them every day—our local teachers, principals, and administrators.

Mr. PELL. Mr. President, prior to the vote on cloture earlier today, I spoke briefly on the need to enact the reauthorization of the Elementary and Secondary Education Act this year. As we approach the vote on final passage later this afternoon, I thought it might be helpful to focus on some important aspects of this legislation that I was either unable to address this morning or cover only in the most cursory fashion.

Perhaps one of the most important features of this legislation is the way in which we tie title I assistance to the achievement of challenging academic and student performance standards. The need for all children to be taught to the highest standards is critical if America and her people are to be adequately prepared for the challenges of the 21st century. We began to address this in the Goals 2000 legislation enacted earlier this year. We continue it with renewed emphasis in this bill.

Nowhere is the need for improvement more necessary than in the education of disadvantaged children—most particularly those in areas of considerable poverty. I believe it very significant that this legislation moves away from a focus just on compensatory or remedial education.

Children who are educationally disadvantaged must be taught to the same high academic standards as all other children. Children who are educationally disadvantaged must be afforded the opportunity to learn and advance in the same manner as all other children.

Some children may need more help than others, but the help should be directed to the same objective, namely an education of the highest quality for all children. This legislation has been fashioned to ensure that this objective is within the reach of those children most in need. In doing so, it builds upon and strengthens the very foundation upon which this program was based when it was first enacted almost 30 years ago.

The first National Education Goal commits our Nation to ensuring that by the year 2000, all children will start school ready to learn. To accomplish that objective, we must provide a strong transition from preschool and early childhood education programs to instruction in the elementary grades. Both Senator DODD and Senator KENNEDY have provided important leadership in this area, and I believe the provisions in this bill are crucial to moving us toward achievement of this goal.

The new Eisenhower Professional Development Program is also a provision that deserves mention. Another of the National Education Goals is to have our children first in the world in science and mathematics achievement by the year 2000. To reach this goal, we must constantly improve the quality of math and science in our Nation's schools. This bill protects the math and science program in current law, and ensures that we will neither lose sight of nor relax our focus on the imperative need to improve instruction in these areas.

Yet, if we are to achieve another of the National Education Goals, that of making sure that all students will be competent in the core subjects, we need to move beyond mathematics and science and bring the benefits of professional development to other disciplines as well. What we have begun to do for math and science must also be done for areas such as English, history, and civics and government.

In this area we are particularly indebted to the leadership provided by Senator HATFIELD. He played an instrumental part in putting these provisions together and, as the ranking member of the Appropriations Committee, in seeing that the program was adequately funded.

If we are to prepare our students for the 21st century, we must dramatically change the 19th century classrooms in which too many of our young people learn. Without state of the art instruction, our students will be at a disadvantage in the workplace, and America will most certainly suffer in the international marketplace. Access to the very latest advancements in technology is essential if we are to achieve the National Education Goal to have every American possess the skills necessary to compete in a world economy.

Learning cannot occur, however, unless the classroom is free from fear, and the health and safety of our children are protected. Making sure that our schools are safe from drugs and violence is yet another of the National Education Goals, and it is one to which the Safe and Drug Free Schools title in this legislation is directed.

We must also make sure that our education facilities are adequate, and contribute to our children's education. A child's education should not be placed at risk because of inadequate facilities. Our children should not be placed in harm's way of faulty plaster, poor wiring, or dangerously outdated buildings. The Facilities Infrastructure Act is an important part of this bill, an accomplishment due in no small measure to both the eloquence and the determination of Senator MOSELEY-BRAUN. She brought to our attention the sad plight of school after school in this country, and of the need for a program that would address this truly serious problem.

I spoke this morning about the importance of the Dropout Prevention and Assistance Program. At that time, I did not refer to the fact that another

of the National Education Goals pertains to increase the high school graduation rate to 90 percent by the year 2000. That is a goal which, quite frankly, we cannot reach unless we get a handle on the very severe school dropout problem that has plagued our Nation for over a quarter of a century. The Dropout Prevention Assistance Program is very important to reaching that goal by identifying and assisting innovative approaches to solve this serious problem.

Mr. President, as we prepare to vote on final passage, it is also important that we give credit where credit is due. This administration—President Clinton, Secretary Riley, Assistant Secretary Payzant, the talented staff at the U.S. Department of Education—have all provided strong leadership in moving us in the direction of positive change, and in staying the course. This is, as I said earlier today, landmark legislation, and a bill that surely merits the strong bipartisan support so clearly evident in the cloture vote. My own belief is that we should move now to overwhelming approval of this conference report so that we can all get along with improving America's schools and strengthening American education.

Mr. CRAIG. Mr. President, there is a great deal at stake in this debate on the conference report to the Elementary and Secondary Education Act, H.R. 6.

I supported this bill in the Senate, and voted for the Senate version of the bill. However, much of what was good in that bill was either weakened or deleted in conference.

Therefore, Mr. President, I am here today to speak against the conference report.

This is not a decision that I made lightly. There are some good things in this bill—provisions that I supported throughout the process. The most important of those provisions was the language reauthorizing the Impact Aid Program.

I have long supported a limited Federal role in education. The responsibility for education lies primarily with State and local governments, not with the Federal Government.

Since my days in the Idaho State Senate, I have been a strong advocate of State funding for education and control of curriculum.

Local school boards, teachers, administrators, and parents must continue to put pressure on their State legislators to support high quality in education.

Having said that, there is also a role for the Federal Government to play. There are certain areas of Federal responsibility that should be priorities for Federal education funding.

One such area is redressing the educational disadvantages caused when the presence of the Federal Government directly affects a local school district's ability to raise revenue. Such is the case with impact aid.

When the U.S. Congress passed Public Law 81-874 in 1950, it recognized the need to provide high quality education to children whose parents live and/or work on Federal lands.

These federally secured properties are not taxable by local units of government, preventing school districts from generating revenue through property taxes.

The effect of this tax exemption hits Idaho school districts particularly hard because approximately two-thirds of our State is owned by the Federal Government. In Idaho, 41 school districts are federally impacted and qualify for impact aid.

Without these funds, the students they educate would be greatly disadvantaged. The local property tax base simply would not be able to provide the necessary funds for a basic education.

Having said that, Mr. President, I would like to share some of the concerns I have with the conference report that led me to oppose passage.

As I mentioned before, a lot is at stake in this debate. This bill authorizes the programs that the Federal Government runs, to assist States with the education of our children. It is very important to the families of Idaho, including my own family.

Unfortunately, H.R. 6 is not a step forward in education, but a side-stepping of reform by responding with greater Federal regulation.

The road to improving our schools is not the Washington Beltway. Rather, we should be working to increase local control and authority over education and provide education funds with fewer strings attached.

In short, Mr. President, I have grave concerns about the general direction this bill would take our education system.

Another issue that, disappointingly, was rewritten in conference was the title I—formerly chapter 1—funding formula.

Title I provides financial assistance for the education of "educationally disadvantaged children." With overall funding at $6.7 billion for fiscal year 1995, it is the largest Federal program for elementary and secondary schools.

Mr. President, I cosponsored two amendments on the title I funding formula during the Senate's debate on this bill.

Both of those amendments would have ensured more equitable title I funds for my home State, Idaho.

The conference report has not only deleted any increase Idaho would see in title I funds, it would now actually decrease the funds we receive in comparison to the current funding formula—resulting in a significant loss in title I money.

According to figures provided by the Congressional Research Service, the cumulative loss for Idaho from fiscal year 1996 to fiscal year 1999 would be $3.1 million.

This may not sound significant to those Members coming from heavily populated States, but it is a significant loss for Idaho—especially when States like New York and California will have cumulative gains of $72 million and $62 million respectively.

An additional concern I have with the conference report is the fact that the Gorton-Lieberman local control over school violence amendment, which I cosponsored, and which passed with strong bipartisan support—60 to 40—in the Senate, was struck during the conference.

The amendment was replaced with a watered-down version that will not serve the needs of our local school officials in their efforts to make schools safe for our children.

Again, the conference committee took a strong provision that guaranteed local control over a problem and rewrote it to keep control in the hands of Washington bureaucrats.

The original amendment would have simply put local officials in control of the violence in our schools, including incidents involving children with a disability.

The conference language directs the Secretary of Education to widely disseminate the current policy on disciplining children with disabilities and to collect data on the incidence of violent or life-threatening behavior.

The Department of Education would then provide this information to the Congress so that this issue can be looked at again, next year, when the Individuals With Disabilities Education Act is reauthorized.

Mr. President, this is not a solution, it is a stalling tactic that will not make our schools safer.

Mr. President, there is another portion of H.R. 6 that I would like to talk about for a moment—the provisions containing the Multi-Ethnic Placement Act, which is strongly supported by myself and others in the Senate and House.

The sponsor of the legislation, Senator METZENBAUM, has already spoken to this issue, and I agree with most of what he had to say. In fact, I would like to underline some of his comments and go into a little more detail about the issue.

As we all know, the purpose of this legislation is to end discriminatory practices that prevent or retard the placement of children in loving homes. Since the legislation was introduced, however, changes have been made to it.

There is a difference of opinion among experts in adoption policy as to the effect of those changes. Some believe that the changes may actually work against the goals of the legislation.

Because of that controversy, I think it is important to make a record of the

arguments on both sides of this question. I ask unanimous consent to insert in the RECORD a letter from the National Council for Adoption and a letter and attachment from a number of legal scholars, explaining their concerns about this section of the bill.

I also ask unanimous consent to insert a "Dear Colleague" letter in the RECORD, giving the other side of the debate from several of our colleagues, including the bill's sponsor and the cochairman of the adoption coalition.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL FOR ADOPTION,
October 4, 1994.

DEAR SENATOR: The National Council For Adoption wants to set the record straight regarding our position on Senator Metzenbaum's MultiEthnic Placement Act (MEPA) which was added to the Conference Report on H.R. 6, the Elementary and Secondary School Reauthorization Act Amendments.

The National Council For Adoption which represents voluntary, non-profit adoption agencies was the ONLY national adoption organization to testify in support of the legislation before the Senate Subcommittee on Children, Family, Drugs and Alcoholism in July, 1993. In fact, not one of the groups who now claim to support the hijacked MEPA was at the hearing testifying in support of it over one year ago. The National Council For Adoption has spent the past year working closely with Senator Metzenbaum to ensure that the bill that passed would do what it purports to do: i.e., move minority children out of the limbo of foster care and into permanent, loving adoptive homes.

The position of The National Council For Adoption has not changed over the past year—what has changed is the legislation. The Administration has hijacked the legislation by making amendments that do not advance the purpose of the Act. The amendments: will not result in finding homes for the estimated 40,000 African American children who are waiting for loving adoptive families; will not, according to a bi-partisan group of legal scholars, end discrimination in the child welfare system; will not close legislative, regulatory and procedural loopholes that act as barriers to the adoption of black children; and will not provide for stiff mandatory penalties for discrimination violations.

The National Council For Adoption urges you to cast a vote for providing more children of color with parents who are colorblind. Vote against Senator Metzenbaum's MultiEthnic Placement Act as currently amended.

Sincerely,

WILLIAM PIERCE,
President.
CAROL STATUTO BEVAN,
Director of Public Policy.

HARVARD LAW SCHOOL
Cambridge, MA, October 4, 1994.

To: United States Senate
c/o Senator Larry Craig

We urge the Senate to reject the current version of Senator Metzenbaum's Multiethnic Placement Act, as embodied in H.R. 6. Recent Amendments weaken the Act, turning it from an Act designed to eliminate race discrimination in adoption and foster care placement, to one which endorses race matching.

The Act as it now reads permits the use of race to delay and deny placement, so long as agencies do not act "categorically" and "solely" on the basis of race. This language would enable, if not invite, agencies to continue the very practices which were the target of Senator Metzenbaum's original concern—holding African-American children in foster care for years at a time rather than placing them with waiting white families.

The Act as it now reads mandates race-conscious recruitment of adoptive and foster parents with the goal of achieving a prospective parent pool that matches the racial composition of the foster child pool. So while the original Metzenbaum bill was designed to eliminate the rigid race matching practices that are responsible for locking black children into foster limbo, the amendments are designed to encourage race matching.

As we said in a Dec. 1, 1992 letter to Congress signed by dozens of law professors from around the nation, attached hereto, "what parentless children need most are not 'white' parents or 'black' parents or 'yellow' parents but loving parents able to raise children in a nurturing environment."

We appreciate the concerns that inspired Senator Metzenbaum to develop this legislation but it is our strong conviction, based on our experience with civil rights legislation generally, and with race matching policies and practices in the child welfare system in particular, that this legislation, in its current form, will make the problem worse, not better, from the perspective of the minority race children condemned to the foster care system.

We urge the Senate to reject this bill.

Sincerely,

ELIZABETH BARTHOLET,
RANDALL KENNEDY,
LAURENCE TRIBE,
CHARLES FRIED,
ROBERT MNOOKIN,
Professors of Law.

HARVARD LAW SCHOOL,
Cambridge, MA, December 1, 1993.

Re the Multiethnic Placement Act of 1993.

To: The Congress of the United States.

From: The undersigned Teachers at American Law Schools.

If enacted into law, the Multiethnic Placement Act of 1993 (S. 1224) would give Congressional backing to practices that have the effect of condemning large numbers of children—particularly children of color—to unnecessarily long stays in institutions or foster care. These practices involve a commitment to "racial matching"—the dubious notion that authorities should seek to place parentless children of a given race with adoptive parents of that same race.

The Multiethnic Placement Act states that its purpose is "to decrease the length of time that children wait to be adopted" and "to prevent discrimination in the placement of children on the basis of race, color, or national origin." Yet, the bill then proceeds to undercut its own laudatory goals. It provides that "if . . . efforts fail to produce an appropriate placement of a child with a parent of the same race, color, or national origan, a transracial or multiethnic placement may be a preferable alternative to long-term foster care." (emphasis added). In other words, the Act assumes the legitimacy of racial matching, presumes that authorities will seek same-race adoptions in the first instance, conveys a willingness to countenance at least some degree of delay for the purpose of racial matching, and then portrays a transracial or multiethnic placement as decidedly inferior by asserting that for a parentless child such a placement may be preferable to prolonged foster care.

Intended as a sensible compromise, this provision may seem, at first blush, like a reasonable acknowledgment that we continue to live in a society grievously scarred by racial stratification. This provision may seem, initially, like a sensible measure which merely posits that it is at least permissible for agencies to prefer to place children of a given race with adults of that same race when doing so can be accomplished without undue delay. The cruel fact of the matter is, however, that the bill will not have this effect. Rather, the bill will provide new legitimacy—Congressional approval—to the widespread custom of holding racial minority children while social workers seek prospective parents of "the right" race. This policy, which virtually always exacts the cost of delay, is justified by nothing more than a stubborn, reflexive, racialist impulse about which we should be profoundly troubled.

Across the nation, racial minority children account for as many as half of the minors in need of placement in adoptive homes. Despite successful efforts by racial minority adults to adopt such children and increasing efforts to encourage and facilitate adoption within minority communities, the population of parentless minority children is increasing dramatically. Against this backdrop, and considering that the bias in favor of racial matching is already ingrained in many social welfare bureaucracies, the provision of the Multiethnic Placement Act that would expressly authorize delays for the purpose of racial matching is unwise, intolerable, and unconstitutional. There is simply no compelling reason to delay even briefly, for the purpose of racial matching, placing parentless children in permanent homes. What parentless children need most are not "white" parents or "black" parents or "yellow" parents but loving parents able to raise children in a nurturing environment.

Although proposed with good intentions, the Multiethnic Placement Act should be rejected. At the very least, additional hearings should be held to explore the many troubling issues this legislation raises.

Laurence H. Tribe, Harvard Law School.
Charles Fried, Harvard Law School.
Mary Ann Glendon, Harvard Law School.
Joseph Goldstein, Yale Law School.
Sonya Goldstein, Yale Child Study Center.
Boris Bittker, Yale Law School.
Anita Allen, Georgetown University Law Center.
Albert W. Alschuler, University of Chicago Law School.
Anthony Amsterdam, New York University School of Law.
Bruce Ackerman, Yale Law School.
Elizabeth Bartholet, Harvard Law School.
Lee Brilmayer, New York University School of Law.
Robert Burt, Yale Law School.
David Chambers, Harvard Law School.
Elizabeth Chambliss, University of Texas School of Law.
Christine Desan, Harvard Law School.
Norman Dorsen, New York University School of Law.
Nancy Dowd, University of Florida.
Cynthia Estlund, University of Texas School of Law.
Samuel Estreicher, New York University School of Law.
Richard Fallon, Harvard Law School.
Gerald E. Frug, Harvard Law School.

Lino Graglia, University of Texas School of Law.
Jon Hanson, Harvard Law School.
Joan H. Hollinger, University of California, Berkley.
Samuel Issacharoff, University of Texas School of Law.
Jay Katz, Yale Law School.
Duncan Kennedy, Harvard Law School.
Michael Klausner, New York University School of Law.
Lewis A. Kornhauser, New York University School of Law.
Sylvia Law, New York University School of Law.
Sanford Levinson, University of Texas School of Law.
Richard & Inga Markovits, University of Texas School of Law.
Harry S. Martin, Harvard Law School.
Michael McConnell, University of Chicago Law School.
Michael Meltsner, Northeastern University.
Roy Mersky, University of Texas School of Law.
Frank Michelman, Harvard Law School.
Martha Minow, Harvard Law School.
Thomas Nagel, New York University School of Law.
Daniel D. Polsby, Northwestern University School of Law.
Robert Post, University of California, Berkeley.
Lucas Powe, University of Texas School of Law.
Robert L. Rabin, Stanford Law School.
Margaret Jane Radin, Stanford Law School.
Todd Rakoff, Harvard Law School.
Susan Rose-Ackerman, Yale Law School.
Edward Rubin, University of California, Berkeley.
Lawrence Sager, New York University School of Law.
Frank Sander, Harvard Law School.
Peter Schuck, Yale Law School.
David Shapiro, Harvard Law School.
Jeffrey Sherman, Harvard Law School.
William Simon, Stanford Law School.
Jordan Steiker, University of Texas Law School.
Henry Steiner, Harvard Law School.
Arthur von Mehren, Harvard Law School.
James Vorenberg, Harvard Law School.
David Westfall, Harvard Law School.
Zipporah Wiseman, University of Texas School of Law.
Bernard Wolfman, Harvard Law School.

U.S. SENATE,
Washington, DC, October 3, 1994.

DEAR COLLEAGUE: We are writing to clarify certain misinformation you may have received pertaining to amendments made to the Multiethnic Placement Act which is a part of H.R. 6, the Elementary and Secondary Education Act.

Our deep and sincere commitment to the goals of ending discrimination in making foster and adoptive home placements and eliminating the barriers to adoption have long been known. As members of the Congressional Coalition on Adoption and sponsors of the legislation, we are deeply disturbed by reports which have mischaracterized the amendments made to the Multiethnic Placement Act in conference.

In approaching the issue of multiracial placements we have been guided by the principle that a transracial placement is a valid method of providing a child with a loving home when an appropriate same race placement is not available. The amendments made to the Multiethnic Placement Act do not in any way detract from this principle. In fact, the amendments in several respects enhance it.

First, the amendments further limit the use of race in a placement decision to only permit consideration of the racial, ethnic or cultural background of a child and the capacity of the prospective parent to meet the needs of a child of this background as one of a number of factors used to determine the best interests of a child. Second, the amendments emphasize the recruitment of prospective foster and adoptive families from various racial, ethnic and cultural backgrounds. Increasing the pool of appropriate and available prospective parents will be a significant step toward decreasing the amount of time that children wait for out of home placements. Third, the amendments broaden the penalty provisions of the Act by allowing the Department of Health and Human Services to penalize noncompliance with termination of all Federal funds where warranted.

The amendments made to the Multiethnic Placement Act enjoy strong support from key child welfare, civil rights, and foster care and adoption organizations. These groups include the Children's Defense Fund, the Child Welfare League of America, Adoptive Families of America, the North American Council on Adoptable Children, and the American Civil Liberties Union. A letter of support from these organizations is attached.

We believe that passage of the Multiethnic Placement Act will move us one step closer to ensuring that all children are provided with permanent and loving homes.

Thank you once again for your commitment to America's children. We look forward to your continued support for this important initiative.

Sincerely,

DAN COATS,
NANCY KASSEBAUM,
DAVID DURENBERGER,
HOWARD M. METZENBAUM,
CAROL MOSELEY-BRAUN,
PAUL SIMON.

September 28, 1994.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: Adoptive Families of America, the American Civil Liberties Union, the Child Welfare League of America, the Children's Defense Fund, and the North American Council on Adoptable Children share your concerns about the overrepresentation of minority children in the foster care system and delays in placing them with adoptive families and appreciate your efforts to address these problems. Our organizations believe that the technical amendments added to the Multiethnic Placement Act in H.R. 6, the Improving America's Schools Act of 1994, strengthen the Act's goal of ensuring that race, color and national origin are not used inappropriately in delaying or denying the placement of children with foster or adoptive families, and will help move children into adoptive families. They also advance the best interests of the children affected and will broaden support for the Act among parents, professionals, and organizations that seek to ensure children permanent families through adoption.

The amendments agreed to by the conference committee on H.R. 6, among other things, emphasize the importance of recruiting foster and adoptive parents from all racial and ethnic groups. They also clarify the relevance of the child's best interest in making foster care and adoption placement decisions, so that children will not remain in foster care unnecessarily. The penalties imposed will also assure prompt attention to the failure of agencies to comply with the Act's provision.

Our organizations strongly prefer the Multiethnic Placement Act of 1994 as amended and included in H.R. 6, to the Senate-passed version of the bill. Without these amendments, the Act could unintentionally undermine good child welfare practice and deny children appropriate foster and adoptive homes that best meet their needs.

Sincerely,
Adoptive Families of America.
American Civil Liberties Union.
Child Welfare League of America.
Children's Defense Fund.
North American Council on Adoptable Children.

Mr. CRAIG. Mr. President, what all these letters show is that no matter what the technical controversy, there is no question whatsoever about the intent of these provisions. By passing this legislation, Congress is demonstrating its commitment to the position that children should be provided with permanent and loving homes, and race should not be raised as a barrier to that goal.

I was very pleased to hear the bill's sponsor say that he has obtained reassurances from the administration and others that they would adhere strictly to the clear intent of these provisions.

But I would submit, Mr. President, that the way to measure our success in achieving the goals of this initiative is to look at the numbers of children who are still caught in the limbo of foster care a year from now. If this legislation works the way we all want it to work, we will see a reduction in those numbers.

I hope the administration and all State agencies involved in these decisions will take note of the strong sentiment of Congress on this issue.

Mr. President, in closing, I would ask unanimous consent that a letter sent to Senators from two former Secretaries of Education, Lamar Alexander and William Bennett, outlining problems with this conference report. The sentiments and concerns expressed in this letter reflect concerns I have received from many of my constituents.

There being no objection, the letter was ordered to be printed in the RECORD, as follows

EMPOWER AMERICA,
Washington, DC, September 30, 1994.

DEAR SENATOR: Earlier today, the House accepted the conference report on the Elementary and Secondary Education Act (H.R. 6). Next week, you will consider the same report.

A lot is at stake in this debate. And as secretaries of education for Presidents Reagan and Bush, we want our views on this issue to be clear and emphatic: *H.R. 6 is the kind of pernicious legislation which, if it is enacted, will make American education worse, not better.* H.R. 6 is hostile to the best reform ideas in

education; overly regulatory and intrusive; imposes new federal controls on states and localities; and is morally obtuse. In many ways, it embodies the worst and most arrogant tendencies we see in modern legislation: the kind of "Washington-knows-best" thinking which has contributed to the worst decline in the history of American education.

We are convinced that America's parents and children would be better served if the 103rd Congress were to allow this bill to die, extend present laws for a year, and start over again in 1995. At the very least, we would urge Congress to recommit the bill to conference for substantial revision. Here are some of our reasons:

The bill is more than a thousand pages long. It contains much mischief that was inserted behind closed doors and has not been exposed to the sunlight. It is a safe bet that virtually *nobody* voting on the conference report will actually have read the final text, and the country has had no time to examine its myriad provisions. Only a few staffers and lobbyists really know what's in it or how it will work. For example, how will Congress explain what its jury-rigged Title 1 formula will actually do to particular state and local budgets in "out-years", or how it interacts with other measures, especially the new "Goals 2000" program?

Every state and community in the land is affected. This bill authorizes more than $12 billion a year in federal spending. That's enough to force state and local officials to follow its dictates, even when state and local officials know better. And that means the content of this bill needs the closest public scrutiny before it takes effect. Killing this version doesn't mean that federal education aid vanishes; it simply means that the current law is extended for another year.

The bill is the quintessence of top-down, big government, "Washington-knows-best" thinking. It tightens myriad federal controls and imposes new ones on what states and localities can do with their schools. It is totally "producer-centered," favoring the education establishment, giving money and power to school administrators, *not* to parents, *not* to governors and legislators, *not* to mayors, *not* to teachers—in other words, *not* to those actually involved in educating the young.

Other than a bit of lip service, it's oblivious—or worse—to the most promising reform ideas that are percolating in American education: choice, charter schools, privatization and decentralization, among other things.

H.R. 6 deals with accountability in a perverse way, essentially making schools (and school systems) accountable to Washington for compliance with regulations and with a new federally-imposed version of "outcome-based education" that applies—for now—to disadvantaged children. Schools will be even *less* accountable to their consumers, their communities and their states than is the case today.

The bill mandates the kinds of federally-approved "standards" that Goals 2000 said would be voluntary. Only with those approved "content" and "student performance" standards in place can a state or community get its federal aid. Although language having to do with input standards (today's trendy term is "opportunity to learn") was softened in conference, the bill takes a giant step toward reviving the legitimacy—and federal supervision—of criteria that judge schools by their spending levels, pupil-teachers ratios, and suchlike, instead of their effectiveness. And since Goals 2000 authorized the Education Department to develop national "opportunity to learn" standards, we can expect that these will soon exist—and will be used.

By mandating "state plans" that are based on federally-approved standards, this bill moves the new National Education Standards and Improvement Council (NESIC) ever closer to becoming the "national school board" that critics warned of when Goals 2000 was enacted. This means the Tennessee, for example, no longer has the final say over what young Tennesseans will learn in school. If H.R. 6 is enacted, that power shifts to Washington—unless, of course, Tennessee wants to forfeit its federal aid.

Incorporated into this bill is something called the "Gender Equity Act," which—among many provisions—mandates training for teachers in gender "sensitivity" and "gender equitable teaching and learning practices." Senator Nancy Kassebaum tried to get this dropped in conference, noting the spurious "research" on which the whole concept is based, but she was outvoted.

Though conferees agreed to ban the use of federal funds for education programs that "directly promote sexual activity," they refused to deny funds to schools that distribute instructional material portraying homosexuality as an acceptable lifestyle. Hypocrisy and political correctness characterize much of this bill: evidently it is fine with the conferees to force schools to practice "gender equity," but it is not okay to discourage them from promoting "alternative" lifestyles. This, of course, is precisely why Washington should not even be trying to make education decisions for America's schools.

Also lost in conference was the "Johnson-Duncan" language denying federal aid to school systems that bar "constitutionally protected" prayer. Instead, "compromise" language was agreed to that cuts off funds only if a federal court finds that a court order allowing such prayer has been "willfully violated." As the Christian Coalition rightly observes, that language "places such hurdles on aggrieved individuals whose constitutional rights to school prayer have been violated that for all intents and purposes it is meaningless."

The bill constitutes a huge windfall for colleges of education. Not only will they get hundreds of millions in new "professional development" funds under the totally-overhauled "Eisenhower program," but they also get additional bonuses as well. (For example: a requirement that schools whose disadvantaged students score below average must spend 10 percent of their Title 1 grantor equivalent sums—on, yes, "professional development.")

The heretofore-independent National Assessment Government Board will henceforth have its members chosen by education interest groups. (Up to now the board has functioned as its own nominating committee.) Within a year or two, that will turn the country's most important and sensitive testing program into an appendage of the school establishment and the federal bureaucracy, which has already made clear its intention of "race forming" the test scores and probing families for sensitive information.

Two years ago, when a bad, big government, "Washington-knows-best" education bill was nearing the end of its trip across Capitol Hill, Senators who saw its folly were able to stop it. That is what should happen.

* * *

Mr. PELL. Mr. President, this conference agreement also includes a number of important technical amendment to the Higher Education Act. One such provision will ensure that students of hospital-based, diploma schools of nursing do not lose Pell grant funding under a new regulation pertaining to the conversion of course credit hours to clock hours. There are approximately 130 such schools in the United States who prepare young men and women for careers in registered nursing. In the absence of this amendment, many of these students would no longer be eligible for the maximum Pell grant, simply because the public or private, non-profit school they attend awards a diploma, rather than an associate or baccalaureate degree.

To ease the burden of student loan repayment for those who pursue a career in nursing, another provision of this conference report will permit recipients of HHS nursing loans to consolidate those loans with the loans they received pursuant to title IV of the Higher Education Act.

This conference report will also ensure that, consistent with the intent of Congress in the 1992 Amendments to the Higher Education Act, borrowers with a very significant Federal education debt burden, relative to their level of income, shall be considered to have economic hardship. As such, these borrowers will be eligible for a deferment on their federally subsidized student loans for a period of up to 3 years. This provision is of particular importance to students who are forced to take on significant debt in order to complete costly professional programs, such as medicine and dentistry.

This legislation further ensures that students who received their first title IV student loans prior to July 1, 1993, will not lose the deferment opportunities provided under the Federal Family Education Loan [FFEL] Program with respect to the loans they receive under the new, direct student loan program. This amendment is especially important to schools of medicine and dentistry, including Brown Medical School in my State of Rhode Island.

Another provision of this conference agreement removes an impediment to institutional participation in the Historically Black College and University Capital Financing Program authorized under title VII of the Higher Education Act. This program was initially enacted in 1992 to provide HBCU's with access to affordable loan capital for critical capital improvements and expansions.

Mr. WOFFORD. Mr. President, I strongly support the Improving America's Schools Act. This legislation is a down payment on a better future for our children. It provides needed resources and puts more power where it belongs: in the hands of parents and local school boards.

This act is based on the fundamental truth that real school reform doesn't happen in Washington. It's not legislated in these Chambers. Real reform happens in schools and homes and PTA meetings.

The Improving America's Schools Act gives communities the tools they need to improve their schools. It will help schools strengthen basic skills through an invigorated Chapter I Program and expanded staff development. And it will bring badly needed technology to schools around the Nation.

I'm particularly pleased that this legislation includes the Safe and Drug Free Schools Act—legislation I introduced to help parents, teachers and students end the violence in our schools.

According to the Centers for Disease Control, nearly three million crimes occur on or near schools every year—one every 6 seconds. Every day, an estimated 100,000 students carry guns to school, some of them as young as 8 and 10 years old. Thousands of students and teachers alike are victims of physical attacks or threats of violence. It's a terrifying situation. And, it's a scandal.

The seventh National Education Goal, established by the Nation's Governors, states that "by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning."

I can't guarantee that passing this bill will enable us to meet that goal on time. But I do know that doing nothing will only push our goals further out of reach.

The Safe and Drug Free School Act is not a cookie-cutter approach. It will help schools tailor programs to fit their own specific needs. Some schools may want to develop after-school programs. Other schools might choose to concentrate on anti-gang efforts. Still others may decide to develop partnerships with local police or mentoring programs with members of the local business community.

These programs work. I know because I've seen them work in communities across Pennsylvania. In Erie, the school district has developed an alternative education program that is a national model. Working with community groups such as the Boys and Girls Club, students attend classes, receive job-training and counseling from 8 in the morning until 8 in the evening. In Carlisle, peer mediation programs are in every elementary school. In Lancaster, the teachers and parents at McCaskey High School provide evening activities for students. And in Williamsport, the Walkway of Hope Program helps young people learn acceptable ways of resolving conflicts. The legislation we are considering today will enable these programs to grow.

I'm also pleased that this legislation incorporates key provisions of the Service-Learning Act, which I introduced with my distinguished colleagues, Senators DURENBERGER, KENNEDY, and WELLSTONE.

The Service-Learning Act is based on a simple yet powerful truth: students learn best by doing, by being active and engaged in the process of learning.

That is another of our Nation's education goals: that "all students will be involved in activities that promote and demonstrate good citizenship, community service and personal responsibility" by the year 2000 so that they are "prepared for responsible citizenship, further learning, and productive employment in our modern economy."

Service-learning promotes teamwork, leadership and problemsolving—all the skills young people need to succeed in school, and in life. When it is one well, service-learning replaces alienation with engagement, boredom with excitement.

If you want to see what service-learning can do, come to Abraham Lincoln High School in Philadelphia where students from the Horticulture and Environmental Technology Academies learn botany and natural science by creating their own gardens in vacant lots around the city.

Mr. President, education, to me, is more than an issue. It is a cause to which I have devoted years of my life. I've been a teacher and a college president. Perhaps more important, I am a grandfather.

My grandson, Nathaniel, is 3 years old now. Two years from now, when Nathaniel starts kindergarten, I want him to learn. I want his teachers to be well trained. And I want him to be safe in his classroom.

Parents and grandparents all over Pennsylvania want the same opportunities for their children. And that's what this bill will help to deliver.

I commend Senator KENNEDY, Senator KASSEBAUM, Senator PELL, and Senator JEFFORDS for their leadership in crafting this bipartisan education bill, and I encourage my colleagues to join me in offering their full support for the Improving America's Schools Act.

Mr. HARKIN. Mr. President, I want to commend the chairman for his leadership on this important legislation. H.R. 6 reauthorizes a number of programs established under the Elementary and Secondary Education Act which have contributed greatly to the services and benefits offered to our school children. The safe and drug-free schools and communities programs, authorized in H.R. 6 support activities designed to help meet the national education goal of making all schools in America free of drugs, guns, alcohol, and violence by the year 2000.

Many States are developing and instituting innovative programs to combat drug abuse and youth violence and are on their way toward meeting this important education goal. One State has undertaken a comprehensive, statewide drug abuse and youth violence prevention program. The program provides teaching materials, interactive video, teaching guides and community resource and outreach activities to every classroom, from K–12. The program is designed to reach every student and every parent in the State with comprehensive and coordinated messages. The program is provided directly to the classrooms and leverages the support and involvement of local, regional, and statewide community resources.

Mr. President, it is my understanding that statewide programs such as that which I just described will be eligible for funding under title IV of ESEA as reauthorized by H.R. 6. Am I correct in this interpretation?

Mr. KENNEDY. Yes the Senator is correct.

Mr. HARKIN. I thank the Chairman, and I commend him again for his work on this important legislation, and in particular this provision. The problems of youth violence and drug abuse are no longer contained within urban school districts, and are rapidly spreading to suburban an rural communities. By making a program available for statewide distribution, we can better ensure that each student in a State will be reached by a program, and that students throughout the State will receive the same messages.

I was extremely impressed by Jonathan Kozol's "Savage Inequalities," and I know the Senator from Utah has also done considerable research on school equalization. Is it his view that the concept of equalizing resources among school districts as public policy is supported by experts in the field?

Mr. HATCH. The Senator from Iowa is correct. The literature in the education field is loaded with recent articles suggesting that equalization is an important means of addressing inequalities. In a statement I gave on July 28, 1994, I outlined the reasons, which are supported by the literature in the education field, why I support equalization as a sound policy.

Mr. HARKIN. Does the Senator from Utah therefore support effort and equity as factors in determining the allocation of title I money?

Mr. HATCH. Yes, I do, provided that it is not mandatory. If effort and equity were factors driving education dollars, states would be encouraged to take steps toward equity on their own. Education is primarily a state and local responsibility to begin with. The equity factor included in this authorization, unlike the State per pupil expenditure—which I believe is an extremely poor and terribly unfair measure of effort—can benefit a State even if its needs are great and its tax base is small. This is because an equalization incentive is based not on how much a

State has, but on how it distributes what it has. I confess that in many areas of public policy I do not favor such an approach. In many areas, I believe this type of allocation destroys incentives to work hard and to do more that contributes to our economy overall.

But, education is a legitimate function of State and local governments. We do not need to be concerned with hindering private sector incentives. Educational equalization—based on a plan developed by the State itself—should be encouraged.

Some of our colleagues have expressed concern regarding the equity factor. Does the Senator from Iowa believe that the equalization of resources within a State is inherently consistent with the premise of the title I program?

Mr. HARKIN. I would respond to the Senator from Utah that yes, I believe the equalization of resources is consistent with the premise of the title I program which is to give disadvantaged students additional help by directing supplemental resources to them. If federal resources are not supplementary, then States have absolutely no incentive to deal effectively with education financing problems in their own States. The Federal Government should not subsidize this kind of inaction.

Mr. HATCH. I agree with the distinguished Senator from Iowa. Many States have recognized the need to more fairly redistribute their resources. I am very proud that Utah has been a leader in just about every aspect of education—achievement, graduation rates, school finance. Utahans long ago developed a workable plan for school equalization. It is working in our State.

I believe the title I formula should reward real effort and real progress toward serving every child in a State equally.

I obviously would have preferred that the effort and equity provisions that were included as an integral part of the Senate-passed title I formula. However, it was the final decision of this conference to include these factors in the title I formula but to include them as a separate authorization that is, based on the Senate-passed version of the bill. This, I believe, is a step in the right direction.

I hope that this will not be a hollow authorization, that is, one with no money. While I do not want to put my colleague from Iowa on the spot because I know he is as committed to this idea as I am, I wonder if he would comment on this last point? He is in a position of some influence on that subcommittee.

Mr. HARKIN. The Senator from Utah is correct. I share his commitment to education finance reform and I favor the establishment of this effort and equity incentive in title I of ESEA.

The Senator from Utah mentioned that he was proud of the efforts his State has made to equalize resources among schools. The State of Iowa revamped its State aid formula to equalize funding in the 1970's. I am equally proud of efforts in my State to provide a quality education for all students.

I will do what I can as chairman of the Labor, Health, and Human Services Appropriations Subcommittee to support this new authorization.

Mr. HATCH. I thank my colleague from Iowa for his analysis and support.

Mr. SMITH. Mr. President, I would like to take a few moments to express some concerns I have about this conference report, and why I will be voting against it.

Obviously, I am disappointed that an amendment that I had attached to this bill in the Senate was dropped by the conference committee. This amendment would have prohibited Federal funds from being used to support prohomosexual school programs. I had hoped that the Senate's position would prevail in conference, but must content myself with knowing that I have helped raise public awareness on this important issue. I have since received letters from all over the country from parents who watched the debate on the Smith amendment and were motivated to find out exactly what their children were learning in school.

I would also like to take special note of the efforts of my good friend Senator HELMS on his school prayer amendment. The purpose of the House-passed Helms amendment, which the Senate passed as well on the Goals 2000 bill, was to encourage local school districts to permit as much voluntary participation by students in school prayer, the content of which is not prescribed the government, as is possible consistent with governing Supreme Court precedents. Notwithstanding the fact that the Helms amendment has passed both the Senate and the House, albeit on separate legislative vehicles, in this Congress, the conference committee chose to adopt the weaker language of the Kassebaum amendment. I share Senator HELMS' strong sense of disappointment, and even anger, at this unfortunate result. Our Nation's schoolchildren deserve more from this Congress.

These are battles that I am sure will be fought on another day. The decisions to drop the Smith language and the Helms language by themselves would not be enough to lose my vote on this bill. A more serious matter has lost my vote.

I believe this bill represents a continuation of one of the most dangerous trends in our society: the increased federalization of decisions that traditionally have been left to lower tiers of government, or even to private citizens. Whenever things are not working quite properly, the instinct is to turn responsibility over to the Federal Government, which I suppose is supposed to know best. It isn't just in education; witness the health care debate.

As a U.S. Senator and as a private citizen, I feel this trend needs to be reversed. As a former school board chairman, I feel especially strongly that this trend needs to be reversed in our public schools.

Make no mistake, this bill will work in concert with the Goals 2000 legislation already signed into law to further undermine local control of our schools. More money will flow to our schools through Washington, and our schools will have to live up to more mandates to get at that money. I say, why not get rid of the middle man? Keep the funding at the local level, and with it the decisionmaking. We can move toward that goal by defeating this bill this year, and working next year toward true reform by establishing school choice.

Mr. President, I urge my colleagues to vote against this bill.

Mr. SIMPSON. Mr. President, I rise in opposition to the Elementary and Secondary Education Act. I am so very concerned that the legislation we are considering takes us even further down the road toward the federalization of our public schools. I feel it would ultimately result in a limitation on the autonomy of local school districts.

This $12 billion bill authorizes title I—the single largest Federal elementary and secondary education program—for 5 additional years. It includes a new formula for title I spending that targets more funds to disadvantaged children than under the current law. However, there is a provision in the bill which ensures that no State, for 1 year after enactment, would experience a decline in funds in comparison with the old formula.

Many Members are upset about the formula. Thirty States will ultimately fare worse under this formula. Wyoming is one of the States that would actually fare better. For the next 5 years, my State will receive an additional $1,264,000 annually for the education of its disadvantaged students. Of course, I am pleased with that aspect of the bill.

In this Congress we passed the "Goals 2000" bill. That bill essentially delivered this message to local school boards, "If you would like to have some of this education money to develop education strategies, you will have to adopt our guidelines." Unfortunately, this bill follows that same flawed philosophy.

Similar to "Goals 2000," States, in this legislation, are not required to submit their plans to the Secretary for approval. However, in order to receive title I funds, States must "voluntarily" describe and submit the strategies it will use to develop academic standards to the secretary of education

in Washington, DC, and obtain his or her approval.

Local education agencies [LEA's] desiring to receive title I funds would be required to submit local plans to the State for approval. Since some LEA's do not have the financial capacity to carry out the measures required in State plans, the bill requires States to help LEA's and schools achieve compliance with their obligations under the bill.

That may be satisfactory when school districts are financially able to make a choice to do without these funds. But, the fact is that most school districts are severely hamstrung for resources.

My concern is that we are eliminating the funding for less intrusive programs, such as impact aid, in order to "free up" money for these new, so-called "voluntary" initiatives. In the final analysis we are effectively leaving our schools without "choice."

The impact aid reform provisions in this legislation are another example of the movement toward the federalization of education. This legislation drastically reduces a significant portion of the funding for "section B" students.

Impact aid was created in order to neutralize the negative impacts of the Federal presence in local school districts. It is money that I believe some school districts and local taxpayers rightfully deserve. The reductions in this program simply make more room for expensive new Federal initiatives.

When a school district faces a $900,000 decrease in impact aid—as does one district in my State—naturally, the administrators are going to strongly consider complying with the "voluntary" guidelines in order to recapture some of that lost revenue. That is the reality.

This administration is embarking upon a course of a Federal education policy that is highly intrusive and which violates the traditional Federal respect for the primacy of local education authorities.

I just do not believe this administration is listening to the American people. Americans do not want more "strings attached," Washington controlled Federal programs. They want Washington to control less of their lives, not more. And when initiatives like this are presented to Congress, I believe they expect us to have the discipline to say "no." Many of them will be saying just that on November 8.

I urge my colleagues to vote against the conference report.

Mr. PELL. Mr. President, I would like to ask the distinguished chairman of the Committee on Labor and Human Resources to enter into a colloquy with me to correct the record with respect to certain language contained in the statement of managers accompanying H.R. 6, Improving America's Schools Act of 1994.

Mr. KENNEDY. Mr. President, I thank the distinguished chairman of the Subcommittee on Education, Arts, and Humanities for bringing this matter to my attention, and I am pleased to have the record corrected.

Mr. PELL. Mr. President, as the chairman knows, this act contains a provision, numbered section 568, with respect to which the conferees agreed to managers' language explaining the provision in certain respects.

Mr. KENNEDY. Yes that is my understanding.

Mr. PELL. Is the chairman's understanding that the conferees intended that the managers' language accompanying section 568 be placed in the statement of managers in a position corresponding to that section in the act?

Mr. KENNEDY. Yes, that is my understanding.

Mr. PELL. Is it the chairman's understanding that the conferees agreed that the managers' language should contain the notation "The House recedes with an amendment," following the first paragraph of the statement of manager's concerning section 568?

Mr. KENNEDY. Yes, that is my understanding.

Mr. PELL. I thank the chairman for helping me to clarify this matter.

Mr. DURENBERGER. Mr. President, I rise in support of the conference committee report on H.R. 6—legislation reauthorizing the Elementary and Secondary Education Act [ESEA].

I want to thank Senators KENNEDY, KASSEBAUM, PELL and JEFFORDS for their leadership during this long and at times, contentious process. They hung tough during conference meetings in spite of very strong opposition from the House of Representatives and from some members in this body as well.

It has been a privilege and a pleasure to serve with my colleagues on this committee. Our ability to work together on a bipartisan basis has resulted in legislation we can all be proud of. From direct lending and national and community service to Goals 2000 and ESEA, we have made a contribution to reforming education in this country.

While some provisions in this bill concern me, overall I am pleased with its final form. Unfortunately, when it comes to formulas, there will always be winners and losers. The title I formula in this bill seems to focus Federal money to the poorest children and to the communities and States most in need of assistance. My own State of Minnesota tells me that this is a formula they can live with.

Reasonable compromises were reached on a number of difficult social issues including school prayer and school health related issues.

Senator GREGG's amendment regarding unfunded mandates, which is now part of this legislation, clearly states that if any requirement in this bill results in an unfunded mandate, affected States and communities do not have to comply.

We prevented inclusion of mandated opportunity to learn standards in this bill.

There are two provisions in this bill I want to briefly mention. I am very pleased that my recommendations on the Charter Schools Program were accepted by the conference committee. The changes I proposed allow States to subgrant funds received from the Department of Education to local education agencies or other public entities authorized under State law, thus putting the State in the driver's seat.

I am also excited about inclusion of the Community Schools Partnership Act which will expand a network of locally based organizations and allow them to leverage funds for scholarships and mentoring programs to help disadvantaged youth.

Even though I do not agree with every item in this bill, I respect that process that produced it. I feel I had a fair opportunity for input—many of my own ideas were incorporated. I believe it now deserves to become law.

Thank you, Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

During the course of this debate, I heard those who are opposed to the legislation characterize it in ways which are really completely unrelated to the substance of the important educational legislation which we are addressing this afternoon. I would like to, for the remaining few moments, highlight briefly what this legislation will achieve for the young children of this country.

I am pleased that we are finally coming to this point where we will act, and I am confident, act positively, in support of the reauthorization of the Elementary and Secondary Education Act. It was approved last Friday in the House by a vote of 262 to 132, a margin of 2 to 1, and it deserves a similar majority in the Senate. This legislation is the result of weeks of bipartisan negotiation and cooperation, and has the strong support of Senator KASSEBAUM, Senator JEFFORDS, Senator DURENBERGER, and Senator GREGG on the Committee on Labor and Human Resources.

This bill is a major reform in Federal aid to help improve elementary and secondary education throughout the Nation. It is the most important reauthorization of ESEA since that landmark act was first passed in 1965.

It is a very significant step forward, because it puts the Federal Government squarely behind the reform efforts that are taking place in States and school districts throughout the country. The truly innovative feature of this legislation is that it encourages

these local reforms without dictating them from Washington. Let me describe this bill.

First, this bill creates a new title I program based on high standards for all students. Over 90 percent of the school districts in the country have been receiving these funds for years. But their use has been focused on bringing some low-income children only up to the standard of other low-income children not in the program. This misguided emphasis has had the unintended effect of creating thousands of separate, watered-down programs that have been found ineffective. We set our sights too low.

The core of this bill will scrap that dead-end low-standard approach and establish high academic standards for all students. It will hold disadvantaged students to the same standards that all other students are held. Why should we target disadvantaged children for special aid, and then educate them to a lower standard than other children? The American dream is open to all. Education is the key that opens the golden door, and this legislation can help millions of children use that key the way it should be used.

Second, and related to the first, this bill offers unprecedented new flexibility in the use of Federal funds to achieve this goal. It makes it far easier for schools to serve disadvantaged students in regular classes, rather than in separate, pull-out classes. For too long, for example, too many students have missed out on regular reading classes, because they have been pulled out for low-level drills.

Half the teachers in these classes have not been teachers at all, but uncertified teacher's aides. This reform will enable schools to end this practice and use Federal funds for all students.

In addition, there are also important new waiver provisions as well, which will enable schools to request exemptions from particular requirements of programs if they can show in their plans how the needs of the students can be met in other ways.

Third, this bill offers an unprecedented new investment in the Nation's teachers. All of title II in the bill is dedicated to professional teacher development. It makes no sense to provide Federal aid for education, and then neglect the single most important part of any education program—the teachers. This bill offers generous new support for the Nation's teachers, and will help them learn new strategies that will enable their students to reach higher academic achievement.

Fourth, the bill encourages the use of modern technology in the schools. Technology is transforming all sectors of our economy, from health care to manufacturing to retailing. Yet most public school classrooms lack even a telephone, let alone a computer. If students are to acquire the skills they will need to function effectively in tomorrow's workplace, we must give them the opportunity to work with today's technology in their schools. Title III of the new ESEA is a new education technology program that will help the poorest schools pay for new computers and electronic network links, and encourage the development of new educational software and programming.

Fifth, the bill offers new Federal support for violence prevention. It makes substantial improvements in the Safe and Drug Schools Program. Violence prevention becomes a key element of all programs. The new provisions also set measurable goals, such as a decrease in drug use, violent behavior, and illegal gang activity.

Sixth, the bill improves current bilingual education programs. The new provisions focus on English-language skills and on how well the students meet high standards—rather than how many years they stay in the program.

It also creates several worthwhile new programs important to many of us in Congress, such as charter schools, character education, and incentives to lengthen the school day and school year.

Seventh, the bill makes substantial grants available for school construction. For the first time, the Federal Government is finally recognizing the third-world conditions in which thousands of children go to school every day. For the first time, real Federal help is on the way.

Finally, and by no means least, this bill contains a better formula for targeting Federal funds to schools most in need.

For the first time in the ESEA's 30 year history, significant changes are made in the formula to do a better job of carrying out the historic purpose of the landmark 1965 act, to target Federal aid to schools and pupils who need help the most.

The formula is phased in so that the changes will take place gradually and enable school systems to adjust to the changes. For the next 2 years, virtually every school district in the country is guaranteed at least as much funding as it currently receives. In later years, funds are increased for districts in a formula that has the greatest increases for districts with the highest numbers and concentrations of poor students.

In my view, this formula is our best effort to act responsibly in the highest interest of our Federal system. Some States will gain, and other States will not do as well as they hoped. It is true that many States will not do as well as if the current formula is retained.

But the current formula is badly flawed, and it would be irresponsible to continue it. The new formula is a fair compromise that makes better use of scarce Federal dollars by better targeting funds to States with the greatest need, while mitigating the dislocation to States that have benefited for so long from the old, failed, and flawed formula. No State will lose unduly, and the Nation will gain immensely.

For all of these reasons, I urge the Senate to approve this legislation. It is a bill that all of us, Republicans and Democrats alike, can be proud of, and proud to take home to our constituents as one of the genuine bipartisan achievements of this Congress.

Finally, Mr. President, I wish to draw attention to another section of the bill for those who have talked about what authority is in this legislation that could impact local school districts: section 14512, the Prohibition on Federal Mandates, Direction, and Control:

> Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State or local education agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

The ball is in the local school's court, where it should be, and it is as clear as can be stated in the English language that is both the intent and the law in this legislation.

Finally, I commend, Mr. President, not only my colleagues on our committee, our Democratic colleagues, all of whom were involved in various provisions of this legislation, certainly the Senator from Rhode Island, Senator PELL, who has been chairman of the Education Committee for so many years, and whom history will record as being one of the great giants in terms of strengthening the educational and academic achievement of the young people of this country, and also many others of my colleagues on our committee. We had virtually unanimous support for the development of this legislation, and virtually unanimous votes except for one important vote, but virtually unanimous efforts. Republicans and Democrats worked together in the committee, and there was overwhelming bipartisan support in the enactment of the legislation. Conference was difficult, and we tried to represent the Senate's position as well as we could. This is good legislation, and I urge all of my colleagues to support it.

I wish to thank in particular our staff members who have worked so hard: On my staff, Ellen Guiney, Clayton Spencer, Stephanie Goodman, Matt Alexander, Bonnie Leitch, Jerry Hauser, and Susan Shin; on Senator PELL's staff, David Evans, Margaret Smith, Barbara Bennison, and Michael Dannenberg; on Senator KASSEBAUM's staff, Lisa Ross, Wendy Cramer, and David Goldfarb; on Senator JEFFORDS' staff, Pam Devitt and Katie Henry; and on Senator SIMON's staff, Charlie Barone.

I thank in particular the majority leader for his perseverance in ensuring

that this legislation was finally going to be enacted. We faced a filibuster in the last Congress, and were unable to get enactment of legislation, and also in the Congress before, both times in the final hours. I will not spend time in reviewing that history, but that was the case. And we were dangerously close to that kind of counterproductive action on this legislation.

It is really by the perseverance of the majority leader in insisting that we take and complete action on this legislation that the educational opportunities of millions of children in this country will be enhanced for years to come. We give great tribute to the majority leader for many, many reasons which we will outline in these remaining hours of this session, and I do not want to write off how much more he is going to achieve and accomplish. But when we pass this legislation, it is a major achievement for his legislative leadership.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, after reflection on the chapter I formula colloquy I had with Senator HARKIN earlier today and discussions with Senator COATS and Congressman LIGHTFOOT, I am convinced that my statement earlier today was correct.

I said earlier today that Iowa would lose almost $10 million between 1966 and 1999. Those figures came from the Congressional Research Service. The conferees requested that CRS issue numbers based on a $400 million increase in the appropriation.

When you compare the current law formula with the basic formula in the conference committee, 33 States lose money, including Iowa.

The effort and equity provision in the conference report is a totally separate authorization. The only way that Senator HARKIN's evaluation that Iowa will not lose money would be correct is if he can find $200 million somewhere in the Labor, Health and Human Services, and Education appropriation's budget.

In my experience, that budget is always so tight that we cannot fund even the programs that are already in existence. That means that the appropriators will have to cut some other important Labor, Health and Human Services or Education program in order to be able to fund that extra $200 million for the effort and equity authorization.

To reiterate, the only way Iowa will not lose money under the chapter I formula in the conference report is for the appropriation's committee to take money from some other valuable program and give it to the effort and equity formula of this bill.

As I mentioned in my earlier remarks, the basic chapter I formula in the conference report is a loser for 33 States. Thirty-three States are better off under the formula in existence today.

Congressman LIGHTFOOT reports to me that in his district alone, 26 out of 27 counties will lose money under the conference report formula for a total loss of $203,000 per year.

I wanted to make this clarification for the RECORD after further evaluation and discussion.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the question is on agreeing to the conference report accompanying H.R. 6, the Elementary and Secondary Education Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Alabama [Mr. SHELBY] are absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—77

Akaka	Feingold	Mathews
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Gregg	Moynihan
Boxer	Harkin	Murkowski
Bradley	Hatch	Murray
Breaux	Hatfield	Nunn
Bryan	Hollings	Packwood
Bumpers	Hutchison	Pell
Burns	Inouye	Pressler
Byrd	Jeffords	Pryor
Campbell	Johnston	Reid
Chafee	Kassebaum	Riegle
Cochran	Kempthorne	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Roth
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Simon
Dodd	Leahy	Specter
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durenberger	Lott	Wofford
Exon	Lugar	

NAYS—20

Bond	Faircloth	McConnell
Brown	Gorton	Nickles
Coats	Gramm	Simpson
Coverdell	Grassley	Smith
Craig	Helms	Thurmond
Danforth	Mack	Wallop
Dole	McCain	

NOT VOTING—3

Heflin	Shelby	Stevens

So the conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9 a.m. tomorrow the Senate consider the conference report accompanying S. 349, the Lobbying and Gift Reform Act; that there be 1 hour for debate equally divided and controlled in the usual form by the majority leader and the minority leader, or their designees; and that at 10 a.m. tomorrow, the live quorum being waived, the Senate vote on the motion to invoke cloture on that conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

I thank my colleagues for their cooperation and the overwhelming support for the education bill just passed. We will proceed to debate and vote on the Lobbying Disclosure and Gift Reform Act, as stated, in the morning. The next rollcall vote will be at 10 a.m. tomorrow morning.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LOBBYING DISCLOSURE BILL

Mr. DOLE. Mr. President, I want to just focus for a moment on this so-called lobbying disclosure bill which we will have a cloture vote on tomorrow morning. I must say, I think the more you look at it, the more questions are raised.

We had a conference this afternoon. I think probably before the conference we had probably a fairly even split or even less. But the more you talk about this bill and the more complicated it becomes, it seems to me we need to address some things before it leaves the Senate. I am not certain it can be taken care of with a colloquy.

I will have printed in the RECORD a letter I addressed today to Senator LEVIN and Senator COHEN, where we raised a number of concerns with reference to grassroots lobbying. I know there have been some saying there is no problem with this, it is all smoke and mirrors. That may or may not be the case.

I would like to include in the RECORD the letter that was directed to the Honorable CARL LEVIN and the Honorable WILLIAM COHEN, which contains some of the questions we have. Also, a letter directed to the majority leader, Senator MITCHELL, and myself, the Republican leader, signed by 30-some Republicans who are concerned about the same problem.

Then also I would like to include in the RECORD a list of organizations that now oppose this bill outright. I must say, you do not get a group like this in opposition to a bill very often: the American Civil Liberties Union, the American Farm Bureau, the American Family Association, the Child Protection Lobby, the Coalition Against Gun Violence, Doris Day Animal League, Humane Society of the United States, the National Association of Realtors, the American Legion—the list goes on and on—the U.S. Chamber of Commerce, Safe Streets Coalition. About every group in America, whether they are on the right side, the middle, or the left side of the issue, have read this conference report, now, carefully, and they are having real problems with us. They are calling us and sending us faxes and directing their opposition to us, Members on both sides of the aisle.

We know that some of the liberal media have already decided this is a great bill, even though they probably have not read it and do not intend to read it. Maybe they want to discourage grassroots lobbying. Why should anybody else make up the views? Maybe let the liberal elite make up our minds through editorials in the Washington Post or the New York Times or whatever.

So we have been looking at it very closely this afternoon. Hopefully, we can address some of the concerns. But the more you read this the more you are concerned. I will just pick out one provision.

We are going to create another big bureaucracy. We are talking about downsizing Government, and here we are about to create another bureaucracy and who knows how large it will be and how inefficient and how it is going to be expanded.

It also could become a tool for political revenge because the President of the United States, in this case President Clinton, is going to appoint somebody for 5 years. That person is going to be the Director of Office of Lobbying Registration and Public Disclosures. And this same Director is going to promulgate the rules and regulations and all the enforcement aspects.

There is no bipartisan representation there. I do not know why we have the President of the United States appointing someone to deal with congressional lobbying or gift-taking.

So let me make it very clear that there may be a way to resolve this. One way to resolve it is to take care of the gift matter by changing the Senate rules.

I will just conclude by making this point: When we talk about grassroots lobbying, we are not talking about high-priced lobbyists' lunches or legislative deals. We are talking about activity out there in America when the people ban together to let their elected representatives know where they stand on the issues that affect them.

I want to make it clear, we are not trying to make any changes in some of these rules. I support the gift ban provisions—no lobbyist lunches, no entertainment, no travel, no contribution into defense funds, no fruit baskets, no nothing. That is fine with this Senator, and I doubt many Senators partake in that in any event.

It is also good to point out—and I assume somebody will have a lot of fun with this one—the conference report treats Members of Congress differently than it does other citizens. If you are a lobbyist—and that could be anybody, your brother, sister. There are good people out there. Because they are lobbyists does not mean they are not good people. It does not mean they are not honest or men and women of integrity. That is what they do for a living.

You have a right to petition Congress. You have a right to engage somebody, hire somebody and come to Washington and do whatever you want to do. But if they knowingly violate the registration disclosure requirements, they could face a maximum fine of $200,000. But if a Member of Congress does the same thing, if you knowingly accept a gift that is banned under the new rules, there is not any dollar penalty. So here we go again. And we wonder why the American people do not trust the Congress. We are about to pass a new law and everybody is going to say, "Boy, isn't this great, we are going to nail down these lobbyists and let the Members go." All we are required to do is go before the Ethics Committee.

I am not certain we can correct all this with colloquies. Maybe we can. The best thing to do is get unanimous consent to amend the conference report and send it back to the House. We will propose that tomorrow after the cloture vote.

I just say to my colleagues on the other side of the aisle, this should not be a partisan measure. I hope my colleagues on the other side of the aisle will take a look at it. If you have not heard yet from all these groups, I can tell you they will probably be calling you between now and tomorrow, and they are groups that I think represent and reflect the views of a lot of good, hardworking Americans, whether it is the American Legion, the American Farm Bureau, the Humane Society, or the Doris Day Animal Group, or whatever.

So, Mr. President, I ask unanimous consent that the material I made reference to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATINS OPPOSED TO S. 349

Alliance For Educational and Cultural Exchange.
Alliance For America.
American Civil Liberties Union.
American Farm Bureau.
American Family Association.
American Legion.
Americans For Tax Reform.
American Land Rights Association.
Americans United For Life.
American Veterinary Medical Association.
Association of Concerned Taxpayers.
Center for Science in the Public Interest.
Child Protection Lobby.
Christian Coalition.
Christian Legal Society's Center for Law and Religious Freedom.
Citizens Committee for the Right to Keep and Bear Arms.
CNP Action, Inc.
Coalition Against Gun Violence.
Coalitions for America.
Concerned Women For America.
Defenders of Property Rights.
Doris Day Animal League.
English First.
The Environmental Policy Task Force.
Family Research Council.
Federation of American Scientists.
The Feminist Majority.
Free Congress Foundation.
Fund for an Open Society.
Gun Owners of America.
Humane Society of the United States.
Independent Insurance Agents/California.
International Freedom Foundation.
The National Center for Public Policy Research.
National Association of Realtors.
National Cotton Council of America.
National Federal Lands Conference.
National Restaurant Association
National Right to Life Committee.
National Right to Work Committee.
National Rifle Association.
National Legal and Policy Center.
National Association of Housing Cooperatives.
Ohio Citizen Action.
Planned Parenthood of America (NY office).
Population-Environment Balance.
Project 21.
Safe Streets Coalition.
Small Business Survival Committee.
Traditional Values Coalition.
United Seniors Association, Inc.
U.S. Chamber of Commerce.

U.S. SENATE,
Washington, DC, October 4, 1994.

Hon. GEORGE J. MITCHELL,
Office of the Majority Leader,
Hon. BOB DOLE,
Republican Leader,
U.S. Senate,
Washington, DC.

DEAR GEORGE AND BOB: We are writing to request that the Senate adopt a unanimous

consent agreement allowing us to amend the conference report on S. 349, the Lobbying Disclosure Act, to eliminate some of the unnecessary regulatory burdens that the conference report would impose on grassroots citizens' organizations.

A wide array of citizens' organizations representing the entire breadth of the political spectrum have written to us expressing their concerns as to how the conference report's recordkeeping and paperwork requirements will interfere with their ability to communicate effectively with Congress and the executive branch. One diverse coalition of groups has informed us that the broadly drafted grassroots lobbying provisions "will seriously impair our ability to exercise our rights guaranteed under the First Amendment".

We are not raising objections to the section of the conference report that establishes new rules prohibiting lobbyists from giving gifts to Members of Congress and staff. However, modifications should be made to certain grassroots lobbying provisions in the conference report. We hope we can accomplish this limited goal expeditiously. Nevertheless, we are prepared to support efforts to block the passage of this conference report if our request is not accommodated.

Thank you both for your consideration of this matter. We look forward to hearing from you.

Sincerely,

——— ———.

U.S. SENATE,
Washington, DC, October 5, 1994.

Hon. CARL LEVIN,
Hon. WILLIAM S. COHEN,
U.S. Senate, Washington, DC.

DEAR CARL AND BILL: As you know, a number of concerns have been raised concerning the conference report on S. 349, the Lobbying Disclosure Act of 1994. To help clarify the meaning of some of the provisions in the conference report, I would appreciate answers to the following questions:

1. Section 103(2)(B) of the conference report defines the term "client" to include the individual members of an association when the association's lobbying activities are financed by members outside of regular dues and assessments. Would this provision require the public disclosure of the name, address, and place of business of each member of an organization that engages in lobbying activities, but finances these activities through donations rather than through regular dues and assessments?

2. Section 104(b)(5) requires registered lobbyists to publicly disclose "the name, address, and principal place of business of any person or entity retained by the registrant to conduct grassroots lobbying communications on behalf of the registrant or the client * * * (emphasis added)." To be covered by this provision, must a "person or entity" be retained for compensation? Would this provision require the disclosure of the names and addresses of volunteers who have been "retained" for the purpose of conducting "grassroots communications?"

3. Section 105(b)(5) requires "registered lobbyists" to publicly disclose on a semi-annual basis "the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client." Would this provision require "registered lobbyists," including non-profit "grassroots organizations," to publicly disclose their lists of donors? For example, if a grassroots organization solicits contributions to help pass or defeat a specific piece of legislation, must the names and addresses of those individuals who responded to the solicitation be publicly disclosed? If your answer is "no," how can that answer be reconciled with the text of the conference report and with the conference committee's amendment to the Senate language?

4. Section 104(b)(3) requires registered lobbyists to publicly disclose the "name, address, and principal place of business of any organization, other than the client, that (A) contributes more than $5,000 toward the lobbying activities of the registrant * * * and (B) participates significantly in the planning, supervision, or control of such lobbying activities." What is meant by "participating significantly?" Would this provision require the public disclosure of an organization that contributes $6,000 to a grassroots lobbying effort and requests that the contribution be used to defray the cost of a television commercial or a newspaper ad?

5. Section 103(10)(B)(xviii) exempts from the definition of "lobbying communication" any communication made by a "church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return * * *, "if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion (emphasis added)." Could you please elaborate on the meaning of this provision? For example, if a church and its membership contact Members of Congress in support of a school-prayer bill or against abortion-rights legislation, would these contacts constitute the "free exercise of religion" or an effort to "protect the right to the free exercise of religion." Who ultimately makes this determination?

I want to emphasize that I have no objection whatsoever to the section of the conference report that establishes new rules prohibiting lobbyists and others from giving gifts to Members of Congress. However, I believe it is imperative that legislation such as S. 349, which seeks to impose broad new regulations on individuals and which, if violated, could result in fines up to $200,000, be as clear as possible on its face. Quite simply, it should define exactly what is expected of those we seek to regulate. Unfortunately, many of my colleagues believe that S. 349 does not achieve this clarity.

If possible, I would appreciate a prompt response to the questions I have outlined in this letter. Thank you for your consideration.

Sincerely,

BOB DOLE.

Mr. DOLE. Mr. President, the "Law of Unintended Consequences" is alive and well in Washington. And that is why it is critical to take a very close look at the fine print of the Lobbying Disclosure Conference Report.

Earlier this Congress, I supported final passage of both the gifts-ban and lobbying disclosure bills, and they were adopted by the Senate in overwhelming votes. But guess what? A funny thing happened on the way to the conference committee. New requirements were imposed. New provisions were added. Efforts were made to get at what is known as grassroots lobbying.

One new provision would require citizens' organizations to publicly reveal all their so-called grassroots lobbying expenditures. Grassroots lobbying is defined to include such evil activities as communications that attempt to influence Federal legislation through contacts not with Congress, but with the general public. In other words, television, radio, and newspaper ads. How awful.

Grassroots lobbying is also defined to include internal communications between organizations and their members with the goal of influencing public policy. In other words, internal organizational newsletters. Another terrible vice.

A second provision added in conference would require the public disclosure of the names and addresses of any businesses retained by a citizens' organization to assist in grassroots lobbying. And, perhaps worst of all, a third provision could be read—could be read—to require citizens' organizations to publicly disclose the names and addresses of their donors.

I know my colleagues on the other side of the aisle say the conference report does not require the public disclosure of donors. But I have read the disclosure provision and, at best, it is ambiguous. And, frankly, ambiguous is just not good enough, particularly when it comes to imposing new regulatory burdens on the American people's right to petition their government. We cannot solve this problem with a colloquy. We cannot solve this problem with a floor statement.

Certainly, we do not expect the American people to go to their nearest library or bookstore, pick up a CONGRESSIONAL RECORD, and try to figure out what we actually meant when we passed a law. The law itself should be clear on its face.

And again, Mr. President, when we talk about grassroots lobbying, we are not talking about high-priced lobbyist lunches in fancy Washington restaurants, or legislative deals being cut in smoky Capitol Hill Back rooms. We're talking about activity out there in America—in the grassroots—when people of like mind band together to let their elected representatives know where they stand on the issues that affect them.

I want to emphasize that we are not, in any way, trying to make any changes to the new rules prohibiting lobbyists and others from giving gifts to Members of Congress. I support the gifts—ban provisions: No lobbyist lunches. No entertainment. No travel. No contributions to legal defense funds. No fruit baskets. No nothing.

I might add that the conference report treats Members of Congress differently than it does other citizens. If you are a lobbyist and you knowingly violate the registration and disclosure requirements, you could face a maximum fine of $200,000. But if you are a Member of Congress and you knowingly accept a gift that is banned under the new rules, there are no maximum

fines, no big-dollar penalties. Instead, you go to the Ethics Committee.

And that is why I suggest we add language to the conference report directing the head of the new Office of Lobbying Disclosure to impose penalties on private citizens that are commensurate with the penalties imposed on Members of Congress.

So, Mr. President, I hope my colleagues on the other side of the aisle understand that we do not want to block the conference report. We don't want to filibuster. We want to pass a tough law, but one that is also targeted at the right activities.

Earlier this week, I wrote to the distinguished majority leader requesting a unanimous-consent agreement allowing us to amend the conference report to deal with the grassroots lobbying issue. I am still hopeful we can take this approach, make the necessary changes, and pass an amended conference report that satisfies all those concerned.

SENATOR GEORGE MITCHELL: A GREAT LEADER

Mr. HOLLINGS. Mr. President, the next Senate can elect a new majority leader, but what it cannot do is replace GEORGE MITCHELL. We cannot replace GEORGE MITCHELL the leader or GEORGE MITCHELL the politician or GEORGE MITCHELL the man. In each capacity, he has achieved a stature in the eyes of his colleagues that is unique in the contemporary Senate. To appreciate that unique stature and standing, bear in mind that this is an institution of 100 highly accomplished men and women—every one with a robust ego and high regard for his or her talents and intellect. Yet I dare say that if you polled the Members of the Senate, you'd get a near unanimous opinion, on both sides of the aisle, that GEORGE MITCHELL is the best Senator and the consummate leader. In the 20th century, no other man save Lyndon Johnson rose more rapidly to the post of majority leader. In both cases, the propellant behind the ascent was the same: Raw talent, rare intellect, sheer ability.

By any measure, GEORGE has done an extraordinary job during his 6 years as leader. In an institution notorious for the independence and waywardness of its Members, he's about as close as we get to adult supervision. He has been unfailingly fair, unfailing respectful of the rights of the minority party. That said, I don't think anyone has ever forgotten that GEORGE MITCHELL is a Democrat. The fact is, GEORGE is about as partisan a Democrat as you'll find—a partisanship bred in the bone and learned at knee of his immigrant, working-class parents. But, with GEORGE, it is partisanship with a difference—partisanship with passion and force, but never with a jagged edge. GEORGE doesn't personalize his political combat. He has adversaries not enemies. He fights to win, but—even under the most trying of circumstances—he fights clean.

In short, Mr. President, in the old-fashioned sense of the word, GEORGE MITCHELL is an honorable man. He is a unique combination: The sagacity of a first-rate judge plus the savvy of a first-rate legislator, the appearance of a professor plus the heart of a prize fighter. The Senate has been ennobled by his daily presence at the majority leader's desk, and the Senate will be diminished by his departure.

I would like to take this opportunity to thank GEORGE MITCHELL for his many kindnesses and courtesies to me personally. He has been a great leader, and I have no doubt he will take his special qualities of mind and character to other high offices in the service of our Nation. We all wish GEORGE MITCHELL the very best.

TRIBUTE TO ROB McDONALD

Mr. DANFORTH. Mr. President, on Friday, one of my most trusted aides is leaving the Senate. Rob McDonald has worked for me since 1982. For 9 years, he worked as the head of my St. Louis office. He helped me and, more importantly, he contributed to the life of St. Louis in countless ways. Rob ensured that the Valley Park levee received a $15 million appropriation and that the St. Louis North Riverfront project received Federal money for needed improvements. He also was essential in securing Department of Transportation approval for the St. Louis Light Rail project and obtaining appropriations from the Congress.

Since joining my Washington office as administrative assistant in 1991, Rob has maintained his dedication to St. Louis while also looking out for the rest of Missouri. He has helped ensure that a healthier TWA remains in St. Louis and Kansas City. He has helped the commuters of St. Charles, MO by negotiating legislation providing a waiver for the $150 million Page avenue project. He was central in the effort to ensure that biotechnology development was not set back by opponents of BST. To this day, he is working tirelessly to find funds for the Union Station project in Kansas City. The people of Missouri should not only be grateful to Rob but disappointed that they are losing such a successful advocate for their interests.

More important than these many accomplishments, however, is Rob's running of my office. In 1991, when my former Administrative Assistant Alex Netchvolodoff left, I called Rob and asked him to come to Washington. This must have been a difficult decision for the McDonalds. Yet, he came, and with him came his wife Cathy, and his two wonderful twin girls, Lauren and Rachel. He arrived in the middle of a tumultuous period in my Senate life. In only a few months, I would be involved in two contentious issues, the Clarence Thomas nomination and the Civil Rights Act of 1991. Throughout this period, Rob, as my new administrative assistant, ran my office with grace and civility. For that, I will always be grateful.

Rob fosters the kind of positive, optimistic attitude that Missourians cherish in their Senator's office. He has an indefatigable, can-do attitude. He simply never quits. He is an understanding person who is always willing to take the time to address the needs and concerns of every member of my staff. It is largely because of Rob that my staff functions together as well as it does.

I will miss him. His new company, Emerson Electric, has gained quite an asset. Along with my thanks for his friendship and his service, I wish Rob and his family all the best.

IN COMMEMORATION OF STEVEN J. YOUNG

Mr. LEAHY. Mr. President, I rise to bring a matter to attention of the Senate which is of considerable interest and pride to the people of Swanton, VT as well as the family and friends of the late Steven Young.

The U.S. Fish and Wildlife Service Mississippi National Wildlife Refuge in Swanton, VT recently dedicated a restored wetland the Steven J. Young Marsh. This action was taken in memory of Steven Young, a Swanton native and assistant refuge manager of the Yukon Flats National Wildlife Refuge in Alaska. Steve died in an aircraft accident while conducting a moose census on the refuge in November 1992.

I wish to insert into the RECORD some materials from the September 10 dedication ceremony as well as excerpts from letters which were read at that time which illustrate the contribution Steven Young made to the Fish and Wildlife Service and to the conservation of our Nation's natural resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM—DEDICATION OF STEPHEN J. YOUNG MARSH

Al Zelley, Refuge Manager, Mississippi NWR Welcome and unveiling of sign.

Eric Goodenough and Skip Thomas, Ducks Unlimited.

Brian Parkurst—Ben and Jerry's Homemade Inc.

Father Boucher, St. Amadeus, St. Anne's Shrine.

Reverend Cindyellen Robinson, Memorial United Methodist Church, Swanton.

Al Zelley, Refuge Manager.

Robert Paquin—Aide—Senator Patrick Leahy.

Al Zelley.

Presetation in memory of Steven J. Young (letters, photographs).

DEDICATION OF THE STEPHEN J. YOUNG MARSH, AUGUST 17, 1994

The U.S. Fish and Wildlife Service's Missisquoi National Wildlife Refuge will dedicate the 2-acre Stephen J. Young Marsh on Tabor Road, Swanton, Vermont, at a public ceremony at 1:00 PM on September 10.

The marsh, once an intermittent wetland, has been restored to a permanent marsh by the construction of a small dike on the north drainage. The marsh provides food, cover and nesting habitat for a variety of wildlife including waterfowl, great blue heron, bittern, snipe, muskrat, raccoon and deer.

This marsh is being dedicated to the memory of Stephen J. Young, son of Lou Young and the late Barbara Young of Swanton. Steve grew up around the marshes of the Missisquoi National Wildlife Refuge. He was the Assistant Refuge Manager of the Yukon Flats National Wildlife Refuge in Alaska. He died in an aircraft accident while conducting a moose census on the Refuge on November 12, 1992.

Funding for this project was provided by the U.S. Fish and Wildlife Service and a special donation made by Ben and Jerry's Homemade, Inc., to the Ducks Unlimited MARSH Habitat Restoration Program. MARSH is an acronym for "Matching Aid to Restore States Habitat." The objective of the MARSH program is to compliment the on-going Ducks Unlimited habitat programs in Canada and Mexico through the development, restoration, maintenance, and preservation of waterfowl/wetland habitat in the United States, and to create a positive fundraising atmosphere through the acquisition and enhancement of waterfowl/wetland habitat within each State. This reimbursement program provides matching funds and grants to public and private agencies and organizations within each state based on DU's income within that state.

The public is invited to attend the dedication ceremony. For further information, contact the Refuge at 868-4781.

U.S. SENATE,
Washington, DC, September 10, 1994.

Mrs. KIMBERLY YOUNG,
c/o Missisquoi National Wildlife Refuge,
Swanton, VT.

DEAR MRS. YOUNG: My office was honored to be asked to participate in the dedication ceremony of the Stephen J. Young Marsh, a most fitting tribute to one who dedicated his life to the protection of our nation's natural resources.

Those of us who bear the responsibility for national conservation policy depend on the efforts of the Fish and Wildlife Service professionals in the field, both for guidance as decisions are made and for perseverance when the laws must be implemented.

I want you to know that my support for the Missisquoi Refuge and for the National Wildlife Refuge System will remain firm, thanks in no small part to the contribution Steve made.

Sincerely,

PATRICK J. LEAHY.

EXCERPTS FROM LETTERS RECEIVED FOR DEDICATION CEREMONY

Gary L. Pearson. * * * I have been acquainted with, and have worked with, scores of people in the wildlife field over more than a quarter of a century, and I have known few with Steve's personal committment and professional integrity. I feel that it is important that we know and remember who Steve Young was, what he did, and what he stood for, and that somehow seems to be appropriately symbolized in the preservation of a marsh in his name.

Robert G. Green. * * * I am pleased to hear that Steve will be recognized for his significant contribution to the wildlife resource in the United States and to the Fish and Wildlife Service.

It is entirely appropriate, in my opinion, to dedicate a memorial in Steve's home state of Vermont. I knew Steve for many years, first as a staff biologist with the Ecological Services office in Bismarck, ND and then as assistant refuge manager at Sand Lake National Wildlife Refuge in SD. We shared many long evenings working on projects related to the preservation of wetlands in North and South Dakota. Afterwards, whether at the Mirror Bar in Mandan or at Steve's home feeding the ever-present hunting dog, Steve would reminisce about growing up in Vermont and especially about his experiences on the Missisquoi NWR. It was that positive wildlife experience that drew Steve to wildlife biology in college, and to the Fish and Wildlife Service.

Peter Carrels. * * * My dealings and friendship with Steve began through our mutual concerns about the environment, especially Sand Lake NWR and the James River, in South Dakota. Steve and I consulted with each other on many occasions. We brought different, but complimentary vantages to our struggles to protect the environment: He, as a biologist and as an employee of the U.S. Fish and Wildlife Service; and me as an environmental activist, often working with the Sierra Club. In my dealings with Steve, I found he stood for integrity and sincerity. Facts, not fabrication were vital to him in his dealings with issues that were controversial. He provided valuable help to those of us outside government. He helped us understand the inner workings of "bio-politics," as he so often referred to it. He generously shared his time and his experience and his expertise. He never sought the limelight, always keeping a low profile, despite his important roles in a variety of environmental issues. He was a public servant of the highest order. I am proud to have known him, and I am a better person for it.

Scott McLean. * * * The dedication of the marsh is an appropriate epitaph to Steve, especially to those who knew what the "resource" meant to him. What Steve was doing at the time of his death personifies what all of us who work for the resource put on the line in order to protect, maintain, and perpetuate the wildlife resource. We strive to learn and understand all that we can by doing the task in which Steve was engaged. Although his loss saddens us and may make us a little more fearful of the work that he was doing and that we often do, we should keep in mind that this is part of what we love about this job and the satisfaction that if we can help improve the resource by learning a little more about it, maybe it is worth the risk. This may sound somewhat idealistic but that little bit of idealism is what keeps the spark in our desire to "do something for the resource."

Erling Podoll. * * * Anyone who knew Steve was aware of his zeal for the proper management of wildlife habitat and most importantly wetlands. He would consider it a worthy memorial—your dedication of a marsh in his honor.

Ron Shupe. I know Steve would be very pleased about the location of the Stephen J. Young Marsh. His love of the outdoors, of wildlife, and especially wetlands was first begun as a neighbor of yours. He often told me of his early years visiting the Refuge and learning about wildlife and nature. His untimely passing was and is a shock to all of us. But with that sorrow, I also know that Steve is up there smiling down on his wife and children, proud of their doing their best to live up to his expectations. I can think of no greater legacy than what Steve has left us, his love and dedication to wildlife, wetlands, and the environment.

TELL CITY, IN.

TO THE FAMILY AND FRIENDS OF STEVE: There is no more fitting place for Steve to be remembered than in his beloved home territory, the Mississippi Wildlife Refuge. Steve knew intimately the backwaters, swamps, and woodlands of this area. It was here in this jewel of a natural area that he grew from a child into a young man. It was here where he developed his love of wildlife and the land. It was here he absorbed the lessons of nature, developed his personal values, nurtured his character, and developed a life long passion to dedicate himself to the betterment of wildlife resources. And it was here, no matter where he traveled, and no matter how much he enjoyed his new surroundings, that he longed to be.

Steve and I spent many hours during our college years pursuing largemouth bass and white-tailed deer around the Swanton area. The most important harvest we realized from treks in the woods, hours in a boat, or time around a campfire was our shared philosophies as we developed our values and beliefs in our soon to be realized profession of wildlife management. Our paths took us on journeys separated by hundreds or even thousands of miles but our kindred spirits were linked through the many of hours spent around the Missisquoi.

The phone would ring at odd intervals, sometimes several months would go by with no communication. Conversations often began on serious biology stuff, strategy, politics, ramifications of certain decisions or disclosures of an analysis but I do not believe we ever conversed without talking about meeting in the Missisquoi area for "one more" adventure. As our careers matured and our lives filled with job and family responsibilities it was always the promise of a trip down the Missisquoi that allowed us to rebond and drop the burdens of mid-life to share once again the anticipation, warmth, and camaradrie two people who care for and respect each other may feel.

I remember clearly a phone call to request I be best man at his wedding. The excitement and love he felt were obvious. The wedding was to be in North Dakota and they would then come to Swanton where Steve wanted to show his new bride the land around Swanton that meant so much to him. A few years later a call came in about a beautiful new daughter and the pride he was feeling came across the phone. This wonderful new dimension to his life added depth and deepened his love and commitment to his family * * * but we still ended by talking about a trip down the river and into the Missisquoi. Then it was a new son who he couldn't wait to "take deer hunting in Vermont".

Like all old friends we shared hopes, dreams, and speculated on the future. Always we were both in the picture doing what we both enjoyed most. Steve's dream was to retire in Swanton, live on the river and enjoy the beauty and resources of the Missisquoi and surrounding environments. We rush * * * but someday we would again float the peaceful river, enter the almost alien environment of the delta and fish for bass and bullheads. We would once again

flush wood ducks and great blue herons, listen to the bullfrogs, swap stories and philosophize over where our lives had taken us and what we had done.

Events do not often unfold the way we think they should or wish they will. It gives me some sense of peace however that if I am fortunate enough to make it to the winter of my life I will be able to return to the Missisquoi and visit one more time the area my great friend and confidant loved so deeply. I will never doubt Steve's presence in this beautiful piece of Vermont. It is truly fitting and worthy that he be remembered by the dedication of this marsh in his name.

A Friend Always,

JIM DENONCOUR.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Fairbanks, AL, August 17, 1994.

ROBERT A. ZELLEY,
Refuge Manager, Missisquoi National Wildlife Refuge, Swanton, VT.

DEAR AL: All of us on the Yukon Flats and Kanuti National Wildlife Refuge staffs were very pleased to learn about the dedication of the restored marsh on Missisquoi National Wildlife Refuge to our friend and co-worker Steve Young. We believe that dedicating a restored marsh in Steve's memory is particularly fitting because Steve had such a devout interest in and concern for the conservation of wetlands and waterfowl. It is also very fitting that the project was done in Steve's hometown and in cooperation with Ducks Unlimited, since Steve was a loyal and active member of DU.

Steve accomplished much during his 16 years with the U.S. Fish and Wildlife Service. He received numerous awards for his work with refuges, waterfowl, flood control projects, and the Garrison Diversion Unit in North Dakota. His efforts contributed greatly to the conservation and management of wetlands and National Wildlife Refuges in Alaska and the Dakotas.

Although, Steve had a relaxed, easy-going demeanor and a very "comfortable" personality, he also had bull-dog determination, an eye for details, and a penchant for thorough record keeping (to which Kim can attest). Steve was known as a tireless, dedicated professional who loved the National Wildlife Refuge System and was proud to be an employee of the U.S. Fish and Wildlife Service. We know he would be very honored to have his efforts and contributions to wildlife and wetland conservation remembered in such a fitting manner.

It is nice for us to know that Steve's memory will live on not only in all of us who knew and worked with him, but also in all who visit the Stephen J. Young Marsh.

We would like to thank you, the rest of Missisquoi staff, Duck Unlimited, and Ben and Jerry's Homemade, Inc. for this very appropriate tribute to Steve. He will always be in our hearts.

Sincerely,

TED HEUER,
Refuge Manager, Yukon Flats, NWR.
TOM EARLY,
Refuge Manager, Kanuti NWR.

THE ECONOMICS OF INSOMNIA

Mr. HATFIELD. Mr. President, I rise today to update my colleagues on an issue that should be a wake up call to every person in America. In an article to be published this month by Melissa Stoller of the University of Chicago, in the medical journal Clinical Therapeutics, it is estimated that the annual economic cost of insomnia due to reduced productivity, accidents, and medical problems is between $92.5 and $107.5 billion. This figure does not even begin to include the toll that insomnia takes in terms of human suffering, decreased quality of life or deteriorated personal relationships.

This is not a problem that affects only the few. Research consistently shows that in any given year 30 to 40 percent of the U.S. population suffers from insomnia. The majority of these cases are not associated with a psychiatric or medical problem.

The average person is absent from work 1 day per month. However, the average workers suffering from insomnia misses 2.8 additional days per month. The estimated cost of absenteeism to a single organization is more than $4,800 per year. The most obvious result of nighttime insomnia is daytime sleepiness. This daytime impairment is associated with more sleep during work breaks, markedly reduced productivity, and dissatisfaction with one's job. The estimated annual cost of performance impairment due to insomnia is $41.1 billion.

In addition, both work-related and motor-vehicle accidents are more likely committed by someone suffering from insomnia than by a well rested individual. Insomniacs have about 1.5 times as many work-related accidents as the rest of the population and have auto accidents 2 to 3 times more often. It is estimated that sleep-related accidents cost $43 to $56 billion annually; $29 to $38 billion for motor vehicle accidents; $10 to $14 billion for work-related accidents; and $2 to $3 billion for at-home accidents.

It has also been found that insomnia is directly linked with heart disease, high blood pressure, diabetes, stroke, and depression. Persons with poor sleep see the doctor more often and have more health problems than those who sleep well. Insomnia has also been related to higher levels of depressive illness and alcoholism. People who sleep less than 6 hours per day have a 30 percent higher death rate than those who sleep 7–8 hours.

In 1993 the National Commission on Sleep Disorders Research reported to Congress on the need to establish a National Center for Sleep Disorders Research. I introduced legislation and in the 1993 NIH reauthorization the National Center was established and housed within the National Heart, Lung and Blood Institute. In the few months that it has existed, the National Center has done a tremendous job in starting a national public awareness campaign on sleep disorders while coordinating their activities with other Federal agencies. However, there is still a long way to go and the National Center needs the participation and cooperation of all branches of the government in order to make the public and health professionals aware of the seriousness of insomnia and other sleep disorders.

As you can see, insomnia is a problem that has an astronomical economic impact on our society. With such grave consequences, insomnia can no longer be thought of as simply an irritating but inevitable part of modern life. It must be viewed as a potentially life-threatening condition that can and should be treated.

I ask unanimous consent that the article be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Clinical Therapeutics, 1994]

ECONOMIC EFFECTS OF INSOMNIA

(By Melissa Kaleta Stoller, MA)

ABSTRACT

Insomnia affects up to 40% of the general population yearly and is a significant cause of morbidity and mortality. The direct and indirect costs of insomnia place a tremendous economic burden on society and employers. In addition to the cost of the medical treatment and drugs, measurable costs of insomnia include reduced productivity, increased absenteeism, accidents, and hospitalization, as well as medical costs due to increased morbidity and mortality, depression due to insomnia, and increased alcohol consumption. This article reviews the literature on the economic costs and effects associated with insomnia. Based on the data reviewed, a conservative estimate of the total cost of insomnia was calculated at $92.5 to $107.5 billion. Early recognition and treatment of insomnia can reduce the costs associated with the condition, as well as possibly prevent other illnesses.

INTRODUCTION

Insomnia, or difficulty falling or staying asleep, is one of the most pervasive problems affecting human health. Research and surveys consistently have reported that 30% to 40% of the general population suffer from insomnia in a given year.[1-7] Similar insomnia rates, averaging 32.4% are reported for Europe and Australia,[5,6] suggesting that insomnia is a global problem. About one half of the cases are classified as moderate to severe. The majority of persons suffering from insomnia have primary insomnia;[8] they do not have a psychiatric or medical problem that accounts for their insomnia. Estimates for the current prevalence of insomnia (i.e., the portion of the population that is actually suffering at any one time) range from 13.4% to 48%.[4,9] largest US study reports a current prevalence of 32% to 33%,[10] which is the estimate used throughout this article.

Insomnia carries an incalculable cost in terms of human suffering and deterioration in personal and professional relationships. Sufferers report reduced satisfaction with life; loss of opportunity; deteriorated relationships with children, spouses, and coworkers; reduced ability to cope; and reduced enjoyment of life.[3,7,11,14] Family and friends also may be affected and their lives disrupted.[7] These costs are not considered here. What will be assessed are the quantifiable economic costs of insomnia to society and employers.

Footnotes at end of article.

The objectives of this article are to review the literature on the economic costs and effects of insomnia, provide a current summary of recent research addressing these issues, compile data reflecting the economic costs of insomnia, and calculate and summarize them as precisely as possible.

Both direct (medical treatment and drugs that address the complaint of insomnia) and indirect costs are involved. The indirect quantifiable costs of insomnia are summarized in Table I. Fortunately, good data exist to establish a range of values for many of these costs. Some factors, such as increased mortality associated with insomnia, are discussed, but no dollar figures are presented. An attempt was made to present the most recent cost estimates and relevant data for all categories. With one exception noted in the text, dollar figures were not adjusted for inflation. Although the analysis is not precise, a reasonable estimate of the overall cost of insomnia in the United States can be calculated.

TABLE I.—INDIRECT COSTS OF INSOMNIA

Measurable work loss due to reduced productivity and increased absenteeism.

Accident costs (death, disability, property damage, medical expenses) resulting from significantly higher accident rate.

Hospitalization and medical costs related to increased morbidity and disproportionate utilization of primary care resources.

Depression related to chronic insomnia.

Increased mortality associated with habitually short sleep.

Self-treatment with alcohol.

LOSS OF PRODUCTIVITY

Many persons with insomnia know intuitively what can be quantitatively demonstrated—the most devastating cost of insomnia both to individuals and society may be the reduction in productivity. Work performance is compromised in two ways: increased absenteeism (loss of time from work) and reduced effectiveness (loss of productive ability).[15, 18]

Absenteeism

Insomnia was a powerful predictor of absenteeism (Figure 1)* in a large, cross-sectional national study that assessed 37 employee and job attributes. It was a more powerful predictor of absenteeism than even age or job satisfaction. The only employee attribute that correlated more strongly with absenteeism was being a mother of small children.

The negative consequences of increased absenteeism run throughout an organization. For the worker who is frequently absent, there is loss of pay and stature, while coworkers suffer from increased work load and increased work coordination problems, as well as decreased productivity.[19] There also may be an increased accident rate, both for coworkers and the worker replacing the absentee who are forced to perform additional or unfamiliar work.[19, 21]

It is estimated that more than 400 million workdays are lost to absenteeism each year. A 1977 study estimated that the cost of absenteeism among nonmanagerial personnel was about $66 per day.[22] This figure included replacement or overtime, fringe benefits, overhead, productivity loss, and accident and grievance costs. Adjusted by the increase in the employer's costs for employee compensation, which have roughly doubled from $7.43 to $16.14 since 1977,[23, 24] the cost per absent day can now be estimated at $143.22 for nonmanagerial workers, or more than $57 billion per year. Whereas an average worker is absent about 1 day per month, a worker suffering from insomnia is absent approximately 2.8 additional days per month,[15] costing an organization more than $4800 per year.

Performance Impairment

Nighttime insomnia goes hand in hand with impaired daytime functioning. Laboratory studies of task performance by individuals with insomnia have concluded that this group demonstrates impaired daytime performance.[25] A study of 691 persons with untreated insomnia showed that they recognize their impaired daytime functioning: 83% reported being "easily upset, irritated, or annoyed," 78% reported being "too tired to do things," 59% reported having "more trouble remembering," and 43% reported being "confused in their thinking."[14]

Lavie's[1] large detailed study of the lifestyle, health, sleep, and work habits of 1,502 employees concluded that sleep habits directly affect the workplace. Daytime fatigue, a common result of insomnia, was associated with significantly more sleeping during work breaks (14.2% vs 3.5%, $P < 0.001$), significantly higher frequency of stopping work to take short naps (16.8% vs 1.4%, $P < 0.0001$), and significantly less satisfaction with one's work ($P < 0.03$). The association between insomnia and reduced efficiency was supported by the results of a 1992 survey, which recorded two to three times as many days of poor productivity and concentration in individuals with insomnia as in good sleepers.[26] A third study that matched insomniacs with good sleepers found that good sleepers spent twice as much time working, studying, or communicating compared with insomniacs (Figure 2).[12]* Poor sleepers were twice as likely to be relaxing during the day.

To complete an economic analysis of insomnia the following questions must be asked: What is the effect of these complaints and habits on overall productivity? What are the economic consequences of insomnia over the course of a career and within an organization? This analysis will limit itself to workplace productivity, although insomnia is unquestionably related to reduced household productivity as well.

The standard technique used in cost of illness studies is to equate wages with productivity.[27, 28] In an efficient market, persons will be paid a wage equal to the value of their output.[27] Diminished efficiency, therefore, should be reflected by lower earnings in subjects with insomnia compared with good sleepers when other variables are held constant. An extensive longitudinal study of 2929 subjects documented the career consequences and overall performance decrement associated with insomnia.[18] Tracking Navy servicemen who entered the service at the same level, the study found that impaired sleepers received significantly fewer promotions (Figure 3),* remained in lower pay grades, received fewer positive recommendations, and had higher attrition rates compared with good sleepers. This study concluded: "In all measures used as indices of Navy performance, poor sleepers performed significantly less effectively."[18]

Estimates of reduced workplace productivity due to insomnia also can be derived from studies of school performance by individuals with and without insomnia. Schoolwork generally is graded numerically, allowing for quantitative comparisons of retention and output among different quality of sleep categories. Results from a 1990 study showed that insomnia was the most powerful predictor of school failure, more significant than parental education and profession; the rate of failure among insomniacs was twice that of noninsomniacs.[17] Similarly, a long-term study of medical school students demonstrated that quality of academic performance varied directly with perceived quality of sleep.[29]

Dollar Cost of Reduced Productivity Due to Insomnia

A calculation of the actual dollar cost of insomnia related to reduced productivity follows. The calculation is based on data from the Johnson and Spinweber[18] study of Navy servicemen.

Method

Earnings are used to represent productivity, as summarized by the Department of Health and Human Services: "To estimate the value of losses due to reduced productivity, the method used is to take the difference in earnings or income between [affected] and [nonaffected] groups. . . . Attempts are made to account for other factors such as age, education, family structure, that undoubtedly influence earnings."[27]

Johnson and Spinweber[18] present wage data from two populations of insomniacs and noninsomniacs entering the work force at the same level; the data were controlled for sex, age, and education (Table II). Using both population samples and wage data from the 1994 Navy Times pay chart,[30] the performance decrement associated with insomnia can be estimated at 4%. This can be compared with an estimated 6.63% inefficiency rate for alcoholic individuals (calculated with labor force data only).[27]

TABLE II.—HIGHEST PAY GRADE ATTAINED IN TWO POPULATIONS OF NAVY SERVICEMEN CLASSIFIED AS POOR OR GOOD SLEEPERS.*

	Percent at Pay Grade in 1981*						
	E1	E2	E3	E4	E5	E6	E7
Population 1 (n=1043)							
Poor sleepers	9.17	11.01	13.76	40.37	22.02	2.75	0.92
Good sleepers	2.77	6.13	11.86	45.85	32.61	0.79	0
Population 2 (n=1186)							
Poor sleepers	16.49	15.96	38.83	27.66	1.06	0	0
Good sleepers	8.50	17.19	31.74	40.14	2.44	0	0

*Initial data collection periods: 1976 and 1977 for population 1; 1978 and 1979 for population 2.

Employing the cost-analysis approach, the cost to society of this reduced productivity is calculated from the following equation:

$$\text{LOSS } \$=(\text{POP}\bullet\text{PREV})(b\bullet Y)$$

where POP = number of labor force participants, or 127 million[23]; PREV = prevalence rate, or 33%; b = percentage income loss for afflicted individuals, or $5; and Y = average income for those without the disorder, or $24,575, the mean annual pay for 1991.[23]

The following assumptions will be made: (1) the entire loss of income associated with insomnia is due to insomnia and not to another uncontrolled variable; and (2) the performance decrement associated with insomnia does not differ by sex, although performance impairment data are available only for men.

In addition, several factors will result in an underestimation of the cost of diminished productivity in persons with insomnia: 1. Because the sample controls for educational and occupational variables (students entering a training program at the same level), true income loss will be underestimated. Insomnia affects not only current income but also occupational and educational attainment; that is, this calculation will not measure the cost of the insomniac's inability to enter this sample population due to past performance impairment.

2. Average earnings are not adjusted for insomnia. A precise estimate would consider mean earnings for the nonafflicted population, not for the general population, not for the general population. These data generally are not available, and cost-of-illness studies commonly substitute general population data.[27] However, this may result in a significant underestimation of the lost production costs attributable to insomnia as it is so prevalent.

3. The performance impairment data are based on military data. The military probably is less of a true market than the civilian workplace. Income in the military may correlate more strongly with tenure than with achievement.

4. We will assume that there is no increase in unemployment due to insomina; that is, the loss of efficiency associated with insomnia does not result in job loss. However, some persons with severe insomnia presumably may become to impaired that they are unable to work.

5. Additional costs related to the increased absenteeism of the insomniac may be partially reflected in the wage data and in the costs associated with increased morbidity. Therefore, to avoid double counting, costs associated with increased absenteeism are not included in the final productivity calculation

Results

A conservative estimate of the cost of performance impairment due to insomnia is $41.1 billion per year, based on a 4% reduction in productivity among the 42 million working Americans suffering from insomnia. The estimate is conservative because it considers only loss of work productivity among those earning an income. It does not include measures of increased unemployment among persons suffering from insomnia, lost opportunity costs due to insomnia-related academic failure, or lost household productivity.

Special Productivity Issues

Of particular concern to employers is the possibility that insomnia is not only associated with impaired daytime functioning generally but also with failure to respond appropriately to challenge or emergency situations.[31] In other words, the individual with insomnia shows marked deterioration in performance under the high stress or "deadline" conditions commonly associated with certain lines of work. This type of performance breakdown may explain the finding that highly intelligent poor sleepers who performed successfully in college were significantly less successful than good sleepers once they entered the more stressful and competitive atmosphere of medical school.[29] Similarly, Spinweber and Bellune[32] concluded from their analysis of the performance of participants in an extremely stressful training program—"hell week" of the elite special force Navy SEAL teams—that those who developed insomnia would not succeed. Despite its being significant, particularly in situations were training is intense and expensive, the economic impact of this type of insomnia-related critical performance failure cannot be assessed.

COST OF INSOMNIA-RELATED ACCIDENTS

Accidents Related to Sleepiness

An increasing amount of attention is being given to the role of fatigue as a cause of accidents. It has long been recognized that, in industries and occupations in which constant vigilance is required, accidents do not occur at random times—they peak during the hours the workers are most likely to be sleepy.[13] As early as 1970, the US Bureau of Motor Carrier Safety concluded that 30% of truck accidents involved a sleeping driver.[33] Other groups have found that fatigue was the primary cause of 41% of truck accidents and a secondary cause in an additional 18%.[24] Leger[35] calculated that 41% to 54% of motor vehicle accidents were fatigue related. A similar figure for commercial vehicle accidents was presented by the Arizona Department of Public Safety, which concluded that 42% to 49% were due to driver sleepiness or inattention.[35] The National Transportation Safety Board (NTSB)[36] found fatigue was the cause of 57% of fatal truck accidents, based on reconstruction of the accident site and driver sleeping history.

The somewhat higher rate of fatigue-related accidents found by the NTSB can be explained by the fact that it considered only fatal commercial vehicle accidents, whereas the Arizona Department of Public Safety figure considered all commercial vehicle accidents. Fatigue-related motor vehicle accidents tend to result in disproportionately more severe injury and property damage, with drivers often falling asleep on highways and hitting barriers or crossing the midline.[31, 37] In one study, 27% of drivers who lost consciousness while driving had fallen asleep; that 27% accounted for 83% of the fatalities.[37]

A recent study calculated the cost of sleep-related accidents for the year 1988.[35] The Human Capital Approach method, which uses wages to represent output, was used. Costs for different accident categories were divided into direct and indirect costs. Direct costs included medical and treatment expenses; indirect costs included loss of productivity due to missed work or premature fatality. The study concluded that the total cost of sleep-related accidents was $43 to $56 billion, including estimates of $29 to $38 billion for sleep-related motor vehicle accidents, $10 to $14 billion for fatigue-caused work-related accidents, $2 to $3 billion for home-based fatigue-caused accidents, and $1 to $2 billion for public accidents caused by fatigue.

Increased Rate of Accidents Among Insomniacs

Because sleepiness is implicated as the cause of up to 50% of certain types of accidents,[35] it is not surprising that persons with insomnia have a higher overall accident rate compared with the general population.

Comparing general accident rates in more than 5000 adults, Balter and Uhlenhuth[38] calculated an accident rate for chronic insomniacs that was 3.5 to 4.5 times that of the control group (Figure 4).* The authors concluded that a high accident rate is one of the unexamined consequences of insomnia and signals a need for greater physician intervention. Several other studies[1,7,26,40] specifically investigated the rate of motor vehicle accidents and the rate of work-related accidents among insomniacs. Data from these studies can be used to estimate the total cost of insomnia-related accidents.

Motor Vehicle Accidents

Individuals with insomnia are reported to have auto accidents at a rate two to three times higher than the general population.* A 1991 Gallup Poll found chronic insomniacs reported 2.5 times as many fatigue-related car accidents compared with good sleepers. Aldrick[40] found that 29% of men and 15% of women with disorders of excessive daytime sleepiness had had fatigue-related car accidents, compared with 11% and 6% in the male and female control groups, respectively (both groups, P <0.01 vs controls). The increased car accident rate among insomniacs may be a result of daytime fatigue, as the frequency of drowsy driving doubles or triples in poor sleepers compared with good sleepers (1.9 vs 0.8, P <0.05, Figure 5).[26]

Work-Related Accidents

Lavie[1] found that the most striking significant difference between workers with excessive daytime sleepiness and the rest of the population was the percentage that had work accidents (52.1% vs 35.6%, P <0.0005). The rate of work-related accidents among individuals with insomnia can be estimated at 1.5 times that of the general population.

Why do insomniacs suffer two to three times the number of auto accidents but only 1.5 times the number of work-related accidents? The possible discrepancy is explained by Leger's[35] findings that although 52.5% of work accidents might reasonably be associated with sleepiness and human error, the vast majority of motor vehicle accidents are caused by human error. Taking these statistics into account, the numbers are in remarkably good agreement. In both cases, insomniacs cause two to three times as many accidents as noninsomniacs.

Cost of Insomnia-Related Accidents Methods

The total cost of insomnia-related accidents can be estimated by calculating the difference between accident costs in insomniacs and accident costs in a group of the same size from the general population:

$ ACCIDENT = (PREVI RISK n) + PREVG n)

solve for n, then:

$$ COST = (PREVI RISK n) − (PREVI n)

where $ ACCIDENT = cost of all accidents of the type being considered in a given year ($70.2 billion for motor vehicle[41]; $47.1 billion for work related[41], $9.86 billion for home and public accidents—falls and transportation based[35]); $$ COST = cost of insomnia-related accidents; PREVI = prevalence of insomnia, or 33%; RISK = rate of accidents of the type being considered in insomniacs compared with that in the general population, estimated at 2 to 3 for motor vehicle[26] and 1.5 for work related[1], and PREVG = prevalence of good sleepers, or 67%. Each category of accident is considered separately.

No specific data are available on the rate of home-based or public accidents in insomniacs. Home-based or public accidents account for only $28.3 billion of the $143.4 billion total cost of accidents.[40] For the purpose of estimating the total cost of these accidents due to insomnia, the accident rate will be estimated as being two to three times that in noninsomniacs. It seems reasonable to assume that the increased risk for home-based or public accidents is similar to the increased risk for auto-and work-related accidents. As with work-related accidents, not all home or public accidents are potentially related to fatigue. Therefore, only falls and transportation-based public accidents, which account for $9.86 billion of the total $28.3 billion, will be considered.[35]

A second method can be used to calculate the cost of work-related accidents due to insomnia. The method multiplies the cost of work-related accidents calculated by Leger[35] to be possibly sleep related ($24.7 billion) by the standard risk factor for insomniacs—2 or 3—and the frequency of insomnia—0.33. The difference between this figure and the expected costs for a noninsomniac group calculated as above yields an estimated cost of $6.13 to $9.82 billion for work-related accidents due to insomnia. thus both methods yield cost estimate that are in good agreement.

Results

The economic cost of the high accident rate among insomniacs is staggering. The

total cost of insomnia-related accidents is estimated at $26.42 to $38.43 billion per year compared with the total costs of accidents in 1988 of $143.4 billion (Table III). These estimates are based on 1988 accident statistics and should be considered low, due to inflation and increased health care costs. Furthermore, these figures do not include the cost of time lost by people not directly involved in the accident, lawsuits directly related to accidents, or catastrophic accidents caused by impaired performance in the insomniac.[35] These costs may not be inconsequential; litigation and settlement costs of a serious trucking accident exceeded $8 million in a case reported by the National Commission on Sleep Disorders.[3]

TABLE III.—TOTAL COST OF ACCIDENTS IN 1988 AND THE COST OF INSOMNIA-RELATED ACCIDENTS

Accident type	Dollar cost in billions	
	Total	Insomnia-Related
Motor vehicle	70.2	17.41 to 27.91
Work-related	47.1	6.60
Home and public	28.3	2.44 to 3.92
All accidents	143.4	26.42 to 38.43

Catastrophic Accidents

It has been observed that insomniacs who perform adequately under normal conditions may exhibit a marked decrease in performance under high-stress conditions.[29] The Association of Professional Sleep Societies' Committee of Catastrophes, Sleep and Public Policy concluded, after examining several industrial catastrophes: "Sleep loss combined with a period of stress, such as is faced by working groups before production deadlines and launch deadlines, can lead to personality change and irrational behavior."[31]

Although there are many catastrophes in which sleepiness, sleep disorders, and fatigue are clearly implicated, it is not possible to estimate the fiscal impact of insomnia-related catastrophic accidents.[42, 43] Despite post hoc attempts to reconstruct chains of events, decision making, and actions that unfolded during a crisis and to correlate these with sleep impairment, consumption of alcohol, or any other lifestyle issue, it essentially is impossible to attribute a catastrophe to one single cause, such as insomnia.[31, 42, 43] Nevertheless, based on reconstructed sleep/wake histories of key personnel, fatigue has been implicated as a cause or a confounder of many catastrophes (Table IV).

TABLE IV.—SLEEP-RELATED CATASTROPHES[31, 42]

Accident	Cause/Damage
Nuclear power:	
Three Mile Island	Coolant loss ignored by tired worker.
Chernobyl	Reactor meltdown.
David Besse reactor	Safety feature overridden by fatigued worker.
Rancho Seco reactor	Control system power loss.
Space/air travel:	
Space Shuttle Challenger explosion.	Errors by fatigued managers.
Columbia Launch abortion	Loss of fuel overlooked by fatigued operators.
China Airlines Flight 006	Loss of control by fatigued captain.
Rail:	
Burlington Northern head-on collision (Wiggins, CO).	Engineer asleep/estimated damage: $3,891,428.
Burlington Northern derailment (Newcastle, WY).	Engineer asleep/estimated damage: $1,358,993.
Sea:	
Exxon Valdez grounding	Inexperienced and fatigued third mate.
A. Regina grounding	Estimated damage: $5.2 billion. Master of ferry insomniac/damage: $5 million.

The economic impact of catastrophes may run as high as $5.2 billion for the grounding of the Exxon Valdez. Such estimates may be too low, however, as the real cost of a catastrophe may be the loss of public trust.[43] After the Three Mile Island nuclear accident, no nuclear reactors were built in the United States. What price can be put on the virtual dissolution of an industry? Nonetheless, despite the potential magnitude of this factor, the absence of quantitative data and the inability to measure the degree to which insomnia-related fatigue is a factor makes it impossible to obtain an accurate economic analysis of the cost of insomnia-related catastrophes.

MORBIDITY AND MORTALITY

Long-term epidemiologic studies have shown that insomnia and habitually short sleep, less than 6 or 7 hours per night, are directly related to the development of heart disease, high blood pressure, diabetes, stroke, and clinical depression.[44-48] Several very large long-term studies have reported a significant increased risk of death among those who complain of poor sleep.[44,49,50] Numerous studies have attempted to assess the degree to which insomniacs consume a disproportionate amount of health care resources and burden the health care system. This section will assess the cost of this morbidity and dependence on health care by individuals with insomnia.

Insomnia-Related Morbidity

Habitual short sleepers and isomniacs are at higher risk of becoming ill than are good sleepers. More than 50% of those suffering from insomnia reported two or more health problems during the past year, compared with approximately one third of the entire population.[2] In a study of 5419 Finnish men, short sleepers had significantly more symptoms of coronary heart disease. This correlation held after controlling for possible risk factors of coronary heart disease and confounders.[46, 49] The American Cancer Society study on more than 1 million adults documented a higher rate of fatal coronary heart disease, stroke, and cancer in persons with habitually short sleep.[44,50] Shift workers who exhibit high rates of insomnia have a higher incidence of gastrointestinal disorders and heart disease.[45, 51] Industrial workers who suffered from excessive daytime sleepiness were found to have significantly higher rates of asthma, high blood pressure, arthritis, and ulcers compared with satisfied sleepers.[1]

The extent to which the association between insomnia and poor sleep reflects compromised recovery or actual debilitation in the insomniac due to sleep deprivation is unclear. It is likely that insomnia is both a cause and effect of poor health; the person with insomnia becomes trapped in a cycle of pain or illness that interrupts sleep, and simultaneously, the lack of sleep compounds the disability.[3] Until more data are collected on the role of sleep in promoting good physical health and recovery and the degree to which insomnia actually causes rather than is associated with the development of illness, the cost of insomnia-related morbidity cannot be estimated. This does not mean that such costs should be ignored, however. Other conditions that may compromise resistance and recovery, such as alcohol abuse, escalate health care costs by billions of dollar.[27]

A different, intriguing perspective should be considered. To the extent that it is an indicator of poor health[2,46] or a risk factor for the development of future disease,[44,47] insomnia theoretically could save society and employers money. This would be the case if persons suffering from insomnia sought treatment, and physicians, recognizing insomnia as a warning signal, screened for and prevented future somatic and psychiatric diseases. This scenario does not seem likely at this time because of the widespread reluctance of insomniacs to seek treatment and the tendency for physicians to trivialize the complaint of insomnia.[39,52]

Insomnia-Caused Depression

For many years, insomnia has been related to higher levels of depressive illness.[2,5,47,53] As many as 70% of depressed patients report suffering from insomnia.[5] Only recently was it recognized that insomnia may precede the development of depression and may be a causal factor rather than a sequela. A study of 7946 adults, characterized as "probably one of the most scientifically rigorous epidemiologic investigations of sleep disturbance and psychopathology ever reported,"[53] found a dramatically lower incidence of new major depression in patients whose insomnia has resolved (Figure 6).* By considering only the development of new depression in the insomniac and noninsomniac population, this study clarified the role of insomnia in causing depression, not just the previously documented association between insomnia and depression. The study showed that individuals whose insomnia had resolved had a slightly higher, though statistically insignificant, risk (1.6) for developing major depression compared with noninsomniacs. The risk of depression in unresolved insomniacs skyrocketed to 39.8 times that of the noninsomniacs. The incidence of developing major depression was 0.4% for noninsomniacs, 0.6% for resolved insomniacs, and 14% for unresolved insomniacs. The investigators concluded that early recognition and treatment of sleep disorders could prevent future psychiatric disorders.

Depression and mental health disorders are among the most costly and destructive illnesses. An estimated 12 to 20 million Americans suffer from depression with an annual direct cost to society of $10 billion.[3,8] If up to 95% of new cases of depression in chronic insomniacs could be prevented through resolution of the insomnia, the direct savings in medical care alone could be billions of dollars.

Disproportionate Utilization of Health Care by Insomniacs

Insomnia is associated with approximately a twofold increase in the rate of hospitalization[11] and a two- to three-fold increase in office consultations.[6] Elderly persons with insomnia have a higher rate of institutionalization in nursing homes than do elderly noninsomniacs.[54] The increased dependence on medical care may reflect both increased morbidity and mortality associated with insomnia, as well as an increased rate of serious accidents.

In a study comparing two large insomniac groups with controls, Kales et al[11] documented that adult chronic insomniacs had a rate of hospitalization twice that of noninsomniacs. Patients suffering from chronic insomnia had been hospitalized a mean of 2.7 times compared with 1.4 hospitalizations for the control group ($P < 0.01$). Similar results were presented in a study of more than 1500 adults that examined the extent to which persons suffering from insomnia used general hospital services: 21.9% of adults with moderate-to-severe insomnia had had a nonpsychiatric admission in the last year compared with 12.2% of controls ($P < 0.001$).[6] Bixler et al[10] reported a somewhat lower but significant rate of hospitalization among adults with insomnia: 15.7%, compared with 11.6% of the total sample ($P < 0.01$). However, because 42.5% of the total

sample was classified as having insomnia, the hospitalization rate of the noninsomniac population presumably was significantly lower than that of the total sample.

Of particular interest to employers are two studies that compared the hospitalization rate of employees with and without insomnia. Johnson and Spinweber's[18] major longitudinal study reported that 53.2% of poor sleepers had been hospitalized one or more times compared with 39.9% of good sleepers (P<0.02) and that 24.8% of poor sleepers had been hospitalized two or more times compared with 14.2% of good sleepers (P<0.01). Lavie's[1] study also found a significantly higher rate of hospitalization among those complaining of poor sleep and excessive daytime sleepiness (63% vs 52.4%, P<0.03).

The economic costs related to an increased hospitalization rate are substantial. Using an average of 1.3 additional hospitalizations per person with insomnia[11] and estimating the average cost of a single hospital admission at $5947.27,[55] the additional hospital admissions in each of the approximately 32 million adults with severe chronic insomnia[3] would cost society more than $25 billion.

Insomnia also constitutes a major burden for the primary care physician.[6,47,56] Some data document a doubling of primary care consultations due to insomnia, from a mean of 5.25 consultations per year in good sleepers, to 10.61 per year in persons with mild insomnia, and 12.87 per year in persons with moderate-to-severe insomnia (Figure 7).* Extrapolating these data and the frequency estimates for insomnia to the 179 million Americans 20 years of age or older,[23] insomniacs would generate an estimated additional 328 million primary care consultations over the expected number. Of these, mild insomniacs are responsible for 143 million extra consultations, and moderate-to-severe insomniacs for 184 million. The cost of these consultations, using the 1990 mean office fee of $39.87,[55] is $13.08 billion.

Insomnia figures prominently in the decision to place an elderly adult in a nursing home. A study of men older than 65 years concluded that, of all the lifestyle and health factors considered, insomnia carried the highest hazard for nursing home placement, higher than age, poor health, or cognitive impairment (Figure 8).* Physicians have speculated that nighttime sleep disruption becomes unbearable for caregivers of elderly insomniacs.[39]

The annual cost of nursing home care is approximately $25,000 per patient, for a total annual cost of $59.9 billion per year.[57] For every day that insomnia hastens the institutionalization of an elderly person, the medical cost to society is about $80.[3,55]

Cost of Insomnia-Related Morbidity

The National Commission on Sleep Disorders Research report to Congress estimated that the direct medical expense of insomnia was $15.4 billion in 1980.[3] Despite clear evidence that insomnia is associated with increased morbidity, it is not possible to calculate the total indirect economic costs of insomnia-caused illness. Research is just beginning to address the issues of causation, covariance, and confounding factors in correlating insomnia with illness. The frequency with which insomnia occurs with other diagnoses creates a major measuring difficulty.[47]

In the preceding section, however, some calculations were made to give an idea of the magnitude of the indirect costs associated with insomnia-related morbidity. The cost of the additional physician consultations associated with insomnia was estimated at $13.08 billion per year. The cost of additional hospitalizations over the lifetime of chronic insomniacs was estimated at more than $25 billion. The increased risk of nursing home placement due to insomnia is documented, but associated costs were not estimated. None of these estimated costs are included in this report's final calculation due to the causation and correlation problems discussed above.

INSOMNIA AND ALCOHOLISM

Insomnia may be a causal factor in the development of alcohol abuse and thus contribute to alcohol-related morbidity and mortality. It has been long recognized that there is a significant association between alcohol use and insomnia (Figure 9).* The rate of alcoholism among insomniacs is twice that of good sleepers.[10,11,47]

Alcohol abusers frequently claim that they use alcohol as a hypnotic; 60% report using alcohol to self-treat a sleep disturbance.[59] Despite the fact that 28% of insomniacs report using alcohol to promote sleep,[7] there may be some doubt as to the legitimacy of the alcoholic's claim that his or her drinking is insomnia related.

However, two recent studies support a prodromal role for insomnia in the development of alcoholism.[47,59] In one study that examined sleep complaints and use of alcohol, 60% of alcoholic individuals claimed to use alcohol as a sleep aid.[59] Of these, the past sleeping history in 15.7% indicated that alcohol abuse developed after the sleeping disorder. From these data, it is reasonable to estimate that 9% to 10% of all alcoholism is the consequence of insomnia.

A very large epidemiologic study confirmed not only that insomnia may precede the development of alcohol abuse but also suggested that treatment of insomnia may reduce the risk of developing alcohol abuse.[47] The incidence of new cases of alcohol abuse was compared among good sleepers, those who initially had reported insomnia but whose insomnia had resolved, and those who had unresolved, and those who had unresolved insomnia. By comparing only new cases of alcoholism among those who were already suffering or had suffered from insomnia, the extent to which insomnia is a causal, not just an associated, factor in alcohol abuse was clarified. Unresolved insomniacs had 2.4 times the risk of developing alcoholism compared with good sleepers (Figure 10.* Those with resolved insomnia had a slightly higher risk of developing alcohol abuse (1.4 times) than did good sleepers. Considering only the approximately 15% of the population with severe chronic insomnia[3] and estimating that the odds of developing alcohol abuse could be reduced from 2.4 to 1.4[47] if the insomnia were resolved, we again reach the estimate that approximately 10% of all costs of alcohol abuse could be attributed to insomnia:

$$(0.85\ 1) + (0.15\ 2.4) = 1.21$$

$$(0.85\ 1) + (0.15\ 1.4) = 1.06\ (\text{a reduction of } 12\%)$$

Several economic studies have suggested that alcohol abuse may be one of the single most costly health problems in America.[3,27] Even the 10% estimated as being attributable to insomnia is a staggering figure. Four recent major studies, including that of the US Department of Health and Human Services, estimated the cost of alcohol abuse at $85 to $116 billion per year.[27] These estimates include the direct treatment costs of alcoholism, the costs of increased morbidity and mortality associated with alcoholism, reduced productivity and increased unemployment of the alcoholic subject, and expenses related to increased accident and crime rates for the alcoholic subject.[27] Using these estimates of the cost of alcoholism and the percentage of insomnia-related alcoholism, the annual cost of insomnia-related alcoholism may be between $8.5 and $11.6 billion. In addition, it has been demonstrated that alcohol and sleepiness interact to heighten the effect of each.[60-62] Thus insomnacs may be responsible for a disproportionate amount of the cost associated with alcoholism. When more precise data quantifying this interactive factor are collected, any prevalence-based estimate of the cost of insomnia related to alcoholism would have to be adjusted upward.

Increased Mortality Among Insomniacs

Despite the fact that insomnia carries a higher death risk than other factors, such as high blood pressure, which have received significant public attention, mortality associated with insomnia has received little attention.[63]

Several large studies have shown that insomnia, or habitually short sleep, is a powerful predictor of death and that this correlation remains strong even after other factors are controlled for, such as physical health.[44,64,65] The mortality risks associated with a series of health-related behaviors in 6925 adults aged 30 to 69 years were calculated in a 9-year study that controlled for age, sex, physical health, and many social and behavioral factors.[64,65] Sleeping fewer than 6 hours a day carried the same mortality risk as physical inactivity and high alcohol consumption; only cigarette smoking carried a higher risk (Figure 11).* Persons sleeping fewer than 6 hours a day had a 30% higher death rate than did those sleeping 7 or 8 hours ($P<0.01$).[65] The American Cancer Society study determined that habitually short sleep is associated with increased mortality in every age group, even after controlling for physical health.[44] Men 30 years of age or older who slept 4 or fewer hours per night were 2.8 times more likely to die within 6 years than were those who slept 7 or 8 hours; women who slept poorly were 1.5 times more likely to die.[50] This correlation was independent of age or medical history. Kripke et al[63] calculated a particularly high death rate among those persons habitually sleeping fewer than 5 hours. Sleep duration was a better predictor of mortality than a history of diabetes, heart disease, stroke, or high blood pressure. Another study that examined mortality in elderly adults calculated that sleeping fewer than 7 hours a night increased mortality risk 1.34 times in women and 1.6 times in men.[66]

The mechanism by which sleep duration or insomnia affects mortality is unknown. The American Cancer Society study suggested, "It is commonly hypothesized that sleep serves as yet unknown neurobiologic or restorative functions. Possibly, insufficiency or excess of these functions can impair longevity."[44] The direct correlation between sleep duration and mortality is further supported by data suggesting that treatment of insomnia reduces morbidity.[38]

Premature death carries a high psychosocial cost in terms of grief, pain, and suffering. The value of these cannot be estimated. However, each death has a concrete economic cost that can be estimated. For every premature death, society is denied the productive contribution that person could have made. Death takes a person out of the workplace and the loss to society is the loss of his or her future productivity, measured by his or her estimated future earnings. The value of a life is calculated as the arithmetic

sum of predicted future lifetime earnings discounted by an adjustment rate, generally 6%. Expected future earnings are calculated from tables of annual mean earnings with a 1% per year rise assumed. Although this method has been criticized as an incomplete measure, it is straight-forward and measures an important aspect of the cost of disease—the reduction in economic resources caused by premature death. For these reasons, it has become the method of choice in cost-of-illness studies.[27,28]

Estimates of the value of a single life using the Human Capital Approach method range from $568,546 for those aged 25 to 29 years, to $101,085 in those aged 60 to 64 years, the age at which earnings generally cease.[27] Because insomnia was associated with 3.8% of all deaths in the American Cancer Society study and was significant in all age groups (from age 30 to older than 90 years),[44] it can be safely assumed that billions of dollars are lost each year due to premature death associated with insomnia. Estimation of the true figure would involve a summation of the costs of the deaths directly attributable to insomnia in each of the age and sex categories based on wage data, a project beyond the scope of this article.

CONCLUSION

The direct and indirect costs attributable to insomnia are staggering. Data limitations prevent calculation of cost estimates for all factors that result in losses due to insomnia, and several factors, such as pain and suffering, marital problems, and an increased likelihood of catastrophic accidents due to insomnia, cannot be quantified. Nonetheless, the costs of insomnia may well reach more than $100 billion per year. Table V summarizes the estimated costs calculated in this article. Other cost estimates that were not included in the overall total due to possible overlap between cost categories and indirect costs that cannot be calculated are summarized in Table VI. Such costs may add substantially to the overall cost of insomnia to society.

Table V.—Summary of the total annual cost of insomnia

Related Cost	*Annual Dollar Cost in Billions*
Loss productivity	41.1
Direct medical cost of treatment	15.4
Insomnia-related depression	1.0
Insomnia-related alcohol abuse	8.5 to 11.6
Accidents:	
Motor vehicle	17.41 to 27.91
Work-related	6.6
Home and public	2.44 to 3.92
Total	92.45 to 107.53

Table VI.—Other costs related to insomnia

Costs that can be estimated:

Increase in employee absenteeism, $4800 yearly per individual with insomnia.

Increase in hospitalization rate, $7731 per individual with chronic insomnia.

Increase in primary care consultations, $13.08 billion yearly.

Indirect costs that cannot be estimated:

Catastrophes
Increase in morbidity
Increase in mortality
Lost job opportunities
Academic failure
Nursing home care

A silver lining may exist, however. New research suggests that insomnia may precede the expression of psychiatric and somatic disorders, such as depression and coronary heart disease. This finding raises the possibility that insomnia may serve as a valuable warning flag such that treatment of insomnia may have value in preventing other illnesses.[44,47] Unfortunately, many primary care physicians remain unresponsive to complaints of insomnia, and many persons suffering from insomnia trivialize their own conditions.[52] Thus this opportunity for interventon remains theoretical.

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*Illustrations not reproducible in the Record.

A FRIEND LEAVES WASHINGTON

Mr. WALLOP. Mr. President, several days ago, I spoke on the occasion of the Republic of China's National Day. The 83rd National Day will occur tomorrow. While we celebrate this important day, there is a note of sadness. The Republic of China's representative in Washington, Mou-shih Ding, is leaving us. He is returning to Taipei to assume very important new duties. He will be the Secretary General of the National Security Council. All of us in Washington who have worked with him know that Ding will provide vigorous leadership in this office.

I will miss his advice and counsel here in Washington, but as we both move on to new challenges, I look forward to continuing my friendship with Mou-shih Ding. Good luck in your new endeavor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I ask unanimous consent that in morning business I may speak until I finish my statement.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

TRIBUTE TO SENATOR GEORGE MITCHELL

Mr. DECONCINI. Mr. President, this evening there is going to be one of many tributes being paid to the majority leader, GEORGE MITCHELL, which I intend to attend. I know there is going to be very many nice things said about the majority leader tonight.

Mr. President, as we near the end of the 103d Congress and the end of my term in the Senate, I would like to pay tribute to one of the most admired individuals ever to serve in this body, our esteemed Majority Leader Senator GEORGE MITCHELL. The citizens of Maine, the Nation and, most especially, the Members of the U.S. Senate are losing the services of a remarkable individual and dedicated public servant.

When Senator MITCHELL was elected to the Senate in 1982, I doubt that he or many of his colleagues knew that he would rise to the position of majority leader in such a short period of time. Through his hard work, deep dedication to the institution and the traditions of the Senate and his unquestioned personal integrity, Senator MITCHELL quickly won the profound respect of his Democratic colleagues who elected him as majority leader in 1989.

I can only stand in awe of the way GEORGE MITCHELL has carried out his responsibilities as majority leader. He has been eminently fair with both Democrats and Republicans alike. With Herculean patience, he has tried to accommodate the requests of 99 other Senators with diverse and often conflicting demands, and has always honored his commitments to individual Members. He has steadfastly defended the rights of the minority. He has tried his best to improve the quality of life for those of us who serve with him by giving us as much advance notice as possible about the Senate schedule. In my judgment, there has been no finer majority leader in the history of the Senate, and I want to thank him sincerely for his service and for the many courtesies he has extended to me and my staff over the years, and his staff has extended to me.

During his service in the Senate, Senator MITCHELL has witnessed great changes in both the institution and the Nation it serves. He had the vision to recognize these changes for what they are—precursors of the new era, full of challenge, hazard, and opportunity. He is a man of ideas who has faced the complex challenges of the Nation and translated those challenges into constructive solutions for the future.

GEORGE MITCHELL's concern for the future was most evident through his work on the Environment and Public Works Committee, where he led the fight to reauthorize the 1990 Clean Air Act over a Presidential veto. Among other things, this legislation included controls on acid rain and air toxins in order to protect the environmental future of the generations to follow. Senator MITCHELL was also in the forefront of the fight to clean up toxic sites throughout the country with the enactment of the Superfund. And he led the effort to protect Americans against radon and other indoor air pollutants through the enactment of the Indoor

Air Pollution Act in 1987. He also led the effort to enact oilspill legislation and worked with his colleagues to improve the safety of our nuclear plants. I have scarcely scratched the surface on his environmental accomplishments. Suffice it to say that Senator MITCHELL has left an indelible mark on the environmental quality of this Nation, a legacy of which he can be extremely proud.

Senator MITCHELL has never forgotten his humble roots as the son of immigrant parents. Those roots have led him to champion the rights of and to provide opportunities for the less fortunate in society. He fought for the passage of landmark civil rights legislation. He was instrumental in the passage of the Americans With Disabilities Act. He played a leading role in enacting child care legislation and legislation to provide up to 12 weeks of unpaid leave for families to care for a newborn, a sick child, or ill parents. He has fought for enhanced educational opportunities for low-income Americans through the expansion of Pell grants. To improve the lives of working Americans, he has been a leading proponent of enhanced training for unskilled and unemployed workers. He was a leader in efforts to increase the minimum wage, to provide workers sufficient notice before the closing of plants, and to extend benefits for the long-term unemployed.

Before assuming the post of majority leader, I came to know Senator MITCHELL best through his service on the Senate Committee on Veterans' Affairs, a committee on which I also sit. Senator MITCHELL was dogged in trying to protect and enhance benefits for the veterans of his State and the Nation. His leadership on national health care issues carried over to his work on the Veterans' Affairs Committee where he has worked tirelessly to increase veterans' access to high quality medical care. He can be extremely proud of his accomplishments for Maine veterans in this area. During his tenure in the Senate, a clinical addition was added to the VA Medical Center at Togus, an outpatient clinic was established in northern Maine, a mobile clinic was made available for coastal Maine, and substance abuse outpatient units are established in both Bangor and Portland. In addition to these expansions, five vet centers were established around the State and a post-traumatic stress disorder unit was installed at Togus. When legislation was introduced to elevate the Veterans' Administration to cabinet level status, Senator MITCHELL was the only Member to serve on both committees having jurisdiction over the bill. He used his powers of persuasion on both committees to ensure that this long-sought dream of American veterans became a reality.

Senator MITCHELL's decision to continue his service on the Committee on Veterans' Affairs, even after assuming his responsibilities as majority leader, is a reflection of his deep dedication to Maine veterans and to all those who risked their lives in the service of their country. From his first day on the committee to his last, he continued his advocacy and hard work in behalf of the Nation's veterans. His service on that committee will be greatly missed by veterans around the Nation, but especially by those in Maine.

But Senator MITCHELL will undoubtedly be best remembered for his leadership on health care reform. Despite the failure of comprehensive reform during this session of Congress, Senator MITCHELL can be proud of his many successes in improving both the quality and delivery of health care services during his career. His work led to the enactment of nursing home standards in 1987 and to the evaluation of medical care outcomes in 1989. From his seat on the Senate Finance Committee, he was always in the vanguard of efforts to protect Medicare and Medicaid from huge reductions. While I know that GEORGE MITCHELL is disappointed that comprehensive health care reform was not enacted this year, I am certain that the seeds that he sowed will ultimately bear fruit.

Senator MITCHELL epitomizes the very best in public service. He has raised public service to a level against which all who follow will be measured. He will be sorely missed by the people of Maine and, particularly, by the Members of this body.

I appreciate the majority leader so much. I happened to have been foolish enough not to support him when he ran for the majority leader position. He told me he was going to win. I said, "GEORGE, you haven't been here long enough." I did not think that was going to happen, and I was committed to somebody else. He responded, "Dennis, you are my friend, and after I am elected, you will still be my friend just like you are today."

That is exactly how I feel toward the majority leader today. He is a friend and I am grateful for the service that he has given to this body. He has always been there for this Senator. And I think everybody in this body has found GEORGE MITCHELL to be available, to consult, to be considerate, and attempt to assist.

As Senator MITCHELL leaves the Senate to pursue a new career, I want to sincerely thank him for his service and to wish him every success and godspeed. May all the goodwill he has engendered everywhere come back to him a hundredfold. In closing, I would like to extend to Senator GEORGE MITCHELL an old Irish blessing.

May the roads rise up to meet you,
May the wind be ever at your back,
May the good Lord keep you in the hollow of His hand.

Senator MITCHELL, you are an outstanding servant of the people.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague and my friend for his very kind remarks. I am deeply grateful to him. I will miss the Senate very much and I will especially miss the daily interaction with so many friends and colleagues. And among those who are and have been good friends is my colleague from Arizona, Senator DECONCINI. I thank him very much for his thoughtful words.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank Senator MITCHELL. I will join later tonight in one of many tributes to him.

Mr. MITCHELL. Will the Senator yield to permit me to get one unanimous consent agreement?

Mr. DECONCINI. Of course.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent the cloture motion on S. 349 that will mature tomorrow instead mature on Friday, October 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

MINING LAW REFORM

Mr. DECONCINI. Mr. President, I rise to express my deep disappointment over the failure to reform the Federal mining law during the 103d Congress. The failure was not created by the mining industry, as reported by the press, nor was it created by Western Senators. No one wanted mining law more than the mining industry and the western coalition of Senators, Democrats and Republicans. No mining company wanted to have the potential of mining law reform hanging over its head for another year and all the Western Senators that I worked with wanted to see responsible mining law reform.

The industry came to the table and spent several months this past spring and summer working with the Energy and Natural Resources Committee. The mining companies and committee staff worked incredible hours with the goal of creating a mining bill that would allow the companies to remain in business while protecting the fragile western environment. They accomplished that mission. Their effort resulted in a bill that struck this fragile balance, known as the Reid-Johnston bill, or the August 2d chairman's mark. Senator CRAIG of Idaho was an intimate part of that and an advocate on behalf of this industry, as was Senator REID of Nevada and many others. I commend the industry for coming to the table and agreeing to compromise many ideas they held together.

I am very disappointed the 103d Congress was unable to complete action on

this vital legislation. I am also very disappointed that at the very moment industry was at the table and agreeing to a great many concessions, the Department of Interior was so unwilling to seek a middle ground. The West cannot be won by destroying the mining industry, and that is what was about to happen.

I think it is important to look at the economic benefits provided by the mining industry, and to fully understand what we may be losing if we pass irresponsible legislation that has been suggested in this body and in the other body. Let me illustrate the economic contributions of just one segment of U.S. mining industry, Arizona copper.

Last year, the Arizona copper industry employed 12,000 people and contributed $2.2 billion in direct contributions to the economy in the form of personal and business income, and taxes at the Federal, State and local level. Federal taxes alone amounted to over $97 million. When taking into account the ripple effect or multipliers, the Arizona copper industry added $23 billion to the national economy. Additionally, the Arizona copper industry helped lower the national trade deficit by $293 million through international sales of copper and copper concentrate.

As I hope people are aware, the Western Senators recently agreed to a mining patent moratorium in the appropriations process, something I was not ready to do myself. But I was convinced that we had to demonstrate once again that the mining industry was not stonewalling, was not trying to keep things as they were, wanted a reasonable compromise. And we did that. We did not get anything in return. We did not come back with a reasonable mining law that had been put together here, at least from the standpoint of the Western Senators.

This appropriation bill was not the appropriate vehicle to do this and we could have stopped it, in my judgment, those of us on the Appropriations Committee. But we went ahead. The mining industry accepted that for 1 year. Only with an agreement between the House and the Senate that recognizes the importance of mining and is not bent to bring this to an end can we possibly see some compromise here and a continuing viable industry.

Since I will be retiring at the end of the session, I will not be here next year to continue working on this. But those who will be here, like the Senator from Idaho—I do not have to urge him to continue his effort to offer those compromises that he himself put forward early in this stage, sitting on the committee of jurisdiction. Mining provides too many benefits to the economy of the West as well as the whole Nation to allow that industry to become the victim of irresponsible legislation.

The mining companies have shown a willingness to play, to be part of the process. The Western Senators have shown surprising, in my judgment, commitment to stick together and to preserve the West. We know the West. We want clean air. We want wilderness. We want peace and quiet. But we also understand the economic benefits to our States and to the Nation by this outstanding industry.

Now we must find a way to get the administration to the table, to bring the Interior Department and I suspect the White House to the table, if we are ever going to pass a bill, in my judgment. The challenge next year will be great. I think it is important to look at the economic benefits that are so vital and so important to us, as well as the environmental benefits. Miners, believe it or not, are environmentalists. And, yes, there have been abuses, and those abuses should be corrected. And I believe they can be through responsible effort.

Mr. CRAIG. Will the Senator from Arizona yield?

Mr. DECONCINI. I will be glad to yield to my friend without losing the right to the floor.

Mr. CRAIG. I thank the Senator for his kind comments.

Let me also have the record show he was a real trooper in working with Western Senators to assure that we got a fair and balanced mining law reform. I think his words were well placed, in that we worked very closely with the industry and a lot of interest groups to get that done. We simply could not get there.

I hope we can get there next year. I think all the parties involved want a good reform bill but we, from the West, do not believe we ought to be putting the mining industry out of business. They are a very important part of, not only our Western economy, but the Nation's economy. And in a developed industrial Nation we have to have a mining policy that we can live with.

I thank the Senator for working with us, as he has, in building that.

TRIBUTE TO THE HONORABLE DONALD RIEGLE

Mr. DECONCINI. Mr. President, I have had the pleasure of serving all 18 of my years in the U.S. Senate with the distinguished Senator from Michigan, DON RIEGLE. We came to the Senate in the same freshman class in 1977. And now as Senator RIEGLE prepares to leave the Congress to spend more time with his family, he leaves behind a proud record of public service—27 years of serving the people of Michigan and the Nation with distinction.

DON RIEGLE's retirement will be a loss for the people he served so well. Time and again he brought to the forefront issues vitally important to America long before they caught the public's attention. In the early 1980's DON saw the crisis in our health care system and worked diligently for reform. He chaired more than 40 hearings, in Washington and throughout his State of Michigan, in which hard-working families could voice their problems with a health care system in need of repair. In 1989, he recognized the need for a new finance Subcommittee on Health Care for Families and the Uninsured, fought for its creation, and became its chairman. He was a leading force in expanding Medicaid coverage for pregnant women and children and fought tirelessly to make immunizations available to America's children.

As chairman of the Senate Committee on Banking, Housing and Urban Affairs, and as a key member on the Finance and Budget Committees, DON RIEGLE has made major contributions to U.S. economic policy. He has been one of our strongest spokesmen in promoting a fair but tough trade policy which puts America on a level playing field with our competitors. He did yeoman's work in reforming both the savings and loan industry and the banking industry. He has championed the rebuilding of America's cities and was an early advocate of enterprise zones. He is an acknowledged expert on the unemployment compensation system, and authored the law reforming the method by which the system is funded. As my colleague from Maryland, Senator MIKULSKI, has pointed out, Senator RIEGLE "has truly been an architect for housing policy in the United States of America. His approach has been to see the housing framework as a way not only to provide shelter for the homeless but also to look at how we can generate jobs today and opportunity tomorrow."

Senator RIEGLE will be sorely missed by America's senior citizens for whom he worked tirelessly. He will be missed by every working man and woman in this Nation and by his beloved constituents in Michigan for whom he has done so much. He has served this Nation well and I wish him and his family every happiness and success in the years ahead.

Senator RIEGLE is a friend of mine. I have grown to know him and his family well. I cherish his friendship. We have had good times and we have had hard times together. We understand what this Government process is all about—the joys of it and the sorrows. I hate to see him leave this body, but I understand because I have made the same decision.

TRIBUTE TO SENATOR JACK DANFORTH

Mr. DECONCINI. Mr. President, as the 103d Congress draws to a close, I would like to pay tribute to one of the most esteemed members of this body who will be retiring with me at the end of this session, Senator JACK DANFORTH. JACK and I began our service in

the Senate in 1977 and will be closing the door at the same time. Our departures are tinged with sadness, yet great expectations for the future.

JACK leaves his 18-year Senate career with a long string of legislative accomplishments, but it is JACK the "Man" who has left an indelible mark on this institution. An ordained Episcopal minister, he has lived his Christian principles both as a Member of the Senate and in his own personal life. JACK DANFORTH is a man of unquestioned honor and integrity. No one questions his motives or accuses him of crass partisan politics. Why? Because they know JACK fights for causes simply because he believes they are right, the political consequences be damned. The people of Missouri recognized how unique JACK DANFORTH is in the world of politics and rewarded his efforts by electing him to three consecutive terms in the Senate, the first time that has occurred in the history of the State.

Perhaps JACK will be best remembered for his passionate defense of Clarence Thomas to be an Associate Justice of the Supreme Court. Clarence Thomas had worked for JACK DANFORTH both in Missouri where he served as assistant Missouri attorney general, and in his Senate office in Washington, DC. As a result of his long personal and professional relationship with Clarence Thomas, JACK DANFORTH felt that the Supreme Court nominee was being unfairly pilloried by the press and certain members of the Senate. He strongly and emotionally defended both Clarence Thomas' character and his credentials to serve on the Supreme Court. One by one, he talked with undecided Members, including this Senator. Clarence Thomas' ultimate confirmation to serve on the U.S. Supreme Court can in no small measure be attributed to the efforts of Senator JACK DANFORTH. As he has done on so many other occasions, JACK DANFORTH fought for what he believed was right regardless of the political consequences.

While I have stressed JACK DANFORTH's personal qualities, I do not mean to minimize his legislative accomplishments. He was the principal author and sponsor of the Civil Rights Act of 1991, a landmark piece of legislation ensuring fairness in hiring, promotion and other employment practices. He negotiated some very difficult compromises on the legislation among Republicans and Democrats, liberals and conservatives, which ultimately led to its enactment.

From his seat on the Senate Finance Committee, Senator DANFORTH worked to strengthen world trade laws, remove trade barriers, expand U.S. export opportunities and open global markets. Domestically, he worked to ensure effective assistance and training for workers and firms injured by imports. Beyond trade, Senator DANFORTH worked to ensure long term economic growth by spearheading efforts to spur research and development, to foster capital formation and to provide incentives to modernize plants and equipment.

From his position as ranking member on the Senate Commerce Committee, Senator DANFORTH worked tirelessly to improve our Nation's infrastructure by expanding and modernizing our Nation's airports and the air transportation system. Simultaneously, he fought for improved safety by establishing national standards for licensing professional truck drivers and strengthening laws to ensure passenger safety. He was also the principal author of laws to require on-the-job testing for drug and alcohol use by key transportation workers.

Even in the waning days of this Congress, JACK DANFORTH was hard at work trying to forge a compromise on health care reform. While those efforts were not successful, all those involved in the effort have sown a seed which, I believe, will ultimately bear fruit.

As we leave the Senate, I want to thank JACK DANFORTH for his exemplary service and to wish him and his family good luck, good health, and Godspeed.

I yield the floor.

UNANIMOUS-CONSENT REQUEST

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2505, a bill introduced earlier today by myself, amending the Employee Retirement Income Security Act of 1974, to exempt from preemption certain provisions of the law of the State of Washington relating to health plans; that the bill be read a third time and passed; that the motion to reconsider be laid on the table, and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard.

ERISA REFORM

Mrs. MURRAY. I am deeply disappointed that this bill was objected to and therefore not allowed to be enacted this year. Let me take a minute to explain briefly the purpose of this bill.

It waives sections of the Employee Retirement Income Security Act, known as ERISA, to allow the 1993 Washington Health Services Act to cover workers in self-insured companies. Without the ERISA waiver, some 40 percent of Washington's work force will remain outside my State's comprehensive health reform law.

Mr. President, last month, this Congress failed to pass national health reform legislation. Those who succeeded in killing national health reform have now turned their sights on State reform. Today, by objecting to this bill, Congress has fired its first shot directly at the heart of Washington State's landmark health reform legislation.

The people of Washington have worked for more than a decade to enact a comprehensive health reform law. We passed in April 1993, and we are moving ahead. But today, people who do not live in my State, and who do not represent my State, are trying to kill Washington's health reform law. They are trying to tell the people of my State what we can and cannot do in health reform.

People in my State from Spokane to Seattle, from Walla Walla to Bellingham, have told me they want State health reform to move ahead. They want flexibility from Federal laws so we can control soaring health care costs. They want flexibility so no one can be denied coverage because of preexisting condition. They want flexibility so they can have a choice of affordable plans.

The people of Washington have also told me what they do not want. They do not want health care costs to continue to eat up ever larger portions of their household income or our State budget. They do not want to have to divert scarce State dollars away from education, the environment and transportation to pay for rising health insurance premiums. And they certainly do not want outsiders and special interests in this Washington to undo our State laws.

My State enacted a comprehensive health care reform law 18 months ago. And it is working. We have insurance market reforms. We are aiming for universal coverage by 1999, including a start on long-term care. We are finalizing a standard benefits package, and a 50/50 employer/employee cost sharing that begins a phase-in next July. We have caps on insurance premiums. Even if we reduce insurance premium growth by just 1 percentage point over the next 10 years, Washington's businesses will save one billion dollars.

The ability for my State to proceed with this reform depends on whether Federal law gives us the flexibility to do so. Hawaii has had a similar system in place for more than 20 years. Oregon is not far behind Washington. Several other States, like Florida, Maryland, Massachusetts, and New York, have reforms of their own.

If we deny our States the latitude to move ahead, Congress will do more than simply deny States rights. Congress will have failed to recognize ingenuity. But more importantly, Congress will have killed the very initiatives that are the best models for national reform.

In the absence of national health reform, it is the States that will lead the

way. Preventing my State of Washington from implementing a law we passed in April 1993 is surely one more way the special interests have found to kill any reform. They want the status quo in this Washington, and they want to undo the pioneering reform in my home State of Washington.

A key part of the debate over State flexibility involves ERISA. The question I keep coming back to is: Whom does ERISA really protect?

The title of the law is deceptive. ERISA was meant to protect employee pension plans. And, it does—through a detailed series of standards and enforcement mechanisms. But ERISA covers employee benefits, and that means all benefits, including vacation, day care, health, and life insurance.

Simply stated, ERISA prevents States from establishing any health standards for self-insured companies. Workers in these companies may enjoy health insurance now, but under our State health reform they will soon fall behind without an ERISA waiver. For example, while premiums of those outside self-insured companies will be capped, their neighbors in self-insured companies may watch their premiums continue to soar.

Unless we obtain an ERISA waiver, those in self-insured companies will be locked into the only plan offered by their employer. Everyone else under our State reform will enjoy a choice of plan. I want everyone in my State to benefit from additional reforms.

The bottom line is: ERISA does not provide real consumer protection. It does not provide consumer choice. Employees in self-insured companies will be locked into the status quo.

Without an ERISA waiver, what happens to the employee in a self-insured company who gets cancer and has his health insurance dropped? What happens to the employee in a self-insured company who wants more than one choice of health plan? What happens to the employee in a self-insured company who sees her rates doubled because another employee has a traumatic accident?

Where does these employees turn for help?

They cannot turn to the State insurance commissioner because she has no authority to help them. They cannot turn to the Department of Labor that oversees ERISA because there are no Federal procedures to help them. There is nowhere they can turn.

Clearly, ERISA protects the big insurance companies. It does not protect the little guy.

I know, because the Washington Health Services Commission told me 2.5 million citizens out of 5.2 million —almost half of our population—will not benefit from my State's important health reforms because of ERISA. The State Insurance Commissioner cannot enforce these reforms because of ERISA. Once again, the little guy loses out.

I decided to run for the Senate 2 years ago because I believe the little guy should be heard, too. That is what the ERISA debate is all about.

This debate is not about taking anything away from workers. Nor is it about taking anything away from large corporations. Most of them do an excellent job providing health care for their employees. It is about making consumer choice and protection available to all workers. It is about containing the soaring cost of health care that consumes an increasing share of business profits and household budgets.

I believe States like Washington should not be prevented from moving as fast as we want on the health reform road. We certainly should not be punished for trying to improve the health care of our citizens. If Washington is not given flexibility to move ahead, we will not only be hurting the citizens of my State, but destroying a model for national health care reform.

The chairperson of Washington's Health Services Commission recently wrote:

> Rather than caving in to special interests by changing or repealing health reform, it's time for all of us to work together to ensure that what the people asked for is implemented judiciously and fairly throughout the state.

I am disappointed the special interests in this Washington were able to block an ERISA waiver for the people of Washington State. Be assured I shall return to fight this battle for the people of my home State again next January.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

SUPERFUND KILLED BY GRIDLOCK

Mr. LAUTENBERG. Mr. President, today is kind of a sorry day for me because I learned that the House decided that it was impossible to act on the Superfund reauthorization bill. That decision effectively kills any chance for action on this legislation this year.

I regret that, Mr. President. I regret it very much.

When I came to the Senate in 1982, one of the committees that I sought to join was the Environment and Public Works Committee and was finally able to do that. And I got very involved with Superfund, with the program and plans for its reauthorization which finally took place in 1986 for the first reiteration. We fought hard. We got what was a good bill, certainly better than the first presentation that had passed and was signed into law. But we saw the flaws and we saw the defeats.

Senator BAUCUS and I introduced a further iteration of the Superfund Reform Act of 1994 which was done in February of this year. We really thought that finally we had fashioned something that could be efficient, that would pass.

We had worked hard on the bill. Indeed, 2 years ago, as chair of the Senate's Superfund Subcommittee, I began a series of a dozen hearings and commissioned several investigations to define the problems with the current Superfund law and develop ways to fix it.

Working closely with the chairman of the Environment and Public Works Committee and with the administration, we crafted a sweeping reform bill that would speed up cleanups by at least 20 percent, make cleanups more cost-effective, cut in half the money that is being wasted on lawyers instead of cleanup, and promote job creation and economic development throughout the country.

Let me point to just four specific virtues of the proposed bill.

First, a new out-of-court arbitration process and improvements to the cleanup process could have saved businesses nearly half a billion dollars a year in lawyers' fees and almost $400 million a year in unnecessary cleanup costs.

Second, communities would have been able to get a much earlier and much more direct say in how sites in their neighborhoods should be cleaned up. There would have been Federal funding to hire technical experts and advisors to help them participate meaningfully in cleanup decisions.

Third, parties like the Girl Scouts, local taxpayers, small businesses, and churches would have been protected from frivolous lawsuits brought by polluters to shift the cost of cleanup to innocent parties who sent only ordinary household garbage to Superfund sites.

And fourth, everyone would have benefited from the creation of a program to promote voluntary cleanups, which can free up fallow, contaminated property for economic redevelopment and job creation. That part of the bill was modeled after a similar law in New Jersey that has already produced 3,000 jobs and several hundred million dollars' worth of economic redevelopment in our State. Enhancing this program in New Jersey and expanding it to the rest of the country could pay off in billions of dollars of economic opportunity.

The bill we developed reflected an unusual coalition of business groups, environmentalists, and community activists. It really represented a consensus which met the needs of every group that had worked with Superfund in the past. They came together to support a bill which did not give them everything they wanted, but gave them everything they needed. And that really was a remarkable feat.

The administration worked hard to build support for the bill. Senator BAUCUS the chairman of the committee, was incredibly supportive. Senators CHAFEE and DURENBERGER were always cooperative.

But, in the end, the bill will not be passed. And we have to ask why.

That same question could be asked about a long list of widely—supported bills that have been killed in this Congress.

In my view, Mr. President, the answer is simple: the Republican leadership simply did not want the Congress, as an institution, to demonstrate that it can do the business of the people. That is not just my view. It is virtually the public admission of the Republican leadership which has said, for months, that they did not want our Superfund bill to pass.

In the past, I have encountered steady opposition by Republican Senators who stalled for months any serious consideration of the bill and asked for extremist changes that would destroy its reforms. Despite the pleas from hundreds of thousands of small businesses, and from municipalities, school boards, business associations, and even the Salvation Army and American Bible Society to let this bill pass, the Republican leadership has been very clear over the past 2 months that they are not interested in moving this bill forward.

And unfortunately, in the Senate where the rules and filibusters give the minority the ability to paralyze legislation, we can see very clearly the handwriting on the wall if we ask for a vote on Superfund reform.

Mr. President, my bill is supported by environmentalists and industry alike, but the Senate Republicans are intent on denying the Congress and the Democrats any legislative accomplishments this year in order to claim an advantage in the upcoming elections.

In the past few weeks, there has been an unprecedented abuse of the filibuster and procedural rules of the Senate as the Republicans have stalled and killed bill after bill. Just yesterday, we saw five filibusters going simultaneously on the floor.

All I can hope is that after the November elections the partisan rancor that has infected the 103d Congress will disappear. I pledge to continue my efforts next year, with Chairman BAUCUS and the President and any and all Senators of either party, who are committed to dealing with this problem.

There are 73 million Americans—one in four—who live near Superfund sites. They are depending on all of us in Congress—both Democrats and Republicans—to make Superfund reform a reality. They deserve to have their voices heard. We owe it to them, the people of America, to pass this legislation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO APPOINT A COMMITTEE OF ESCORT

Mr. FORD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort Mr. Nelson Mandela, President of the Republic of South Africa, into the House Chamber for the joint meeting on Thursday, October 6, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAILWAY LABOR DISPUTE BETWEEN THE SOO LINE RAILROAD AND ITS EMPLOYEES

Mr. FORD. I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 417, a joint resolution regarding the railway labor dispute between the Soo Line Railroad and certain of its employees; that the joint resolution be deemed read the third time, passed; that the motion to reconsider be laid on the table, and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 417) was deemed read the third time, and passed.

MEASURE PLACED ON CALENDAR—S. 1818

Mr. FORD. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1818, and that it be placed on the Senate Legislative Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AERONAUTICS AND SPACE POLICY ACT OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 674, H.R. 4489, the NASA Authorization Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4489) to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aeronautics and Space Policy Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Aeronautics and Space Administration will require a stable budget, adjusted for inflation, in order to carry out the initiatives now planned in human space flight and science, aeronautics, and technology;

(2) cooperation in space should continue to be a major element of the post-cold war foreign policy agenda through a broad range of scientific and engineering programs that have the potential to stabilize the scientific and industrial base of the former Soviet Union and encourage the transition toward political reform and a market-based economy;

(3) the National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and private sector systems;

(4) in formulating a national space transportation policy, the National Aeronautics and Space Administration should take the lead role in developing advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and manned space systems; and

(5) maintaining experimental state-of-the-art facilities has been a key investment to retaining United States competitiveness and technological leadership, and these facilities have been heavily utilized by United States industry in their research and development programs.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

TITLE I—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—Special Authority and Limitations

SEC. 101. OPERATING PLAN.

Not later than 60 days after the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an operating plan that provides a detailed plan for obligating fiscal year 1995 funds.

SEC. 102. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—The Administrator may use funds appropriated for purposes other than—

(1) construction of facilities;

(2) research and program management, excluding research operations support; and

(3) Inspector General,

for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are appropriated.

(b) LIMITATION.—None of the funds used pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $750,000, until 30 days have passed after the Administrator has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 103. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations may remain available without fiscal year limitation.

SEC. 104. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Amounts appropriated for a construction of facilities project—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use for such purposes up to $10,000,000 of the amounts appropriated for construction of facilities purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 105. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding; and

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 106. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Funds appropriated for Mission Support may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the authority of the Administrator.

SEC. 107. LAND CONVEYANCE.

(a) The Administrator may accept the conveyance to the United States of certain parcels of land from the cities of Cleveland and Brook Park, Ohio, for the purpose of establishing a Visitor Center for the Lewis Research Center.

(b) If cost-effective, the Administrator may acquire a certain parcel of land, together with existing facilities, located at the site of the Clear Lake Development Facility, Clear Lake, Texas. The land and facilities in question comprise approximately 13 acres and include a Light Manufacturing Facilities, an Avionics Development Facility, and an Assembly and Test Building which may be modified for use as a Neutral Buoyancy Laboratory in support of human space flight activities.

SEC. 108. GEOGRAPHICAL DISTRIBUTION.

The National Aeronautics and Space Administration shall give consideration to geographical distribution of its research and development funds whenever feasible.

SEC. 109. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Administrator has certified to the Congress that the Administrator has reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 110. SENSE OF CONGRESS; ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

It is the sense of Congress that, when consistent with the goals of the National Aeronautics and Space Administration, the Administrator should select sites in depressed communities for new programs or functions of the National Aeronautics and Space Administration, unless those new programs or functions are so closely related to programs or functions carried out at an existing facility as to require being carried out at that existing facility.

SEC. 111. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Space Access and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall ensure that proper procedures will be developed for actively seeking, from nongovernment persons, innovative technology concepts relating to the provision of space hardware, technology, or services to the National Aeronautics and Space Administration. Expedited technology procurement procedures shall include, but not be limited to Space Act Agreements, Cooperative Agreements with both profit and not-for-profit organizations, and other consortium and partnering programs that will ensure proactive commercial applications development and technology infusion for both NASA and industry.

To carry out this subsection, the Administrator shall ensure use in the evaluation process of persons with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection. Use of nongovernmental sector expertise will be used to the maximum extent practicable through the use of existing special appointment procedures.

(3) SUNSET.—This subsection shall cease to be effective 10 years after the date of enactment of the Aeronautics and Space Policy Act of 1994.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector into the missions and programs of the National Aeronautics and Space Administration;

(C) utilize streamlined buying and bidding procedures to the maximum extent practicable, and survey private sector buying and bidding procedures to determine the extent to which they may be incorporated into procedures of the National Aeronautics and Space Administration;

(D) consider the use of fixed price contracts at both contract and subcontract levels to integrate commercially available technology into systems and subsystems of the National Aeronautics and Space Administration; and

(E) provide an annual report to the Congress as to progress achieved in implementing the technology procurement initiative set forth under this subsection.

(2) REQUIREMENTS.—The Administration shall ensure that requirements developed for space hardware, innovative technology or related space services under this demonstration program shall, to the maximum extent practicable, enhance the integration of existing commercial, non-developmental or available off-the-shelf hardware or services into meeting the Agency's mission. Requirements shall seek to utilize non-Governmental research and development activities, and those cooperative research efforts between Government and non-Government sources to bring potentially innovative technology concepts into the Agency's mainstream missions.

SEC. 112. COORDINATION OF EDUCATION SUPPORT FOR UNDERREPRESENTED GROUPS.

The Administrator shall coordinate with other Federal agencies all National Aeronautics and Space Administration education activities to encourage the participation of women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities.

SEC. 113. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $100,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 114. SMALL SPACECRAFT TECHNOLOGY INITIATIVE.

The Administrator may not obligate funds for the Small Spacecraft Technology Initiative to duplicate private sector activities or to fund any activities that a private sector entity is proposing to carry out for commercial purposes.

SEC. 115. SCIENTIFIC COOPERATION WITH RUSSIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Aeronautics and Space Administration should seek, to the maximum extent practicable, to undertake joint scientific activities with Russia with an initial focus on the robotic exploration of Mars. Such joint scientific activities may include other spacefaring nations, as appropriate.

(b) MARS TRANSITION PLAN.—The Administrator shall provide to the Congress by February 15, 1995, a detailed plan to integrate the Mars Surveyor program with a Mars exploration program with Russia and other spacefaring nations, as appropriate.

SEC. 116. VISITORS CENTER.

To the extent provided in advance in appropriations Acts, all unobligated funds available to the Administrator from appropriations for fiscal years before fiscal year 1995, but not to exceed $5,000,000, may be obligated for the establishment of a Visitor Center for the Lewis Research Center, if at least an equal amount of funding of in-kind resources of equivalent value or a combination thereof are provided for such purpose from non-Federal sources.

SEC. 117. CONSORTIUM FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORK BUILDING.

The Consortium for International Earth Science Information Network may not obligate more than $27,000,000 for the construction of a new building. Such funds may not be obligated until 90 days after the completion of a building prospectus by the General Services Administration.

SEC. 118. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following new section:

"SEC. 109. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

"(a) The National Aeronautics and Space Administration, in coordination with other agencies that belong to the Committee established under section 102, shall establish the requirements and architecture for, design, and develop a Global Change Data and Information System that shall serve as the system to process, archive, and distribute data generated by the Global Change Research Program.

"(b) The National Aeronautics and Space Administration shall design the Global Change Data and Information System—

"(1) so that other Federal agencies may connect data centers operated by such agencies to such System; and

"(2) so as to minimize, to the extent practicable, the cost of connecting such data centers.

"(c) Each agency involved in the Global Change Research Program shall retain the responsibility to establish and operate Global Change Data and Information System data centers to process, archive, and distribute data generated by such agency's programs. Agencies may agree to assume the responsibility for processing, archiving, or distributing data generated by other agencies.".

SEC. 119. ACCESS TO DATA FOR GLOBAL CHANGE RESEARCH.

The National Science and Technology Council, through its Committee on Environment and Natural Resources, shall develop and submit to the Congress within one year after the date of enactment of this Act a plan for providing access to declassified data from classified archives and systems for global change research. The plan shall—

(1) determine whether the Global Change Data and Information System or other means should be used to provide access to such data for the scientific community; and

(2) identify what agencies should be responsible for particular parts of such data and any data centers needed to process, archive, and distribute such data.

SEC. 120. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

(a) STUDY.—The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technological innovation in the United States by using the Nation's institutions of higher education to help meet the National Aeronautics and Space Administration's research and development needs, by stimulating technology transfer between institutions of higher education and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation; and

(2) avoids duplication of existing National Aeronautics and Space Administration programs with the institutions of higher education.

(b) COMPLETION.—The study required by subsection (a) shall be completed and its results submitted to the Congress within one year after the date of enactment of this Act.

(c) ADVICE.—In carrying out the study required by subsection (a), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 121. STUDY ON TDRSS AND COMMERCIAL SATELLITE SYSTEM CONVERGENCE.

(a) REQUIREMENT.—The Administrator shall conduct a study on the convergence of the National Aeronautics and Space Administration Tracking and Data Relay Satellite System (TDRSS) with commercial communications satellite systems. The study shall assess whether a converged system, from which the National Aeronautics and Space Administration would buy tracking and data relay services, could—

(1) satisfy the National Aeronautics and Space Administration's tracking and data relay requirements;

(2) reduce the National Aeronautics and Space Administration's expenses in satisfying tracking and data relay requirements through maintenance and operations of the TDRSS;

(3) be financed, developed, and operated by the private sector;

(4) serve commercial communication needs;

(5) be established to satisfy the National Aeronautics and Space Administration's requirements in time to obviate the need to procure TDRSS spacecraft beyond the tenth flight; and

(6) encourage the growth of the commercial satellite communications market.

(b) CONSULTATION.—In conducting the study, the Administrator shall consult with commercial satellite operators, including the International Telecommunications Satellite Organization, other international satellite operators, and United States satellite operators, as appropriate, and shall also consult with the Department of Defense concerning its requirements for tracking and data relay services.

(c) REPORT.—The Administrator shall report on the study's findings and recommendations on feasibility of convergence to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by February 15, 1995.

SEC. 122. SPACE SHUTTLE COST REDUCTION INITIATIVES.

By February 1, 1995, the Administrator shall submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

(1) specifies the minimum number of Space Shuttle flights that would be required each fiscal year from 1995 through 2004 to implement payload and related activities provided for in the President's fiscal year 1995 budget request and supporting and ancillary documents thereto;

(2) outlines the Space Shuttle flight and payload manifest that could be implemented for each of the fiscal years 1995 through 1999 if the Space Shuttle flight rate for each of those years were 8 missions, if the flight rate were 7 missions, and if the flight rate were 6 missions;

(3) evaluates the extent to which various potential management consolidation initiatives could reduce the annual cost of the Space Shuttle program while preserving quality and safety; and

(4) evaluates the extent to which various potential contract incentives could be used to reduce the annual cost of the Space Shuttle program while preserving quality and safety.

SEC. 123. ADVANCED LAUNCH TECHNOLOGY REPORT.

By February 1, 1995, the Administrator shall submit to the Congress a program plan for an advanced launch technology program that—

(1) clearly articulates the goals and objectives of the program and the flight hardware it will produce;

(2) describes the management structure and development philosophy that will be used to implement the program;

(3) outlines key milestones toward the achievement of the goals and objectives articulated under paragraph (1);

(4) estimates the total cost that will have been incurred upon completion of the program;

(5) defines the annual budgetary requirements of the program for the next 5 years; and

(6) identifies the source or sources of funding anticipated for the program for each of the next 5 years.

SEC. 124. SENSE OF CONGRESS; WOMEN'S HEALTH ISSUES.

It is the sense of Congress that the National Aeronautics and Space Administration should pursue, to the extent practicable, life and microgravity sciences research related to the causes of breast and ovarian cancers, bone-related diseases, and other women's health issues.

SEC. 125. SPACE STATION ACCOUNTING REPORT.

Within one year after the date of enactment of this Act, and annually thereafter, the Administrator shall transmit to the Congress a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

SEC. 126. PURCHASE OF SPACE SCIENCE DATA.

To the maximum extent practicable, the National Aeronautics and Space Administration shall purchase from the private sector space

science data. Examples of such data include scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

SEC. 127. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide, to the extent feasible, farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and any other information available through remote sensing.

(b) ENHANCED REMOTE SENSING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly evaluate the need for a radar imaging platform that could enhance United States remote sensing capability by providing information and data relating to agricultural resources, and which may have other commercial and research applications.

(c) TRAINING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to inform farmers and other prospective users concerning the use and availability of remote sensing data.

(d) SUNSET.—The provisions of this section shall expire 5 years after the date of enactment of this Act.

SEC. 128. SPACE EXPLORATION OPPORTUNITIES ASSESSMENT.

(a) ASSESSMENT.—The Administrator shall conduct an assessment of methods for maximizing, based on a variety of prospective funding levels, the quantity and quality of opportunities for space exploration, both human and robotic, using space vehicles and platforms available or expected to be available. Such assessment shall focus on the 5-year period after the date of enactment of this Act, and on each of the two subsequent 5-year periods. Such assessment shall address opportunities in connection with civilian and military, domestic, and foreign, space vehicles and platforms, whether publicly or privately funded.

(b) REPORT TO CONGRESS.—The Administrator shall, within one year after the date of enactment of this Act, submit to Congress a report containing the results of the assessment conducted under subsection (a).

SEC. 129. CATALOGUE OF EARTH-THREATENING COMETS AND ASTEROIDS.

(a) REQUIREMENT.—To the extent practicable, the National Aeronautics and Space Administration, in coordination with the Department of Defense and the space agencies of other countries, shall identify and catalogue within 10 years the orbital characteristics of all comets and asteroids that are greater than 1 kilometer in diameter and are in an orbit around the sun that crosses the orbit of the Earth.

(b) PROGRAM PLAN.—By February 1, 1995, the Administrator shall submit to the Congress a program plan, including estimated budgetary requirements for fiscal years 1996 through 2000, to implement subsection (a).

Subtitle B—Aeronautics

SEC. 151. NATIONAL AERONAUTICAL FACILITIES POLICY.

It is the policy of the United States that—

(1) revitalizing national aeronautical facilities shall be a major element of Federal investment in aeronautical research and development; and

(2) industry and government cost-sharing for facilities construction and use shall be investigated to achieve aeronautics research and technology goals within a constrained Federal budget.

SEC. 152. WORLDWIDE FACILITIES ASSESSMENT.

The President or his designees shall conduct an assessment of all aeronautics facilities in the United States and in other countries and report to Congress the results of this assessment at the time the fiscal year 1996 budget is submitted. The assessment shall include—

(1) identification of all existing and planned aeronautics research and development facilities in the United States and in other countries;

(2) analysis of the capabilities of each aeronautics facility that impact aeronautical research and technology objectives of the United States Government and domestic industries; and

(3) determination of the current use and plans for use of foreign aeronautics facilities for research and technology activities of the United States Government and domestic industries and the risk to the competitiveness of the United States industry due to the potential unintended transfer of technology.

SEC. 153. AERONAUTICS FACILITIES STRATEGY.

(a) STRATEGY.—The President or his designees shall work closely with domestic industries to coordinate, develop, and implement a strategy for Federal investment in aeronautics research and technology and aeronautics facilities. This strategy shall establish—

(1) priorities for Federal investment in aeronautics facilities;

(2) a facilities implementation schedule to meet research and technology project milestones and aerospace industry market requirements;

(3) the projected cost of constructing and operating new facilities; and

(4) options and recommendations to provide funding (including cost-sharing and risk-sharing with industries and among Federal agencies and innovative procurement, financing, or management arrangements) for the construction of new aeronautics facilities and for the operation of new aeronautics facilities.

(b) DEADLINE.—The strategy required by subsection (a), and budget requirements associated with implementing such strategy, shall accompany the fiscal year 1996 budget submission to Congress.

TITLE II—COMMERCIAL SPACE LAUNCH AMENDMENTS

SEC. 201. COMMERCIAL REENTRY VEHICLES.

Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries";

and

(D) by adding at the end the following new item:

"70120. Report to Congress";

(2) in section 70102—

(A) by inserting "from Earth" after "and any payload" in paragraph (3);

(B) by redesignating paragraphs (10) through (12) as paragraphs (12) through (14), respectively; and

(C) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth.

"(11) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact.";

(3) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§70104. Restrictions on launches, operations, and reentries";

(B) by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a) (3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES OR REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(4) in section 70105—

(A) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(5) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site"; and

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle";

(6) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(7) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(8) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(9) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry" after "launch services" in subsection (a)(4);

(C) by inserting "or a reentry" after "launch services" each place it appears in subsection (b);

(D) by inserting "or Reentries" after "Launches" in the heading for subsection (e); and

(E) by inserting "or reentry" after "launch site" in subsection (e);

(10) in section 70113 (a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(11) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(12) in section 70117—

(A) by inserting "or reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) in subsection (f)—

(i) by inserting "or Reentry" after "Launch" in the subsection heading;

(ii) by inserting ", reentry vehicle," after "A launch vehicle";

(iii) by inserting "or reentered" after "that is launched"; and

(iv) by inserting "or reentry" after "the launch"; and

(D) in subsection (g)—

(i) by inserting "reentry of a reentry vehicle," after "or launch site," in paragraph (1); and

(ii) by inserting "reentry," after "launch," in paragraph (2)

(13) in section 70119, by inserting the following after paragraph (2):

"There are authorized to the Secretary of Transportation such amounts as may be appropriated to carry out this chapter for fiscal year 1995."; and

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

"§ 70120. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

SEC. 202. LICENSE APPLICATION.

(a) Section 70105 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "receiving an application" both places it appears and inserting in lieu thereof "accepting an application in accordance with subsection (b)(2)(D)";

(2) by striking "and" at the end of subsection (b)(2)(B);

(3) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and"; and

(4) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting an application for a license under this chapter.".

(b) The amendment made by subsection (a)(1) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code.

SEC. 203. PROHIBITION ON OBTRUSIVE SPACE ADVERTISING.

(a) DEFINITION.—Section 70102 of title 49, United States Code, is amended by inserting after paragraph (14), as redesignated by section 301(2)(B) of this title, the following new paragraph:

"(15) 'obtrusive space advertising' means advertising in outer space that is capable of being seen by a human being on the surface of the earth without the aid of a telescope or other technological device;".

(b) PROHIBITION.—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

"§ 70109a. Prohibition on obtrusive space advertising

"(a) PROHIBITION.—Notwithstanding the provisions of this chapter or any other provision of law—

"(1) the Secretary shall not—

"(A) issue or transfer a license under this chapter; or

"(B) waive the license requirements of this chapter;

for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising; and

"(2) no holder of a license under this chapter, on or after the date of enactment of this Act, shall launch a payload containing any material to be used for purposes of obtrusive space advertising.

"(b) CIVIL PENALTIES.—Any person who violates the provisions of subsection (a)(2) shall—

"(1) be subject to a civil penalty, not to exceed $30,000,000 which shall be assessed by the Secretary; and

"(2) not be issued a license under this chapter for a period of 2 years from the date of such violation, or, in the case of multiple violations, from the date of the most recent violation.".

(c) NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.—

(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for obtrusive space advertising purposes.

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

(3) As used in this subsection, the term "foreign launching nation" means a nation—

(A) which launches, or procures the launching of, a payload into outer space; or

(B) from whose territory or facility a payload is launched into outer space.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 701 of title 49, United States Codes, is amended by inserting the following after the item relating to section 70109:

"70109a. Prohibition on obtrusive space advertising".

TITLE III—REVISIONS TO LAND REMOTE SENSING POLICY ACT OF 1992

SEC. 301. AMENDMENTS.

The Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.) is amended—

(1) by amending section 2(9) to read as follows:

"(9) Because Landsat data are particularly important for global environmental change research, the program should be managed by an integrated team consisting of the National Aeronautics and Space Administration and the Department of Commerce.";

(2) in sections 3(6)(A), 101 (a) and (b), 103(b), and 504, by striking "Secretary of Defense" and inserting in lieu thereof "Secretary";

(3) in section 3(6)(B), by striking "Department of Defense and" and inserting in lieu thereof "and the Department of Commerce, as well as the Department of Interior, or";

(4) in section 101(b)(1), by striking ", with the addition of a tracking and data relay satellite communications capability";

(5) in section 101(b)(2), by striking all after "baseline funding profile" and inserting in lieu thereof "for the development and operational life of Landsat 7 that is mutually acceptable to the agencies constituting the Landsat Program Management;";

(6) in section 101(b), by inserting after paragraph (4) the following:

"The Director of the Office of Science and Technology Policy shall, no later than 60 days after enactment of the Aeronautics and Space Policy Act of 1994, transmit the management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(7) in sections 101(c)(3), 202(b)(1), 501(a), and 502(c)(7), by striking "section 506" and inserting "section 507";

(8) by adding at the end of Section 101 the following new subsection:

"(f) AUTHORITY TO RETAIN REIMBURSEMENTS.—The member agency of the Landsat Program Management responsible for operating Landsat 7 is authorized to offset the cost of such operations by retaining reimbursements collected from foreign ground stations and through the sale of Landsat 7 data until such data are transferred to the National Satellite Land Remote Sensing Data Archive.";

(9) in section 102(b)(1), by striking "by the expected end of the design life of Landsat 6" and inserting in lieu thereof "by the predicted end of life of Landsat 5, or as soon as practicable thereafter";

(10) in section 103(a), by striking "section 105" and inserting in lieu thereof "section 104";

(11) by striking section 104 and redesignating section 105 as section 104;

(12) in section 201(c), by amending the second sentence thereof to read as follows: "If the Secretary determines that the license requested by the applicant should not be issued, the Secretary shall inform the applicant within such 120-day period of the reasons for such determination and the specific actions required of the applicant to obtain a license.";

(13) in section 202(b)(6), by inserting ", other than for the sale of data generated by the system in accordance with the license, that" after "of any agreement";

(14) in section 204, by striking "may" and inserting in lieu thereof "shall";

(15) by inserting at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Within 30 days after any determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed pursuant to this title, the Secretary shall report to the Congress the reasons for such determination, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Within 30 days after any action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall notify the Congress of such action and provide the reasons for such action.";

(16) in section 302—

(A) by striking "(a) GENERAL RULE.—"; and

(B) by striking subsection (b); and

(17) in section 507, by striking subsection (a) and subsection (b)(1) and inserting in lieu thereof the following:

"(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. Within 60 days after receiving a request from the Secretary, the

Secretary of Defense shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendations have been received by the Secretary within such 60-day period, the Secretary may deem activities proposed in the license application to be consistent with the protection of the national security of the United States.

"(b) RESPONSIBILITY OF SECRETARY OF STATE.—

"(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. Within 60 days after receiving a request from the Secretary, the Secretary of State shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet existing international obligations of the United States. If no such recommendations have been received by the Secretary within such 60-day period, the Secretary may deem activities proposed in the license application to be consistent with existing international obligations of the United States.".

TITLE IV—TECHNOLOGY INVESTMENT POLICY FOR AERONAUTICS AND SPACE

SEC. 401. FINDINGS.

The Congress finds that—

(1) the United States aerospace industry has provided a major contribution to the competitiveness of the United States;

(2) the international market share of the United States aerospace industry has steadily eroded due to competition from foreign consortia that receive substantial direct subsidies from their governments;

(3) the United States aerospace industry has been severely impacted by the reductions in defense spending, leading to reduced levels of research and development investment by industry;

(4) increased contribution to the health of the United States economy by the National Aeronautics and Space Administration is important to the long-term support of civilian aeronautics and space activities; and

(5) no effective means have been developed by which the National Aeronautics and Space Administration can accurately measure the contribution of its research toward achieving United States competitiveness and maintaining technological leadership.

SEC. 402. AERONAUTICS AND SPACE POLICY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the policy of the United States that—

(1) improving the competitive capability of the United States industry shall be a fundamental goal of the aeronautical and space research and development programs of the National Aeronautics and Space Administration;

(2) the investment in aeronautics and space technology by the National Aeronautics and Space Administration shall be closely coordinated with United States industry; and

(3) the establishment of industry-led, precompetitive consortia, alliances, or other entities shall be encouraged to better identify and coordinate the industry requirements for advanced technologies and facilities.

SEC. 403. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

(a) TECHNICAL CORRECTION AMENDMENTS.—

(1) Section 214 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 is amended by striking "(c)" both places it appears and inserting in lieu thereof "(d)".

(2) The amendment made by paragraph (1) shall be effective as of the date of enactment of the Act referred to in paragraph (1).

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronatuics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

(c) COMPETITIVENESS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to the economic growth, competitiveness, and productivity of the Nation.";

(2) by striking subsection (f) and by redesignating subsections (g) and (h), as subsections (f) and (g), respectively;

(3) in subsection (g), as so redesignated, by striking "(f), and (g)" and inserting "and (f)"; and

(4) in section 102(d)—

(A) by striking "and" in (8) and

(B) by adding the following after "(9)":

"(10) The research required for the improvement of the safety, capacity, and efficiency of the United States air transportation system through close coordination among the agencies of the Federal Government."

SEC. 404. TECHNOLOGY DEVELOPMENT AND COMMERCIALIZATION GOALS.

The Administrator shall require that, to the maximum extent practicable, aeronautical and space projects of the National Aeronautics and Space Administration—

(1) incorporate a technology plan that fosters technological advances of value to the mission of the National Aeronautics and Space Administration which benefits the economy of the United States and reduces the life cycle costs of such projects;

(2) promote commercial technology applications;

(3) measure and evaluate technology development and the potential for commercialization; and

(4) seek the involvement of United States industry.

SEC. 405. INDUSTRY TECHNOLOGY PROGRAM.

(a) PURPOSE; CRITERIA.—The Administrator shall establish a competitive program under which the Administrator may fund research and development projects proposed by industry-led consortia, alliances, or other entities, for the purpose of advancing aeronautics and space technologies. In selecting projects to be funded under this section, the Administrator shall weigh and consider—

(1) the extent of funding provided by industry for such project;

(2) each project's scientific and technical merit;

(3) the potential of the project to advance mission needs of the National Aeronautics and Space Administration;

(4) each project's potential to advance technologies that enhance the competitiveness of United States industry in global markets; and

(5) such other criteria as the Administrator considers appropriate to carry out the purposes of this section.

(b) COST-SHARING.—Amounts appropriated for this program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for this program. Of the non-Federal funding provided for this program, the Administrator shall require contributions from sources other than those identified as Independent Research and Development.

(c) FINANCING MECHANISMS.—In funding the technology projects selected under this section, the Administrator is encouraged—

(1) to make greater use of the authority of the National Aeronautics and Space Administration under section 203(c)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(5)) especially when applied to non-aerospace firms; and

(2) to enter into innovative procurement, financing, and management arrangement, consistent with existing statutes.

(d) COORDINATION WITH FEDERAL AGENCIES.—In carrying out this section, the Administrator shall consult with the Secretaries of Commerce, Defense, Energy, and Transportation and with such other Federal agency heads as the Administrator considers appropriate.

SEC. 406. CONDITIONS ON TECHNOLOGY INVESTMENT; ECONOMIC BENEFIT.

In funding technology programs and activities under this title, the Administrator shall ensure that the principal economic benefits accrue to the economy of the United States. The Administrator may consider such specific criteria as appropriate, and in developing such criteria, shall consult with appropriate Federal agency heads.

SEC. 407. ROLE OF PROCUREMENT IN TECHNOLOGY INVESTMENT.

The Administrator, in meeting aeronautical and space mission needs, shall coordinate and direct resources of the National Aeronautics and Space Administration in the area of procurement to—

(1) advance state-of-the-art technologies;

(2) assess and procure, where appropriate, commercially available technologies from the marketplace;

(3) use performance incentives; and

(4) reduce the paperwork requirements associated with procurement.

SEC. 408. COORDINATION WITH OTHER FEDERAL PROGRAMS.

(a) TECHNOLOGY PROGRAMS AND TECHNOLOGY TRANSFER PROGRAMS.—To ensure a consistent Federal investment policy and to preclude multiple awards for a single proposal, the Administrator shall ensure that the technology investment activities established under this title are coordinated closely with existing and future—

(1) Federal technology programs such as the Technology Reinvestment Program of the Advanced Research Projects Agency and the Advanced Technology Program of the National Institute of Standards and Technology; and

(2) Federal technology transfer programs and activities established to promote and advocate the use of technologies developed in the Federal laboratories.

(b) IDENTIFICATION OF FUNDING RECEIVED FROM OTHER AGENCIES.—The Administrator shall identify, as part of the annual budget submission to Congress, all funding received by the National Aeronautics and Space Administration from other Federal agencies for technology investment and development, including funds from programs listed in (a)(1) above.

SEC. 409. INTERAGENCY TECHNOLOGY INITIATIVES.

As part of the National Aeronautics and Space Administration's annual budget submission to Congress, the Administrator shall identify funding requirements, project milestones, and 5-year budget projections, for the portion undertaken by the National Aeronautics and Space Administration of each interagency technology project.

SEC. 410. COORDINATION WITH OTHER NASA PROGRAMS.

(a) SMALL BUSINESS INNOVATION RESEARCH.—The Administrator shall coordinate the technology investment activities under this title with the Small Business Innovation Research activities of the National Aeronautics and Space Administration to ensure the effectiveness of funding to small businesses, to the maximum extent permitted by law.

(b) INDEPENDENT RESEARCH AND DEVELOPMENT FUNDS.—The Administrator shall identify all funds provided to contractors of the National

Aeronautics and Space Administration for activities commonly referred to as "Independent Research and Development" and coordinate such funds with the technology investment activities under this title.

(c) TECHNOLOGY TRANSFER AND COMMERCIAL PROGRAMS.—The Administrator shall coordinate the activities of ongoing and future technology transfer, innovation, and commercial programs of the National Aeronautics and Space Administration with the technology investment activities under this title.

SEC. 411. PERSONNEL INCENTIVES.

To encourage the personnel of the National Aeronautics and Space Administration to pursue technology innovation and development, the Administrator shall provide personnel incentives, including—

(1) promotions and within-grade increases;

(2) bonuses and cash awards under the inventions and contributions system and senior executive service; and

(3) paid leave, sabbaticals, or intergovernmental personnel transfers to other Federal agencies or the private sector to pursue technology innovation and development, as the Administrator deems appropriate.

SEC. 412. ANNUAL REPORT TO CONGRESS.

The Administrator shall assess the technology investment activities established under this title and shall submit a report to Congress on the results of such assessment of activities. The report shall accompany the annual budget submission to Congress.

SEC. 413. APPLICATION OF ANTITRUST LAWS.

Nothing in this title shall be construed to create an immunity from any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

SEC. 414. DEFINITIONS.

For the purposes of this title, the term:

(1) "Federal laboratory" has the meaning given such term in section 4(6) or the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)).

(2) "United States" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

AMENDMENT NO. 2615

Mr. FORD. On behalf of Senator ROCKEFELLER, I send a substitute amendment to the desk and ask for its immediate consideration; that the amendment be agreed to and the motion to reconsider be laid upon the table; that the committee substitute, as amended, be agreed to; that the bill, as amended, be deemed read the third time, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to; further, that any statements relating to this item be inserted at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered:

Mr. FORD, for Mr. ROCKEFELLER, offered amendment No. 2615, which was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ROCKEFELLER. Mr. President, when the Senate passes this measure, H.R. 4489, the Aeronautics and Space Policy Act of 1994, we will take one more step in providing clearer direction in the interests of all Americans.

As a Nation, we are rethinking our investment of Federal dollars in civil aeronautics and space. The post-cold-war era has affected the United States aerospace infrastructure profoundly with its attendant downsizing and efforts to convert military production to fit civilian needs. While this change has been very disruptive to our aerospace community, it also has opened new opportunities to explore commercial avenues and international alliances.

Within this setting, it makes little sense to continue allocating tax dollars on research and technology priorities which were set over a decade ago. Federal discretionary dollars available to fund aeronautics and space activities have continued to shrink.

Over the past year and a half, as the chairman of the Science, Technology, and Space Subcommittee, I have worked with my colleagues in the Senate and my counterparts in the House of Representatives as well as the National Aeronautics and Space Administration [NASA], and the White House to help give meaning to these changes.

As a result of these labors, I am pleased to have the Senate consider H.R. 4489, the Aeronautics and Space Policy Act of 1994.

H.R. 4489 was passed by the House of Representatives and was referred to the Commerce Committee on August 9, 1994. On September 23, 1994, the Commerce Committee approved a substitute to H.R. 4489. The substitute to H.R. 4489 before the Senate today is similar to that approved by the Commerce Committee but incorporates technical amendments and changes that I believe substantively improve the legislation.

One thing I would like to make clear: H.R. 4489 is a policy bill. There are no authorizations of appropriations. This legislation makes mid-course corrections to our existing body of aeronautics and space law to reflect new policy directions in the National Aeronautics and Space Act of 1958, the Commercial Space Launch Act of 1984, and the Land Remote Sensing Policy Act of 1992.

The bill has five titles and incorporates many provisions of S. 1881, the NASA Technology Investment Policy Act of 1994. Title I provides authority for reprogramming and land conveyance to support ongoing NASA programs as well as requires reports to Congress on timely aeronautics and space issues.

Title II amends the Commercial Space Launch Act of 1984 to extend the authority of the Secretary of Transportation to license commercial reentry vehicles. It also expressly limits the launch of "obtrusive space advertising".

Title III amends the Land Remote Sensing Policy Act of 1992 to reflect changes to the future United States land remote sensing satellite program. These changes were recommended by the President's inter-agency National Science and Technology Council in May 1994.

Title IV amends the National Aeronautics and Space Act of 1958 to require NASA to work with industry in compatible areas of technology development. NASA needs to demonstrate a more direct link between its $14 billion annual budget and technology benefits to U.S. commercial sectors. Finally, title V requires NASA to provide Congress annually with budget materials that NASA submits to the President and which cover a 5-year period.

This substitute represents a truly collaborative effort. I would like to commend the ranking member of the Subcommittee on Science, Technology, and Space, Senator CONRAD BURNS, for working closely with me on this legislation and on other important legislation of the Science Subcommittee. I ask that my colleagues in the Senate join me and pass H.R. 4489, the Aeronautics and Space Policy Act of 1994.

Mr. COHEN. Mr. President, title V of the amendment proposed by the managers is essentially identical to S. 776, a bill I introduced to help ensure stability in NASA's programs.

This title addresses a matter the General Accounting Office has labeled a high risk problem with the budget of the National Aeronautics and Space Administration.

During the late 1980's NASA's budget grew by more than 50 percent in 3 years and NASA established long-term procurement plans that assumed such rapid growth would continue. When the Bush administration decided to drastically reduce the growth in NASA's long-term budget, NASA should have scaled back its buying plans accordingly.

It didn't. Instead, it acted as if nothing had changed and, as a result, a huge gap developed between its long term buying plans and its long-term budget, as illustrated in this chart. Accordingly to a 1992 NASA document, the gap for the succeeding 5 years was well over $15 billion, with the disparity growing larger with each passing year.

While, over the past 2 years, NASA has begun to make some serious efforts to reduce the cost of its 5-year program plan, the challenge of closing the gap has grown more difficult with the Clinton administration's decision to hold NASA to level funding for the next 5 years. NASA claims to have eliminated about half of the gap, but the General Accounting Office, which has continued to monitor this problem, has not yet been able to substantiate this claim.

The huge gap between NASA's 5-year program plan and its 5-year budget has five harmful consequences:

First, NASA is committing itself to more programs than it can possibly pay for. As a result, down payments are

made on programs that later must be canceled, wasting billions of taxpayers' dollars.

Second, in an effort to avoid cancellation, some programs are stretched out, reducing their cost in any given year but increasing their total cost, again wasting taxpayers' money.

Third, rational planning is rendered impossible for NASA and its contractors, as the stable, predictable environment needed to manage NASA's complex development and acquisition programs is undermined.

Fourth, NASA experts abdicate their responsibility to set priorities among NASA programs, leaving Congress to substitute its judgment—which is often based on factors other than what is best for the Nation as a whole.

Fifth, and the ever present threat of stretch outs or terminations undermines morale at NASA and its contractors.

Mr. President, we have seen this all before. During the 1980's, the Pentagon created for itself an identical "bow-wave" problem, making small down payments on more programs than it could possibly pay for once the full bills came due.

Congress dealt with the defense bow-wave problem by adopting legislation to require the Pentagon to live within its means. Specifically, we passed a law requiring the Pentagon's 5-year defense plan to be consistent with the President's 5-year defense budget.

It worked. The bow-wave problem of the 1980's was essentially resolved despite deep cuts in defense procurement made by the Bush administration. We now face other problems with defense spending, but these are of a different nature.

Title V of the amendment before the Senate would simply impose on NASA the same discipline we imposed on the Pentagon in the 1980's: NASA would have to produce a 5-year program plan that is consistent with the 5-year budget proposed by the President for NASA.

It would not be a burden on NASA to provide such a 5-year program plan. The 3-year budget NASA currently submits would form the core of the program plan. It would need to be expanded to include budget figures for 2 additional years, but NASA already produces that data. The reason it does not provide it to Congress is largely to avoid the political embarrassment from revealing the large growth in the out-years of negative funding wedges, that is, unspecified cuts that NASA has yet to figure out how to make.

The additional data for the 4th and 5th year would not need extensive justification, although we would expect explanations of out-year budget figures that do not clearly flow from the narrative justification now provided in NASA's 3-year budget. Also, if a projected figure for a given year changed significantly from what had previously been projected, an explanation would be expected.

It is simply good sense and good government to require agencies to base their long-term plans on the President's budget submissions. This is especially important for agencies such as the Pentagon and NASA that engage in large-scale procurements that spend out over many years and, thus, are at special risk to procurement bow-waves.

The problem goes well beyond any specific NASA program to a culture of denial at NASA that has failed to come to grips with budget realities. NASA Administrator Daniel Goldin has worked to deal with these realities, but the extent of the problem and its institutional nature, transcending administrations and administrators, requires us to act legislatively.

Mr. President, I want to emphasize that title V is policy neutral. It does not prejudge how to close the gap between NASA's 5-year program plan and its budget. It would be up to NASA to set the priorities.

Regardless of what priorities are established, though, bringing NASA's plans in line with its budget is essential if NASA is to have rational, stable, and ultimately successful programs.

Mr. President, I will not take the time to read into the RECORD the testimony and many reports GAO has provided on this matter. I would refer those who are interested to the statement I made when I introduced S. 776 [April 7, 1993, 7679–81, which quotes at length from several.

So the bill (H.R. 4489), as amended, was deemed read the third time, and passed.

The title was amended so as to read: "An Act to amend the National Aeronautics and Space Act of 1958, and for other purposes.".

THE SMALL BUSINESS ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report accompanying S. 2060, the Small Business Administration reauthorization; that the conference report be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I submit a report of the committee of conference on S. 2060 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on 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 this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 3, 1994.)

Mr. BUMPERS. Mr. President, S. 2060 is the first SBA reauthorization to be considered by Congress since President Clinton took office. It is a dramatic departure from the hold-the-line, do-as-little-as-necessary policy of the previous two administrations. President Clinton's fiscal year 1995 budget and legislation contain significant increases in SBA loan programs aimed at economic development and meeting the credit needs of small firms in a changing economy. This bill is major economic legislation which is badly needed and which can and will help further the Nation's recovery.

This conference report responds to the President's requests to the greatest extent possible in a time of fiscal constraints and sends a strong economic message. The small business sector has been and will remain the major resource of new jobs in the American economy. Paradoxically, small businesses face more difficulty than ever in obtaining the capital required for business start-ups, expansion, and operating capital.

In business loans, loan guarantees, and bond guarantees, S. 2060 as reported by the Small Business Committee authorizes about $16 billion in financial assistance to small businesses in 1995, over $18 billion in fiscal year 1996, and almost $23 billion in 1997. The role of the Small Business Administration is more vital than ever before in sustaining and expanding the economic recovery now underway.

The conference report also contains a bill (S. 737) which was introduced by Senator HATFIELD, and others, and a similar administration-requested bill (S. 2061) which ease prepayment penalties imposed on borrowers of high interest-bearing loans under the section 503 program. The committee has included a substitute for those bills as title V of the conference report.

The conference report authorizes SBA loan programs and certain business development programs. Included are section 7(a) loan guarantees, section 502 and 504 development company loans, microloans, small business investment company [SBIC] debentures, specialized SBIC preferred stock and debentures, and SBIC participating securities. Also included is a "such sums as may be necessary" authorization for SBA business and homeowner businesses in communities which have been affected by natural disasters.

Funding for SBA programs with the exception of disaster loans are detailed in a table, which I ask be printed at the conclusion of my statement.

This conference report is the product of many months of work by Senate and House committee staff and by Members on both sides. I thank all those who have participated, and particularly our ranking minority member, Senator PRESSLER, for all their work and support. I urge all Senators to support this report and send this bill to the President.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONFERENCE AGREEMENT—SBA REAUTHORIZATION FUNDING LEVELS

Program	Proposed fiscal year 1995		Conference agreement	Proposed fiscal year 1996		Conference agreement	Proposed fiscal year 1997		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 (millions)	3	3	3	3.25	3.15	3.2	3.5	3.31	3.4
SBDCs regular (millions)	70	70	70	77.5	77.5	77.5	85	85	85
SBDCs defense conversion (millions)	25	0	5	25	0	10	25	0	15

Mr. PRESSLER. Mr. President, I rise as ranking member of the Small Business Committee in strong support of the conference report accompanying S. 2060, the Small Business Administration Reauthorization and Amendments Act of 1994—legislation to reauthorize the Small Business Administration [SBA] and its programs for the next 3 years.

This conference report is the result of many months of hard work by the Small Business Committees of both the Senate and the House. It has been a pleasure to work with Senator BUMPERS, chairman of the Senate committee, and Chairman LAFALCE and ranking member MEYERS of the House Small Business Committee. I also want to commend all the dedicated staff, on both sides of the aisle, who worked so hard to get us where we are today. This legislation represents a bipartisan effort. It is a good bill for this Nation's small business men and women. It not only provides authorization levels for SBA's programs for fiscal years 1995 through 1997, it fine tunes many existing programs and creates a few new ones.

Mr. President, S. 2060 marks the culmination of a series of oversight hearings we conducted in our committee over the past 2 years. During that process, our committee has explored in considerable detail the workings and problems of SBA's increasingly popular 7(a) business loan guaranty and section 504 development company programs, the agency's often overtaxed Disaster Assistance Loan Program and the still young but growing Microloan Demonstration Program. The committee also conducted oversight hearings on SBA's business development programs, including the Small Business Development Center [SBDC], Service Corps of Retired Individuals [SCORE], and Small Business Institutes [SBI] programs. We also explored the effectiveness of SBA programs targeted toward minority small business owners. Each of these hearings pointed out areas in which programs were working very well and areas in need of improvement. Of course, many witnesses urged the committee to increase funding levels for the particular program they supported.

I believe the committee responded with an excellent bill. Budget constraints prevented us from providing the levels of program authorization requested by the administration and witnesses. However, the bill takes an extremely responsible approach—expanding programs in a prudent manner and putting taxpayer dollars where they will get the most bang for the buck. I am proud to say we also have developed some very innovative approaches to solving what in some cases were some very old and difficult problems. For instance, the conference agreement allows borrowers under the SBA 503 program—borrowers who for years have been locked into loans with unreasonably high interest rates—the chance to refinance these loans. It also will expand and improve the Microloan Program so many more of this Nation's smallest and most disadvantaged businesses can obtain badly needed credit. Regarding the Microloan Program, I am particularly proud of the steps taken by this legislation to expand opportunities for what is often one of this country's poorest minority populations—American Indians.

Mr. President, I would now like to take a moment to outline some of the more important features of this conference report.

TITLE I—AUTHORIZATIONS

Title I of the conference agreement establishes the SBA's authorization levels for fiscal years 1995, 1996, and 1997. These levels reflect a realistic view of what these programs can probably receive in appropriations in the coming years. The conference agreement will allow these important programs to continue to serve America's small business men and women. In some cases, the agreement even expands the levels of service. The funding levels provided will allow SBS's highly effective business loan programs to continue stimulating small business growth. The section 7(a) business loan guaranty program—SBA's flagship assistance program—is expanded substantially. Under this program, the agency guarantees business loans made by commercial lenders to small businesses in the largest of cities and the smallest of towns. Recent years have witnessed an explosion in demand for this program. Much of the increased demand is the result of the credit crunch faced by many small entrepreneurs. With an SBA guarantee of 70 to 90 percent of the loan amount, banks and other lenders are willing to provide longer term financing than otherwise would be available. Lenders also will lend larger amounts at lower interest rates than the market and regulatory environment would allow without SBA's participation.

The 504 Development Company loan program also has been strained to the limit over the past several years. Under this program, SBA guarantees 10- and 20-year debentures issued by a certified development company. The proceeds of the debentures are lent with similar terms to small firms for plant acquisition, construction, conversion, expansion or the purchase of equipment. The SBA portion of the loan may fund not more than 40 percent of the project with the balance coming from the borrower and commercial sources. This program represents a remarkable example of how the Government can leverage taxpayer dollars to effectively create business expansion and large numbers of new jobs. The subsidy rate for the 504 program currently is set at roughly one-half of 1 percent. This means for every

half cent Congress provides, $1 is lent to small business.

Mr. President, the word "efficient" seldom seems to attach itself appropriately to the phrase "government program." However, in the 504 program we have one of the most cost-effective economic development tools available to any State or local economy. Because of its great success, demand for the program has increased dramatically and the administration and development company industry sought extremely ambitious authorization levels for the program. This legislation responds with substantial increases in authorized levels for this proven program.

Title I of the conference agreement also provides authorized levels for the Small Business Investment Company [SBIC] debentures, the Specialized SBIC preferred stock and debentures and the SBIC participating securities programs. The conferees accepted funding levels for these programs as provided in the House amendment to S. 2060. I understand these numbers may be disappointing to some in both the small business community and the venture capital industry. However, I would provide two caveats. First, the authorized levels for these programs are higher than those under current law and reflect the view that the SBA's venture capital program—although it has a troubled history—has an important role to play in financing small business development. However, given the yet untested nature of the SBIC participating securities program, the conferees felt the most prudent course was not to expand the program too rapidly. For example, the administration's request would have almost tripled the funding for SBIC participating securities in fiscal year 1997.

My second caveat is that, quite frankly, the levels contained in this report more accurately reflect what the programs actually can expect in terms of appropriations. In other words, I was concerned the numbers in the administration's request would send an unwarranted signal to capital markets regarding actual future funding levels for these programs. At the same time, I understand the importance of venture capital. I also know the new SBIC participating security program is attracting many more well-financed applications than anticipated. Therefore, I will support efforts to revisit this issue as more information—such as the study required by section 216 of the conference agreement—becomes available.

Title I of the conference report also provides needed increases in funding levels for the Microloan, Surety Bond, Service Corps of Retired Executives [SCORE], Small Business Institute [SBI] and Small Business Development Center [SBDC] programs. Also included in the conference agreement is an authorization of appropriations for SBA business and homeowner disaster loans. These are direct loans made to individuals and businesses in communities damaged by natural disasters.

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

Mr. President, title II of the conference agreement makes changes to the financial assistance programs of the SBA. It extends and improves the Microloan program, enhances export assistance and international trade programs, creates new Accredited Lender and Premier Certified Lender programs within the 504 program and enhances the SBIC and Specialized SBIC programs.

The legislation makes important changes to the Microloan Demonstration Program. First it extends the program until October 1, 1997. This is 1 year less than provided for in the Senate version of the bill. However, it is consistent with other loan program authorizations contained in the agreement. Conferees also agreed to expand the program by authorizing SBA to fund up to 200 programs beginning in fiscal year 1995. The agreement also developed a new state funding formula that should allow both the largest and smallest States to receive a more equitable share of Microloan program funding. In addition, the conference agreement directs the SBA to select microloan intermediaries in a manner that will ensure microloans are available both in urban and rural areas. The agreement further provides that the agency should strive to make microloans available throughout each State and to small businesses in all industries. One problem with the current program is that parts of some States are not served. The conference agreement seeks to correct that flaw.

The agreement also appropriately addresses an administration request to convert the Microloan Program from a direct to a guaranteed loan program. This legislation creates a pilot Microloan Guarantee Program directing part of the resources of larger demonstration program into the pilot. I agree with this approach. In my view, the SBA failed to provide a compelling need to suddenly route all loans to intermediaries through private lenders on a guaranteed basis. Given the Microloan Program's demonstration status, such a dramatic shift would be unwise at this time. The limited pilot guarantee program provides an excellent compromise.

Mr. President, I also am pleased the conferees accepted a modified version of an amendment I offered during the Senate committee's consideration of S. 2060. Under existing law, each loan made by the SBA to a Microloan intermediary is accompanied by a 25-percent grant to be used to provide technical assistance to those microenterprises borrowing from the intermediary. This grant is subject to a 25-percent non-Federal matching requirement. Additional technical assistance grant money equal to 5 percent of an intermediary's total outstanding balance of loans is available to those intermediaries maintaining a loan portfolio average of not more than $7,500. This additional grant is not subject to the matching requirement.

My amendment provided the extra 5 percent technical assistance grant to any intermediary making 25 percent of its loans to businesses owned by members of federally recognized American Indian tribes. These intermediaries would have been treated just as those maintaining an average loan portfolio of not more than $7,500. My amendment provided additional incentives for intermediaries making 50 percent or more of their loans to businesses owned by members of federally recognized American Indian tribes. These intermediaries would have received the full 30 percent maximum technical assistance grant allowed. However, none of the grant was subject to the matching requirement.

This amendment resulted directly from a field hearing I chaired just over 1 year ago on the Pine Ridge Indian Reservation in South Dakota. During that hearing—the first ever of the Senate Small Business Committee on an Indian reservation—witnesses testified as to the extreme scarcity of credit for businesses owned by American Indians. Many witnesses also explained how technical guidance and training were a critical part of effective small business assistance in their communities. Several individuals also provided examples of how small businesses developed through microlending programs already in existence effectively created jobs and economic opportunities on all too often economically depressed American Indian reservations because microbusiness development is a concept well suited to the American Indian culture.

During conference deliberations, I was persuaded communities in other areas of the country, such as Appalachia and the Delta, also suffer from extreme poverty and could benefit from a similar program. Therefore, the conferees agreed, in section 208 of the conference report, to create a 3-year pilot program identical in structure to my amendment, but with more broadly based eligibility. The additional technical assistance grants now will be provided to any intermediary making the prescribed percentages of loans to small business concerns located in or owned by one or more residents of an economically distressed area. The agreement defines "economically distressed area" as 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 Census Bureau, 40 percent or more

of the individuals live at or below the poverty level. Thus, the provision will work as I had envisioned, but on an expanded basis and will assist other economically distressed communities. Section 208 fits extremely well with section 202 of the conference agreement that will allow American Indian tribal entities to act as intermediaries under the Microloan Program. I fully support this change and believe the two sections will work in tandem to provide important resources to American Indian entrepreneurs.

Title II of the conference agreement also makes dramatic changes to the 504 program. First, it creates an Accredited Lenders Program [ALP] for qualified State and local development companies. This change to the program was modeled after the Certified Lender Program within the 7(a) program. Under the ALP, certified development companies that meet certain criteria will be accredited and will receive expedited processing and servicing from the SBA. Both the Senate bill and the House amendment contained this provision. The agreement also creates a 3-year pilot Premier Certified Lenders Program [PCLP], similar to the Preferred Lender Program under 7(a). Under PCLP, certified development companies that meet even more stringent criteria will receive a delegation of authority from SBA to issue guarantees on behalf of the administration. In exchange, a premier certified lender will be required to reimburse SBA a percentage of any loss sustained by the agency due to guarantees issued under the delegated authority. These lenders also will be required to create loss reserves to cover their contingent exposure. The PCLP concept was part of the House amendment, but not contained in the Senate bill. Thus, the conferees agreed to create the program on a pilot basis and allow a maximum of 15 development companies to participate.

Mr. President, it is my hope these changes to the 504 program will help alleviate the excessive backlog of loan applications awaiting approval at the SBA. However, as development companies are not commercial lenders, their expertise in determining the credit worthiness of borrowers may prove inadequate in some cases. Therefore, I will be looking closely at the reports required for both programs under the conference agreement. I am certain the committees will need to revisit these issues in the future.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

This title of the conference agreement extends the pilot Preferred Surety Bond Guarantee Program until September 30, 1995. Conferees felt the 1-year extension was warranted to provide the time necessary to review the performance of the program in light of matters outlined in the Senate report accompanying S. 2060.

The conferees also agreed to a provision designed to promote access to Federal contracting opportunities requiring manufacturing for small business concerns participating in Manufacturing Application and Education Centers [MAEC's]. The SBA is directed to work with the Commerce Department and other Federal agencies to identify contracting opportunities for manufactured products, especially subsystems or components currently obtained from foreign sources. It is the intent of conferees that the SBA will use the authority provided under this title, together with its existing programs, to support the adoption and deployment of advanced manufacturing technologies and practices by small business concerns participating in MAECs.

Finally, I am pleased this title establishes a pilot program to expand the participation of very small business concerns in Federal contracting opportunities.

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

I am very pleased with the changes made in the SBDC funding formula contained in title IV of the conference agreement. Conferees agreed to increase each State's base level of funding to $125,000 in fiscal year 1995 and to $200,000 thereafter. While conferees also agreed to eliminate the minimum level or floor all SBDC programs receive under current law, the new formula will guarantee those States currently at the floor will see their Federal share increase. This increase is absolutely vital to rural, Western States—like my home State of South Dakota—that have a large geographic area and thus suffer from disproportionately large travel and programming expenses.

The SCORE and SBI programs also fall under SBA's business development assistance program function. The conference agreement authorizes both programs for 3 years. These important resources provide grassroots counseling to small businesses for an extraordinarily nominal Federal expenditure. The SCORE Program teams experienced small business men and women and their wealth of experience with fledgling entrepreneurs who sometimes have little more than an idea and a great deal of enthusiasm.

During the Senate Small Business Committee hearing covering the SCORE Program, I raised concerns over the manner in which funds for the program are apportioned among local chapters. My concerns remain. I am not convinced reliable standards exist to guide the national SCORE office in its decisionmaking process in this regard. Indeed, I considered amending the Senate bill to ensure equitable distribution of SCORE funding. However, Chairman BUMPERS and I have agreed to pursue this concern in an official request for a General Accounting Office [GAO] study of the program and its funding formula. It is our intention that GAO's findings will be available before next year's appropriation cycle begins. I will consider legislative options once the results of that study are released.

SBI's provided an incredible service to America's small business community while creating an invaluable learning experience for business students in our colleges and universities. This program, together with State colleges and universities, provides teams of business students and faculty members to work one-on-one with existing businesses. Although the administration did not request funding for the SBI Program, I am extremely pleased the conferees acted to reauthorize it. SBIs are especially important to small businesses with limited access to SBDCs. Like SCORE, they provide their services in an extremely cost effective manner. Almost as a byproduct, the program provides our next generation of entrepreneurs with excellent hands-on experience in the working of an actual business.

Mr. President, title IV of the conference agreement also creates an Office of Women's Business Ownership within the SBA. The agreement also establishes an Interagency Committee on Women's Business Enterprise (Committee) and restructures the National Women's Business Council (Council). Committee membership will include high ranking policymaking officials from a variety of Federal agencies and offices. The council will consist of owners of small businesses and representatives of national women's business organizations. The committee and council will meet both separately and jointly as they work to fulfill their missions.

The committee is charged with 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. It is to make annual reports to Congress outlining its activities and recommendations concerning women's business ownership.

The council is responsible for 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 also is charged with helping in data collection on women-owned businesses. It is intended the council will function as a truly independent, objective and nonpartisan source of advice and policy recommendations for the committee, Congress, and the President.

The work of both the committee and the council is vitally important if the Federal Government is to address adequately the needs and special concerns of this rapidly growing segment of the small business community. However, previous efforts in this regard have

proven less than completely successful. I believe it is critical the Senate and House Small Business Committees continue to monitor the progress of the committee and the council to ensure their important missions are carried out efficiently and effectively. I also very much look forward to receiving their views and recommendations.

TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

Mr. President, one of the most important provisions in the entire conference report is title V. This section of the legislation provides an excellent resolution to a longstanding and extremely unfair situation. It provides needed relief to borrowers under the Certified Development Company Section 503 Program, and certain borrowers under the SBIC and Specialized SBIC Programs. All of these borrowers are suffering from excessively high interest rates and extraordinarily burdensome prepayment penalties that prevent them from getting out from under. Presently some 3,500 borrowers under the 503 program and 200 participants in the SBIC and Specialized SBIC Programs are locked into SBA-backed loans with interest rates reflecting the Government's cost of money 10 or more years ago. Thus, rates on these loans can run 12 to 15 percent and higher.

Unfortunately, these borrowers are unable to refinance because of extremely onerous prepayment penalties of which many borrowers say they were either unaware of or mislead about at the time they took out the loan. Another unfortunate reality is the Federal Government simply is unable to absorb the cost—by some estimates well over $100 million—of totally relieving these borrowers of their obligations. The good news is that for fiscal year 1995 we secured an appropriation of $30 million to address the problem. It then became the small business committees' challenge to develop a formula to distribute the $30 million in as equitable a manner as possible. I am convinced the conference agreement achieves this objective. Borrowers wishing to refinance still will be required to pay a reduced prepayment penalty. However, the agreement at least makes refinancing a possibility for many who simply find it impossible under current law. Given the realities of the Federal budgetary situation, this represents an extremely fair remedy.

TITLE VI—MISCELLANEOUS AMENDMENTS

The final title of the conference agreement makes several improvements and technical corrections to a variety of SBA programs. Two important changes concern eligibility for SBA financial assistance. Under this agreement, individuals known by SBA to be illegal aliens will not be eligible for SBA assistance. In addition, anyone wishing to borrow from SBA now must certify they are not in substantial violation of any court order or agreement requiring the payment of child support. Individuals will be subject to the 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.

Mr. President, I also want to touch briefly on a provision not contained in the conference report, nor in either the Senate or House bills. Why raise something not in the conference agreement? Simply to emphasize that both committees rejected the idea and that this Senator will continue to fight the proposals should it surface again. I am speaking of the administration's proposal to charge a $15 per hour fee for SBDC counseling services. As I said in committee and when S. 2060 was before this body, SBDCs provide valuable counseling services to established and fledgling entrepreneurs. In some areas of the country, the fee may not have been unreasonable. However, I can tell you with certainty that in rural States and small cities such a requirement would be tantamount to shutting off the service. It simply would close the door of opportunity for many potential or new entrepreneurs with limited resources. I am extremely pleased the committees and the conferees rejected this proposal.

The last provision I wish to discuss involves another amendment I offered during Senate committee consideration of S. 2060. This amendment, adopted unanimously in committee and retained by the conferees, prohibits the SBA from providing assistance to businesses engaged in the production and distribution of obscene products and services. This provision, section 611 of the conference report, was drafted 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.

However, this also means businesses involved in the production and distribution of obscene products and services also could seek SBA support. This section makes clear the SBA 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.

Mr. President, this concludes my overview of the conference agreement accompanying S. 2060. Let me again offer my wholehearted support for this legislation. I also want to again thank Chairman BUMPERS for his excellent leadership and willingness to work together in a bipartisan fashion.

As ranking member of the Senate Small Business Committee over the last 2 years, I have been privileged to play a role in an organization that has one main goal—to improve the opportunities for new and existing small businesses. With over one-fifth of the entire U.S. Senate represented on the committee, I have found the going is not always easy. Even when you share a common goal, individuals—especially U.S. Senators—often have very strong and very different opinions about how best to achieve the objective. However, Mr. President, I have enjoyed every minute of it. It is now my hope that as we conclude the business of the 103d Congress, we will enact this legislation and give our country's No. 1 job creating force and source of innovation—small business—new opportunities to succeed, expand, create jobs and increase the prosperity of our great nation.

So the conference report was agreed to.

LEGISLATION FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 554, H.R. 4455, a bill to authorize the Export-Import Bank to provide financing for the export of nonlethal defense articles.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4455) to authorize the Export-Import Bank of the United States to provide financing for export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2616

(Purpose: To provide for a substitute)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. D'AMATO, proposes an amendment numbered 2616.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

(a) IN GENERAL.—Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following:

"(I)(i) Subparagraph (A) shall not apply to a transaction involving defense articles or services if—

"(I) the Bank determines that—

"(aa) the defense articles or services are nonlethal; and

"(bb) the primary end use of the defense articles or services will be for civilian purposes; and

"(II) at least 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

"(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

"(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the second preceding fiscal year.".

(b) REPORT TO THE CONGRESS.—Section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by inserting "or described in subparagraph (I)(i)" before the period at the end of the first sentence.

"(c) PERIOD OF EFFECTIVENESS.—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 September 30, 1997.

SEC. 2. PROMOTION OF EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES.

"(a) IN GENERAL.—The first section 11(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-5(b)) is amended—

"(1) by inserting before "The Bank shall" the following:

"(1) IN GENERAL.—";

(2) in the first sentence, by inserting before the period "(such as exports of products and services used to aid in the monitoring, abatement, control, or prevention of air, water, and ground contaminants or pollution, or which provide protection in the handling of toxic substances, subject to a final determination by the Bank, and products and services for foreign environmental projects dedicated entirely to the prevention, control, or cleanup of air, water, or ground pollution, including facilities to provide for control or cleanup, and used in the retrofitting of facility equipment for the sole purpose of mitigating, controlling, or preventing adverse environmental effects, subject to a final determination by the Bank)"; and

(3) by adding at the end the following:

"(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriated to the Bank not more than $35,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of supporting such exports. If, in any fiscal year, the funds appropriated in accordance with this paragraph are not fully utilized due to insufficient qualified transactions for the export of such goods and services, such funds may be expended for other purposes eligible for support by the Bank.".

"(b) TECHNICAL CORRECTION.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by redesignating the second section 11 (12 U.S.C. 635i-8) as section 14.

Mr. D'AMATO. Mr. President, I rise today in support of H.R. 4455 which would authorize the Export-Import Bank to provide financing for the export of nonlethal defense articles and defense services for which the primary end use will be civilian purposes. The Export-Import Bank's jurisdiction should be expanded in this limited way, in order to maintain the U.S. defense industrial base which is so crucial to America's well being. I introduced S. 2289, the Senate counterpart.

The defense budget has been cut substantially. This has made it necessary to find alternative ways to keep the defense industry strong. Developing dual-use technologies—technologies that may be used for both civilian and military purposes—is one way. The Export-Import Bank is presently restricted from participating in any defense-related transactions.

The Bank's financing is important to promote trade opportunities, especially to developing third-world countries who are in need of these items such as air traffic control radars. The Export-Import Bank should be authorized to help finance dual-use products when the primary end use is civilian. This would create jobs badly needed in New York and throughout the entire country. This legislation would especially assist small businesses in the defense industry through the increased export opportunities.

This legislation passed in the House contains amendments regarding environmental products and services. Ken Brody, president and chairman of the Export-Import Bank, has argued against these amendments. Through the spirit of compromise, an agreement has been reached with the House. We intend to offer that compromise as an amendment to the House passed bill. The compromise helps promote environmental exports while not putting other exporters at a disadvantage. The House is prepared to accept and send the bill to the President for his signature. I urge my colleagues to support this legislation that will benefit the whole country.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2616) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there are no further amendments, the bill will be deemed read the third time and passed.

So the bill (H.R. 4455), as amended, was deemed, read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENSE OF THE SENATE WITH RESPECT TO ELECTIONS IN HONG KONG

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 695, Senate Resolution 265, a resolution to express the sense of the Senate concerning elections in Hong Kong on September 18, 1994; that the resolution and the preamble be agreed to; the motions to reconsider be tabled, en bloc; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 265

Whereas the United States strongly supports the development of effective, functioning democratic institutions worldwide;

Whereas the government of Hong Kong successfully conducted its first District Board elections on September 18th;

Whereas voter registration for the September 18th district council elections in Hong Kong was higher than ever before;

Whereas the number of candidates running for District Board positions is higher than in any previous election in Hong Kong's history;

Whereas Hong Kong has recently taken bold strides to increase democracy and expand the rule of law;

Whereas the rule of law is essential to the effective functioning of a market economy;

Whereas Hong Kong currently is one of the world's leading market economies;

Whereas recent electoral reforms in Hong Kong are consistent with the Joint Declaration and the Basic Law for Hong Kong;

Whereas Hong Kong is an important friend and trading partner of the United States;

Whereas the people of the United States and Hong Kong have long maintained close, friendly ties;

Whereas the stability of Hong Kong and the continuance of its special status are of great importance to the United States;

Whereas, to be effective, the rule of law must be firmly based upon the consent of those it governs; and

Whereas one of the most effective methods to protect against corruption is to ensure a government that is accountable to those it governs: Now, therefore be it

Resolved, That it is the sense of the Senate:

(1) Free and fair elections are an essential component of a stable, democratic government in Hong Kong that is free from corruption.

(2) The people of Hong Kong should be congratulated for the recent success of the District Board elections and for the progress of democratic reforms that support the rule of law in Hong Kong.

(3) The United States should make every effort to support the progress of democratic reforms in Hong Kong and to encourage all parties to protect these gains as the 1997 transition approaches.

THE TAIWAN RESOLUTION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 696, Senate Resolution 270, a resolution to express the sense of the Senate concerning United States relations with Taiwan; that the resolution and preamble be agreed to, the motion to reconsider be laid on the table, en bloc, and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 270

Whereas the Republic of China on Taiwan (known as Taiwan) is the United States fifth largest trading partner and an economic powerhouse buying more than twice as much annually from the United States as do the 1.2 billion Chinese of the People's Republic of China.

Whereas European countries, with numerous ministerial visits to Taipei in support of their trade promotion efforts have been awarded over US$5 billion in contracts for Taiwan's Six Year National Development Plan, while U.S. companies have won only US$1.37 billion in contracts (1991–93);

Whereas Taiwan is a model emerging democracy, with a free press, free elections, stable democratic institutions, and human rights protections;

Whereas United States interests are served by supporting democracy and human rights abroad;

Whereas United States interests are best served by policies that treat Taiwan's leaders with respect and dignity;

Whereas the results of the Executive branch review of the policy of the United States toward Taiwan were announced on September 7, 1994; and

Whereas the adjustments made in United States policy toward Taiwan do not concretely or adequately upgrade relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that United States policy toward Taiwan should

(1) welcome the President of the Republic of China on Taiwan and other high-level government officials to the United States;

(2) allow unrestricted office calls by all representatives of Taiwan in the United States to all United States departments and agencies, including the Departments of Defense and State and offices in the Old Executive Office Building;

(3) send cabinet-level officials, including officials from the Departments of State and Defense, to Taiwan on a regular basis;

(4) support a proposal in the 48th General Assembly of the United Nations for formal observer status for Taiwan as a first step toward full membership in the United Nations and its specialized agencies;

(5) support a proposal at the earliest possible time for full admission for Taiwan into a wide range of international organizations including, but not limited to—

(A) the General Agreement on Tariffs and Trade (GATT) as a developed country, irrespective of the timetable for the admission into GATT of the People's Republic of China;

(B) the International Bank for Reconstruction and Development (IBRD or the World Bank);

(C) the International Monetary Fund;

(D) the Convention on Trade in Endangered Species of Flora and Fauna (CITES);

(E) the Montreal Protocol of the United Nations Environment Programme (UNEP);

(F) International Maritime Organization (IMO);

(G) International Atomic Energy Agency (IAEA); and

(H) United Nations High Commission for Refugees (UNHCR);

(6) change the name of Taiwan's representative office in the United States to the "Taipei Representative Office";

(7) approve defensive arms sales to Taiwan based solely on Taiwan's self-defense needs, without qualitative or quantitative restrictions;

(8) require advice and consent of the United States Senate for the highest level representative of the United States in Taiwan;

(9) upgrade the status of the existing American Institute in Taiwan (AIT);

(10) include a report by the Secretary of to the Senate Foreign Relations Committee and the House Foreign Affairs Committee on United States economic, cultural, political and security relations with Taiwan on an annual basis;

(11) support participation of the President of the Republic of China on Taiwan in the Asia Pacific Economic Cooperation forum; and

(12) raise U.S. concerns about the People's Republic of China threat to forcefully reunify Taiwan and the People's Republic of China.

THE FARM CREDIT SYSTEM AGRICULTURAL EXPORT AND RISK MANAGEMENT ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4379, the Farm Credit System Agricultural Export and Risk Management Act just received from the House; that the bill be deemed read the third time, passed, and the motion to reconsider be laid on the table, and that any statements relating to this matter be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4379) was deemed read the third time, and passed.

Mr. LEAHY. Mr. President, I am pleased to join today with the distinguished ranking member on the Committee on Agriculture, Senator LUGAR, to speak in support of final passage of the Farm Credit System Agricultural Export and Risk Management Act.

I believe that the act strongly merits passage by the Senate for three prime reasons. First, it expands the capacity of our Nation's financial system to provide credit for the export of U.S. agricultural products—a very promising growth area for rural economies that we must stimulate in every reasonable, affordable way we possibly can.

The act accomplishes this through modest expansion of the export lending authority of the National Bank for Cooperatives [CoBank], which has played a growing role in financing the export of American agricultural products since 1980.

Second, the act authorizes member lenders of the Farm Credit System—a Government-sponsored enterprise [GSE]—and the Nation's private banks to participate together in multilender transactions for the purpose of improving loan management capability and reducing the concentration of risk.

Finally and very important to the American taxpayer, the act moves in these two important directions without any Federal subsidy. Its provisions are modest and narrowly drawn. It will enhance credit opportunities for important rural ventures by carefully expanding CoBank's already-existing authority and by providing incentives for the Farm Credit System and private banks to cooperate and share risks.

The CoBank's present authority allows it to finance only exports produced by American agricultural cooperatives. This places an artificial limitation on its capacity to serve all of American agriculture. One of the act's central provisions will broaden CoBank's ability to finance the export of any U.S. agricultural product, regardless of the source.

CoBank has an excellent track record of providing significant financing for U.S. agricultural exports. In addition, it actively markets our products abroad and works with commodity and governmental organizations to develop new export opportunities.

In this rapidly changing era of NAFTA and GATT, it makes good sense to enhance this authority. CoBank—an experienced, technically proficient export lender that concentrates exclusively on agricultural products—can help our farm sector increase its exports dramatically without having to turn to the small group of foreign-owned banks that now dominate this relatively low-profit, high-risk business.

The act will accomplish something additional that I believe both the Farm Credit System and private banks have been seeking for some time and will find mutually beneficial. It creates the opportunity for farm credit institutions and private banks to manage and reduce their concentration of loan loss risk in terms of geography, industry, and account exposure by expanding the System's ability to purchase and sell loan participations from commercial banks and other nonsystem lenders.

The act may be modest in scope and neutral in its effect on the Federal budget. However, it is good for both America's private banks and for our Government-sponsored Farm Credit System, which has been so diligent in repaying the Federal obligations it incurred as a result of the 1987 Agricultural Credit Act, and in streamlining and improving its operations.

More important, the act is also good for the farms, ranches, and agriculture-related businesses of rural America, which will benefit from enhanced credit opportunities.

Most important of all, the act is good for American taxpayers and consumers, who will appreciate and support its reliance on nonfederal resources—and who have a real stake in improving the health of American agriculture. I strongly support and look forward to its final passage.

Mr. LUGAR. Mr. President, I strongly support the Farm Credit System Agricultural Export and Risk Management Act, which Senator LEAHY and I offer today on behalf of ourselves and Senator DOLE. This legislation will encourage U.S. agricultural exports, remove burdensome regulatory requirements from the Banks for Cooperatives, and clarify legal authorities for Farm Credit System institutions to manage risk through loan participations and similar transactions that will benefit not only the System but also commercial lenders.

The Farm Credit System's borrower-owned institutions have made a phenomenal recovery from their near-collapse in the mid-1980's. It is appropriate that Congress continue to encourage the System to manage its risks prudently, structure its operations in a manner consistent with the changing nature of the U.S. financial system, and facilitate its borrowers' participation in the international marketplace. I believe this legislation will help accomplish all these goals.

The key provision of this bill affects the ability of the banks for cooperatives to finance agricultural export transactions. These banks—primarily the National Bank for Cooperatives, or CoBank—have had export financing authority since 1980. CoBank finances about $2 billion of U.S. farm exports per year, nearly all of which is backed by the Agriculture Department's GSM-102 Credit Guarantee Program.

CoBank is, in fact, the dominant player among lending institutions participating in the GSM-102 Program. Relatively few U.S. commercial banks have financed GSM-102 transactions.

The law presently requires that, in order to finance an export sale, CoBank must ensure that the exported commodities originated with a cooperative. This does not mean that a co-op must actually be the exporter; more typically, a commercial grain company would export grain that was sourced from co-op elevators.

Since CoBank is owned by its cooperative borrowers, the institution has an obvious desire to source the exports it finances from co-ops whenever possible. In some cases, however, it is difficult or impossible for the exporter to certify co-op origin to CoBank. In such circumstances, CoBank simply loses business, often to foreign banks.

Two years ago, Congress absolved CoBank of the co-op sourcing requirement with respect to exports to the former Soviet Union, reflecting the high priority of maintaining trade ties to those republics unencumbered by unnecessary redtape. The legislation before the Senate will, in essence, extend this authority to all export destinations, while requiring that priority be given to commodities originating with cooperatives. In addition, following consultation with representatives of both CoBank and the commercial banking sector, this legislation will include a limitation on the total amount of noncooperative-sourced exports that can be financed without Federal guarantees.

As I have already indicated, I believe that by allowing some flexibility to CoBank, we will achieve a number of desirable goals. We will reduce a regulatory burden that sometimes results in export financing business being forfeited to offshore institutions. By virtue of CoBank's dominant role in GSM-102, we will enhance that program's efficiency and its ability to facilitate U.S. export sales. We will encourage an expansion of U.S. agricultural export sales at a time when exports of many commodities are in decline. And by reducing the administrative cost of some transactions, we will enhance efficient operations in a major Farm Credit System institution, further shoring up the safety and soundness of the entire System.

The bill has several other provisions, all of which enhance the Farm Credit System's ability to keep up with changing practices in the U.S. financial system. Specifically, the bill will—

Authorize the banks for cooperatives to finance international joint ventures and partnerships in which U.S. co-ops hold an ownership interest, while prohibiting any such financing that would lead to any U.S. facilities being moved overseas;

Authorize all Farm Credit System institutions to use risk management authorities presently available to the banks for cooperatives, by participating in loans to entities similar to those eligible to borrow from the System, but not holding more than a 50-percent interest in such loans;

Clarify the System's current authority to participate in loans originated by other financial institutions by ensuring that this authority will keep pace with evolving banking industry practice, permitting the System to take part in syndications and similar transactions.

In each case, these changes will enhance the System's ability to reduce its concentration of risk in terms of geography, industry, and account exposure. System institutions both purchase and sell participations from and to other lenders, a practice that is important particularly in the case of larger loans. For example, CoBank recently administered a $650 million syndication for Farmland Industries, Inc., a major farmer-owned marketing and supply cooperative. Seven commercial banks joined CoBank to provide funding for the syndication, illustrating the growing number of cases where banks and System institutions are working together harmoniously to meet the credit needs of rural America.

It is important to note that the legislation will not give System institutions an unfair advantage over the commercial banking industry. For example, in the case of loans to agricultural entities that are similar to System borrowers, the System would be prohibited from providing 50 percent or more of the funds for such loans, ensuring that the System's use of loan participations will be limited to those cases where commercial lenders desire to involve the System, and that the System still will not be able to originate loans of this type. As I have previously mentioned, there are also strict limits on CoBank's ability to finance export transactions not originated by cooperatives where these transactions are not protected by Federal credit guarantees.

Mr. President, I am pleased to join Senators LEAHY and DOLE as a sponsor of this important bill. Identical legislation has been approved by the House Committee on Agriculture, and I hope congressional consideration of the measure can be concluded in this session and the bill sent to the President. Let me again urge all Senators to support the bill.

I would like to clarify one aspect of the legislation before us, and ask the chairman of the Agriculture Committee whether his understanding is the same as mine. In the expanded authority for CoBank financing of export transactions in section 4, the products eligible for such financing include farm supplies. Does the chairman concur that authority to finance sales of such products is also contained in current

law, and that the existing statute uses the identical phrase "farm supplies"?

Mr. LEAHY. That is my understanding. What is being changed in this bill is the current requirement that every export sale, without exception, be sourced from a cooperative. The product coverage of the current law is not being changed.

Mr. LUGAR. At present, I am told, farm supplies are understood to comprise inputs for use on the farm. The phrase is not considered to include such items as agricultural processing equipment, machinery used in food manufacturing, or similar capital goods for off-farm use. Does the chairman agree that nothing in this bill should be construed to imply a change in the current understanding of the phrase "farm supplies"?

Mr. LEAHY. The Senator is correct. We are not expanding that kinds of products that are eligible for CoBank financing; we are allowing for limited exceptions to the current requirement that all such products originate with cooperatives.

Mr. LUGAR. I thank the Chairman.

PETROLEUM PRACTICES ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1520, the Petroleum Practices Act, just received from the House; that the bill be read deemed a third time, passed; that the motion to reconsider be laid upon the table and any statements appear at the appropriate place in the RECORD as if read.

So the bill (H.R. 1520) was deemed read a third time and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PETROLEUM MARKETING PRACTICES ACT AMENDMENTS

Mr. FORD. Mr. President, I rise today in support of H.R. 1520, which is identical to my bill, S. 338 the Petroleum Marketing Practices Act amendments.

It is my hope that this bill will provide a small but important example of the loosening of gridlock, and the reduction of the stranglehold on our legislative process. This compromise legislation was overwhelmingly supported by all interested parties during the last Congress. It passed the House and Senate Energy Committees unanimously. It was strongly supported by all elements of the petroleum marketing industry. And it should have become law 2 years ago. Today, we have before us legislation that has again obtained overwhelming support by all interested parties. The Senate Energy Committee held a hearing on this bill last year and the committee reported the amended bill by a unanimous voice vote on September 21, 1994. I am determined, along with many of my Senate colleagues and Chairman DINGELL and others in the House, to see that this important legislation becomes law this year.

The Petroleum Marketing Practices Act was enacted in 1978 as a "dealer's day in court" bill, to provide fairness and balance in negotiations between franchisors and franchisees involved in gasoline marketing. I have had an interest in this issue for several years now. It took nearly a decade to negotiate the original 1978 legislation. Since that time, a complex series of judicial decisions have led many to believe that the original statute is in need of fine tuning. In each of the last three Congresses, bills were introduced and hearings were held to reform the PMPA.

Today, after a series of negotiations among all interested parties on this issue, including service station dealers, jobbers, and oil companies, we have negotiated a new compromise which is reflected in the bill which is before us today.

The Petroleum Marketing Practices Act amendments would among other things, clarify the grounds for nonrenewal of a franchise relationship. Current law sets forth the only permissible grounds for termination or nonrenewal of a gasoline marketing franchise agreement. Nonrenewal may occur if there is a failure to agree to changes or additions to the franchise, so long as the new conditions are negotiated in good faith and not for the purpose of preventing the franchise removal. The interpretation of this section of current law has been somewhat subjective and confusing. The legislation before us today clarifies one major area of uncertainty. It makes explicit that preventing renewal includes situations where new conditions are proposed for the purpose of converting a franchisee operation into one operated by a franchisor's employees. In other words, a gasoline marketer cannot force conditions upon an independently operated service station for the purpose of converting it into a company-owned station. This is an important clarification to existing law.

While this important explanation and many other of the issues addressed in the bill are technical in nature, I believe that they will serve to bring a balance to the operation of the PMPA which will assure fairness in bargaining in the future. I am pleased by the support this legislation enjoys from all affected parties in the gasoline marketing industry. The efforts to achieve meaningful PMPA reform have been in motion for several years, and I believe we now have a compromise which will serve in the best interests of the entire industry. Such a compromise could not have been achieved without the hard work and support of many of my colleagues, particularly Chairman JOHNSTON, ranking minority member Senator WALLOP and Senator WELLSTONE. I appreciate the efforts of all who have helped fashion this compromise legislation that addresses these complex issues in plain and clear language.

I urge prompt adoption of this important legislation.

Mr. President, in debating this legislation, the issue of Federal preemption of State laws has caused particular difficulty. I would like to take this opportunity to stress, yet again, what I believe should be clear from the language of the committee report and the additional views of my friend and colleague from Minnesota: in passing this bill, aside from the two specific changes regarding goodwill and transfer of the franchise upon the death of the franchisee, we do not at this time take any action whatsoever on the issue of pre-emption. We neither endorse nor reject any court's interpretation of pre-emption law under the Petroleum Marketing Practices Act. We could not come to agreement on the issue, so we simply do not mean to address it in this bill.

Mr. WELLSTONE. I thank my friend from Kentucky for his hard work and infinite patience in moving this bill. It will certainly serve to better the lot of independent service station dealers nationwide.

It is my understanding, as well, that we will revisit the pre-emption issue next year. Service station dealers in Minnesota and throughout the country have indicated that resolving the pre-emption issue is of great importance to them.

Mr. DECONCINI. I join my colleague in the belief that it is very important to address the issue of pre-emption. This issue is very important not only to my State of Arizona, but nationwide, and Congress must revisit it next year and craft a resolution which serves the best interest of all involved.

Mr. FORD. I agree that resolving the pre-emption issue is of extreme importance and I intend to work diligently next year to see that we address that issue. I will work with other Senators in an effort to hold hearings early in 1995.

Mr. JOHNSTON. That is my understanding as well. Since we did not deal with the pre-emption issue this year, I fully intend to bring it up and try to resolve it early next year. I ask my friend the Senator from Wyoming, as the ranking minority member of the Energy Committee, whether he agrees with the statement of the Senator from Kentucky.

Mr. WALLOP. Mr. President, I agree with the comments of Senator FORD with respect to the intent of the committee on the issue of pre-emption. If Congress wishes to further address pre-emption, then it will have to take up that matter next Congress.

LEGISLATION TO AMEND THE PETROLEUM MARKETING PRACTICES ACT

Mr. REID. Mr. President, I would like to take this opportunity to address an issue of concern to me in the pending legislation. The senior Senator from Louisiana, and chairman of the committee, is to be commended for his leadership on this legislation. I am well aware of the hard work it takes to get legislation, such as this bill, to the floor of the Senate. I support this bill and intend to vote for it.

Yet, there is one outstanding issue that continues to concern me. This legislation is designed to protect independent petroleum wholesalers and retailers from arbitrary and unfair termination or nonrenewal of their franchise relationship with major oil companies. However, this protection is extended only to motor fuel franchises. Franchisees of other petroleum products sold by the major oil companies lack similar protection.

My concern is in relation to this lack of protection of other petroleum products. I have heard from a constituent in Nevada that his franchise agreement to sell lubricating oils to car dealers in Las Vegas was arbitrarily canceled with 30 days notice. This seems grossly unfair and, in fact, if the product sold by my constituent were gasoline or diesel fuel rather than lubricating oil, it would have been illegal. I have also been made aware of similar terminations or nonrenewals in other States.

Mr. President, I ask of the distinguished chairman if there are plans to address the issue of lubricating oil contracts to be included in the protections provided in the Petroleum Marketing Practices Act that currently exist for gasoline or diesel fuel franchisees?

Mr. JOHNSTON. I am aware of the concerns of the gentleman from Nevada, and I appreciate his willingness to support the bill before the Senate. The gentleman is correct. This legislation represents considerable time and effort to get to this stage of the process. The issue of concern to the senior Senator from Nevada is not one that has been the subject of hearings. I would say to the gentleman that I will be happy to schedule a hearing in the Energy Committee early next year to examine the magnitude of the problem that he raises and the most appropriate remedy to it.

Mr. REID. I thank the Senator from Louisiana for his understanding and his willingness to bring this issue before his committee.

Mr. LIEBERMAN. Mr. President, I would like to clarify my understanding of two aspects of the Petroleum Marketing Practices Act Amendments of 1994. First, this legislation has no effect on the notification provisions of any State law, such as that provision in effect in Connecticut. The Connecticut law requires at least 1 year notice of termination and was upheld by the Second Circuit Court of Appeals in *Bellmore* v. *Mobil*, 783 F.2d 300 (1986). Second, this bill looks to State law to determine when a termination of a service station dealer's franchise agreement is unlawful because the State law renders the franchise provision upon which termination is based unenforceable. For example, the Connecticut law regarding hours of operation will now be in effect because of this bill.

FEDERAL POWER ACT AMENDMENTS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 571, S. 2384, the Federal Power Amendments Act of 1994.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2384) to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2617

AMENDMENT NO. 2618

(Purpose: To provide for the extension of certain projects located in the State of West Virginia)

AMENDMENT NO. 2619

AMENDMENT NO. 2620

(Purpose: To extend the deadline for the commencement of construction of an Allegheny River hydroelectric power project)

Mr. FORD. Mr. President, I ask unanimous consent that be in order to send to the desk, en bloc, four amendments; that the Senate proceed to their immediate consideration; that the amendments be agreed to and the motion to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendments (Nos. 2617, 2618, 2619, and 2620) were agreed to, en bloc, as follows:

AMENDMENT NO. 2617

(Amendment proposed by Mr. JOHNSTON)

On page 3, line 6, strike "the Governor of the State notifies".

On page 3, line 7, following "Energy" insert "determines, after notice and an opportunity for public comment,".

On page 3, line 10, strike "appropriate".

On page 3, line 14, strike "adequate".

On page 3, line 20, following "applicable." insert "Upon notice from the Governor of the State, the Secretary of Energy shall immediately initiate the process to make this determination, and shall complete said process and make a determination within 180 days of such notice.".

On page 5, line 21, strike "(a) General Licensing Authority.—".

On page 5, line 24, following the word "Hawaii" insert a comma and the phrase "unless a license would be required by section 23 of the Act".

On page 6, line 1, strike section 301(b) in its entirety.

On page 8, line 14, insert the following title:

TITLE VI—PROJECTS IN THE STATE OF KENTUCKY

SEC. 601. EXTENSION OF DEADLINE.

That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interests requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the project for up to a maximum of three consecutive two-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

AMENDMENT NO. 2618

(Amendment proposed by Mr. BYRD)

On page 10, below line 2, add the following:

TITLE X—PROJECTS IN THE STATE OF WEST VIRGINIA

SEC. 1001. EXTENSION OF DEADLINE.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for such projects, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section and the procedures specified in such section, extend the time period during which such licensee is required to commence of construction of such projects to terminate on October 3, 1999. This section shall take effect for the projects upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such projects. If the license issued for project numbered 6902 should expire prior to the date of enactment of this Act, the Commission is authorized and directed to reinstate effective October 15, 1994, the license previously issued for such project and to extend the time required for the commencement of construction of such project until October 3, 1999.

Mr. BYRD. Mr. President, I offer, on behalf of myself and Senator ROCKEFELLER, an amendment to S. 2384, the Federal Power Act Amendments of 1994, which grants the city of New Martinsville, WV, a 4-year extension to its Federal Energy Regulatory Commission [FERC] licenses to begin construction of two hydroelectric power projects at New Cumberland and Willow Island on the Ohio River. These projects are to be financed by the city of New Martinsville through the sale of municipal bonds. This extension is necessary, because the current licenses expire during the current year, and the city has already invested over $4 million in these projects. The hydroelectric projects take advantage of existing Army Corps navigation dams on the Ohio River in order to generate

power, and also will include the development of recreational facilities. Without any contribution from the Federal Government, the city of New Martinsville will finance projects that will include fishing piers, underwater reefs, walkways, picnic facilities, and parking areas.

The city anticipates that the two projects would employ 500 staff during the peak of construction, with a $1.5 million monthly payroll. The total construction payroll for both projects is expected to be $25 million. The New Martinsville hydropower projects will also pay substantial taxes and other payments to various governmental entities during construction and operation. The Federal Government will benefit from these projects, since it will receive annual payments of $800,000 from the hydroelectric projects, even though the projects will be financed by the city of New Martinsville. The license extensions made possible by this amendment will bring significant economic development to the northern Panhandle region of West Virginia.

Mr. President, I thank the managers for supporting this amendment, and urge its adoption by the Senate.

AMENDMENT NO. 2619

(Amendment proposed by Mr. SIMON)

At the appropriate place sustitute the following new section for the section already included in the Omnibus FERC bill regarding FERC Project License Numbers 3943 and 3944.

SEC. . The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 16, 1994 the hydroelectric license previously issued for Project Number 3943. Within the meaning of Section 13 of the Federal Power Act time required for the commencment of construction of such project shall be reinstated for not more than 3 consecutive 2-year periods.

SEC. . The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 15, 1994 the hydroelectric license previously issued for Project Number 3944. Within the meaning of Section 13 of the Federal Power Act time required for the commencment of construction of such project shall be extended for not more than 3 consecutive 2-year periods.

Mr. SPECTER. Mr. President, this amendment which I am offering would extend the deadline for construction of a hydroelectric power project on the Allegheny River. This extension is necessary because the Allegheny North Council of Governments and the Borough of Cheswick received a license from the Federal Energy Regulatory Commission and must commence construction prior to April 15, 1995 or face the loss of their license under the Federal Power Act.

The licensees have been negotiating on power sales agreements, but have not yet been able to finalize these arrangements. This amendment would provide additional time for the municipal licensees to conclude their negotiations with potential power purchasers.

The Allegheny Project is one of several projects licensed for development along the Upper Ohio River Basin. Construction of this licensed power plant would permit Pennsylvania to use previously untapped hydroelectric energy, creating substantial environmental benefits and jobs for local residents.

I urge my colleagues to support the amendment.

AMENDMENT NO. 2620

(Amendment Proposed by Mr. SPECTER)

At the appropriate place in the bill, insert the following:

TITLE X—PROJECTS IN THE STATE OF PENNSYLVANIA

SEC. 1001. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 4474, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until April 15, 2001, the time required for the licensee to commence construction of such project.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be deemed read for the third time and passed.

So the bill (S. 2384), as amended, was deemed read a third time and passed, as follows:

S. 2384

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 Power Act Amendments of 1994".

TITLE I—PROJECTS IN THE STATE OF ALASKA

SEC. 101. STATE LICENSING JURISDICTION OVER SMALL PROJECTS.

The Federal Power Act, as amended, (16 U.S.C. 791a et seq.) is further amended by adding the following at the end of section 23:

"(c) In the case of any project works in the State of Alaska—

"(1) that are not part of a project licensed under this Act prior to the date of enactment of this subsection;

"(2) for which a license application has not been accepted for filing by the Commission prior to the date of enactment of this subsection (unless such application is withdrawn at the election of the applicant);

"(3) having a power production capacity of 5,000 kilowatts or less;

"(4) located entirely within the boundaries of a single State; and

"(5) not located in whole or in part on any Indian reservation, unit of the National Park System, component of the Wild and Scenic Rivers System or segment of a river designated for study for potential addition to such system, the State in which such project works are located shall have the exclusive authority to authorize such project works under State law, in lieu of licensing by the Commission under the otherwise applicable provisions of this part, effective upon the date on which the Secretary of Energy determines, after notice and an opportunity for public comment, that the State has assessed its river resources in a comprehensive way and has in place a process for regulating such projects which gives consideration to the improvement or development of the State's waterways for the use or benefit of intrastate, interstate, or foreign commerce, for the improvement and use of waterpower development, for the protection, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds), and for other beneficial public uses, including irrigation, flood control, water supply, recreational and other purposes, and Indian rights, if applicable. Upon notice from the Governor of the State, the Secretary of Energy shall immediately initiate the process to make this determination, and shall complete said process and make a determination within 180 days of such notice.

"(d) In the case of a project that would be subject to authorization by a State under subsection (c) but for the fact that the project has been licensed by the Commission prior to the enactment of subsection (c), the licensee of such project may in its discretion elect to make the project subject to the authorizing authority of the State.

"(e) With respect to projects located in whole or in part on Federal lands, State authorizations for project works pursuant to subsection (c) of this section shall be subject to the approval of the Secretary having jurisdiction with respect to such lands and subject to such terms and conditions as the Secretary may prescribe.

"(f) Nothing in subsection (c) shall preempt the application of Federal environment, natural, or cultural resources protection laws according to their terms.".

SEC. 102. REMOVAL OF FEDERAL ENERGY REGULATORY COMMISSION JURISDICTION.

The following projects located entirely within the State of Alaska are removed from the jurisdiction of the Federal Energy Regulatory Commission and all applicable laws and regulations relating to such jurisdiction—

(1) a project located at Sitka, Alaska, identified in FERC Docket No. UL89-08; and

(2) a project located near Nondalton, Alaska, identified in FERC Docket No. EL88-25.

TITLE II—PROJECTS IN THE STATE OF ARKANSAS

SEC. 201. EXTENSION OF DEADLINE.

That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC projects numbered 4204, 4660 and 4659 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the projects for a maximum of two years. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

TITLE III—PROJECTS IN THE STATE OF HAWAII

SEC. 301. EXEMPTION FOR PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act is amended by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23 of the Act), or upon".

TITLE IV—PROJECTS IN THE STATE OF IDAHO

SEC. 401. EXTENSION OF DEADLINE.

Notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon

the request of the licensee for FERC project numbered 4797, is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend until March 28, 2000 the time required for the licensee to commence the construction of such project.

TITLE V—PROJECTS IN THE STATE OF ILLINOIS

SEC. 501. PROJECT NUMBER 3943.

The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 16, 1994 the hydroelectric license previously issued for Project Number 3943. Within the meaning of section 13 of the Federal Power Act time required for the commencement of construction of such project shall be reinstated for not more than 3 consecutive 2-year periods.

SEC. 502. PROJECT NUMBER 3944.

The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 15, 1994 the hydroelectric license previously issued for Project Number 3944. Within the meaning of section 13 of the Federal Power Act time required for the commencement of construction of such project shall be extended for not more than 3 consecutive 2-year periods.

TITLE VI—PROJECTS IN THE STATE OF KENTUCKY

SEC. 601. EXTENSION OF DEADLINE.

That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the project for up to a maximum of three consecutive two-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

TITLE VII—PROJECTS IN THE STATE OF NEW MEXICO

SEC. 701. EXEMPTION OF PORTION OF EL VADO HYDROELECTRIC PROJECT FROM LICENSING REQUIREMENT OF PART I OF THE FEDERAL POWER ACT.

(a) Part I of the Federal Power Act shall not be applicable to the portion of the El Vado Hydroelectric Project, New Mexico (FERC project numbered 5226) that is described in subsection (b).

(b) The portion of the El Vado Hydroelectric Project referred to in subsection (a) consists of the 69 KV transmission line, including the right of way, which originates in the switchyard of such project and extends north to the Spills Switching Station operated by the Northern Rio Arriba Electric Cooperative, Inc., located in Rio Arriba County, New Mexico.

TITLE VIII—PROJECTS IN THE STATE OF OREGON

SEC. 801. EXTENSION OF DEADLINE.

The Federal Energy Regulatory Commission is authorized and directed to reinstate effective May 23, 1993 the hydroelectric license previously issued for project numbered 7829. Commencement of construction within the meaning of section 13 of the Federal Power Act shall commence within four years of the date of enactment of this section.

TITLE IX—PROJECTS IN THE STATE OF WASHINGTON

SEC. 901. EXTENSION OF DEADLINE.

Notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 3701, is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend until May 31, 2000, the time required for the licensee to commence the construction of such project.

TITLE X—PROJECTS IN THE STATE OF WEST VIRGINIA

SEC. 1001. EXTENSION OF DEADLINE.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for such projects, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section and the procedures specified in such section, extend the time period during which such licensee is required to commence of construction of such projects to terminate on October 3, 1999. This section shall take effect for the projects upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such projects. If the license issued for project numbered 6902 should expire prior to the date of enactment of this Act, the Commission is authorized and directed to reinstate effective October 15, 1994, the license previously issued for such project and to extend the time required for the commencement of construction of such project until October 3, 1999.

TITLE XI—PROJECTS IN THE STATE OF PENNSYLVANIA

SEC. 1101. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 4474, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until April 15, 2001, the time required for the licensee to commence construction of such project.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 967. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides.

H.R. 1520. An act to amend the Petroleum Marketing Practices Act.

H.R. 4495. An act to amend the Federal Aviation Act of 1958 to prohibit smoking on all scheduled airline flight segments in air transportation or intrastate air transportation.

H.R. 4704. An act 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.

H.R. 4910. An act to designate the United States courthouse under construction in White Plains New York, as the "Thurgood Marshall United States Courthouse."

H.R. 4939. An act to designate the United States courthouse located at 201 South Vine Street in Urbana, Illinois, as the "Frederick S. Green United States Courthouse."

H.R. 4967. An act to designate the United States courthouse located at 231 West Lafayette Street in Detroit, Michigan, as the "Theodore Levin United States Courthouse" and to designate the postal facility located at 1401 West Fort Street in Detroit, Michigan, as the "George W. Young Post Office."

H.R. 5108. An act to extend the Export Administration Act of 1979.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H.Con. Res. 279. Concurrent resolution condemning the July 13, 1994, sinking of the *13th of March*, a tugboat carrying 72 unarmed Cuban citizens, by vessels of the Cuban Government.

H.Con.Res. 286. Concurrent resolution recognizing the contribution of President Alfredo Christiani of El Salvador to achieve peace and national reconciliation in El Salvador.

The message further announced that the House had passed the following bill, without amendment:

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

The message also announced that the House agrees to the report of 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.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2440) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

At 12:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 3426. An act to authorize the Secretary of Agriculture to convey lands to the City of Rolla, Missouri.

H.R. 4778. An act to codify without substantive change recent laws related to transportation and to improve the United States Code.

H.R. 4948. An act to designate Building Number 137 of the Tuscaloosa Veterans' Medical Center in Tuscaloosa, Alabama, as the "Claude Harris, Jr. Building."

H.R. 5053. An act to authorize the Secretary of Agriculture to extend for one year Water Bank Act agreements that are due to expire on December 31, 1994.

H.R. 5156. An act to make a technical correction to the Food Stamp Act of 1977.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The following enrolled bill and joint resolutions, previously signed by the Speaker of the House, were signed on today, October 5, 1994, by the President pro tempore (Mr. BYRD):

H.R. 734. An act 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.".

S.J. Res. 157. Joint resolution to designate 1994 as "The Year of Gospel Music."

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

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

MEASURES REFERRED

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4939. An act to designate the United States courthouse located at 201 South Vine Street in Urbana, Illinois, as the "Frederick S. Green United States Courthouse"; to the Committee on Environment and Public Works.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 967. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4495. An act to amend the Federal Aviation Act of 1958 to prohibit smoking on all scheduled airline flight segments in air transportation or intrastate air transportation; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The Committee on the Energy and Natural Resources was discharged from further consideration of the following measure and ordered placed on the calendar:

S. 1818. A bill to establish the Ohio & Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, and for other purpose.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1203. A bill to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes (Rept. No. 103–399).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1697. A bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes (Rept. No. 103–400).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1020. A bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices (Rept. No. 103–401).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 3300. A bill to amend the Act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Mary Ellen R. Fise, of the District of Columbia, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1996, vice Virginia Stanley Douglas, term expired.

Bruce A. Morrison, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2000, vice William C. Perkins, resigned.

J. Timothy O'Neill, of Virginia, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 1997, vice Marilyn R. Seymann, resigned.

James Clifford Hudson, of Oklahoma, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1997. (Reappointment)

H. Terry Rasco, of Arkansas, to be a Member of the Board of Directors of the National Institute for Building Sciences for a term expiring September 7, 1997, vice Arnold L. Steinberg, term expired.

Christine M. Warnke, of the District of Columbia, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1995, vice Louis L. Guy, Jr., resigned.

James Clifford Hudson, of Oklahoma, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1994, vice James G. Sterns, term expired.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee on the Senate.)

The following executive reports of committee were submitted:

By Mr. GLENN from the Committee on Governmental Affairs:

Vanessa Ruiz, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of 15 years, vice Judith W. Rogers.

Luise S. Jordan, of Maryland, to be Inspector General, Corporation for National and Community Service. (New Position)

James H. Atkins, of Arkansas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 1996, vice Roger W. Mehle, resigned.

Scott B. Lukins, of Washington, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 1995, Vice John David Davenport, term expired.

Martha F. Riche, of Maryland, to be Director of the Census, vice Barbara Everitt Bryant, resigned.

George J. Opfer, of Virginia, to be Inspector General, Federal Emergency Management Agency, vice Russell Flynn Miller.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee on the Senate.)

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Michael Goldsmith, of Utah, to be a Member of the U.S. Sentencing Commission for a term expiring October 31, 1997, vice Helen G. Corrothers, term expired.

Wayne Anthony Budd, of Massachusetts, to be a Member of the U.S. Sentencing Commission for a term expiring October 31, 1997, vice Ilene H. Nagel, resigned.

Deanell Reece Tacha, of Kansas, to be a Member of the U.S. Sentencing Commission for a term expiring October 31, 1997, vice George E. MacKinnon, term expired.

Richard P. Conaboy, of Pennsylvania, to be Chairman of the U.S. Sentencing Commission, vice William W. Wilkins, Jr.

Richard P. Conaboy, of Pennsylvania, to be a Member of the U.S. Sentencing Commission for a term expiring October 31, 1999, vice William W. Wilkins, Jr., term expired.

Richard Thomas White, of Michigan, to be a Member of the Foreign Claims Settlement

Commission of the United States for a term expiring September 30, 1996, vice Frank H. Conway, term expired.

Florence K. Murray, of Rhode Island, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995, vice Malcolm M. Lucas, term expired.

Robert Nelson Baldwin, of Virginia, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995, vice Carl F. Bianchi, term expired.

Joseph Francis Baca, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995, vice James Duke Cameron, term expired.

Rose Ochi, of California, to be Associate Director for National Drug Control Policy, vice Kay Coles James, resigned.

John Edward Rouille, of Vermont, to be U.S. Marshal for the District of Vermont for the term of 4 years, vice Christian J. Hansen.

Sheldon C. Bilchik, of Maryland, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, vice Robert W. Sweet, Jr., resigned.

Reginald B. Madsen, of Oregon, to be U.S. Marshal for the District of Oregon for the term of 4 years, vice Kernan H. Bagley, resigned.

Wiliam Henry Von Edwards III, of Alabama, to be U.S. Marshal for the Northern District of Alabama for the term of 4 years, vice Thomas C. Greene.

Robert Henry McMichael, of Georgia, to be U.S. Marshal for the Northern District of Georgia for the term of 4 years, vice Lynn H. Duncan.

Sven E. Holmes, of Oklahoma, to be U.S. District Judge for the Northern District of Oklahoma, vice James Oliver Ellison.

William H. Walls, of New Jersey, to be U.S. District Judge for the District of New Jersey, vice Harold A. Ackerman, retired.

Eddie J. Jordan, Jr., of Louisiana, to be U.S. Attorney for the Eastern District of Louisiana for the term of 4 years, vice Harry A. Rosenberg, resigned.

Vicki Miles-LaGrange, of Oklahoma, to be U.S. District Judge for the Western District of Oklahoma, vice Lee R. West.

Alvin W. Thompson, of Connecticut, to be U.S. District Judge for the District of Connecticut, vice Ellen Bree Burns, retired.

Helen W. Gillmor, of Hawaii, to be U.S. District Judge for the District of Hawaii, vice a new position created by Public Law 101–650, approved December 1, 1990.

Roslyn Moore-Silver, of Arizona, to be U.S. District Judge for the District of Arizona, vice Earl H. Carroll, retired.

Sean J. McLaughlin, of Pennsylvania, to be U.S. District Judge for the Western District of Pennsylvania, vice Glenn E. Mercer, retired.

Robert W. Gettleman, of Illinois, to be U.S. District Judge for the Northern District of Illinois, vice John F. Grady, retired.

David A. Katz, of Ohio, to be U.S. District Judge for the Northern District of Ohio, vice Alvin I. Krenzler, retired.

Elaine F. Bucklo, of Illinois, to be U.S. District Judge for the Northern District of Illinois, vice John A. Nordberg, retired.

William T. Moore, Jr., of Georgia, to be U.S. District Judge for the Southern District of Georgia, vice Anthony A. Alaimo, retired.

Fred I. Parker, of Vermont, to be U.S. Circuit Judge for the Second Circuit, vice James L. Oakes, retired.

Diana E. Murphy, of Minnesota, to be U.S. Circuit Judge for the Eighth Circuit, vice John R. Gibson, retired.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee on the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

*A.J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1998.

*Clifford B. O'Hara, of Connecticut, to be a Member of the Board of Directors of the Panama Canal Commission.

*Herbert Kouts, of New York, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1997.

*Gil Coronado, of Texas, to be Director of Selective Service.

*Bernard Daniel Rostker, of Virginia, to be an Assistant Secretary of the Navy.

*Alan J. Dixon, of Illinois, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress.

*Alan J. Dixon, of Illinois, to be Chairman of the Defense Base Closure and Realignment Commission.

*Albert H. Nahmad, of Florida, to be a Member of the Board of Directors of the Panama Canal Commission.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be general

Lt. Gen. John J. Sheehan [redacted] U.S. Marine Corps.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William H. Forster [redacted] U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Otto J. Guenther [redacted] U.S. Army.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Daniel W. Christman [redacted] U.S. Army.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James E. Chambers [redacted] U.S. Air Force.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Gen. Robert L. Rutherford [redacted] U.S. Air Force.

The following-named officer for reappointment to the grade indicated while serving in a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, section 601, and to be appointed as Chief of Staff, U.S. Air Force under the provisions of title 10, United States Code, section 8033:

TO BE CHIEF OF STAFF, U.S. AIR FORCE

To be general

Gen. Ronald R. Fogleman [redacted] U.S. Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of September 26, October 3, and October 4, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 26, October 3 and 4, 1994, at the end of the Senate proceedings.)

*Lt. Gen. Daniel W. Christman, USA for reappointment to the grade of lieutenant general. (Reference No. 1581.)

*Gen. Ronald R. Fogleman, USAF to be Chief of Staff, U.S. Air Force and to be general. (Reference No. 1704.)

*Gen. Robert L. Rutherford, USAF for reappointment to the grade of general. (Reference No. 1705.)

*Lt. Gen. John J. Sheehan, USMC to be general. (Reference No. 1728.)

*Lt. Gen. James E. Chambers, USAF, to be placed on the retired list in the grade of lieutenant general. (Reference No. 1819.)

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Thomas O. Wildes). (Reference No. 1820.)

**In the Air Force Reserve there are 25 promotions to the grade of lieutenant colonel (list begins with Tommie S. Alsabrook). (Reference No. 1821.)

**In the Air Force there are 27 appointments to the grade of second lieutenant (list begins with Bret D. Anderson). (Reference No. 1822.)

**In the Army there is 1 promotion to the grades of major and lieutenant colonel (Brain M. McWilliams). (Reference No. 1823.)

**In the Air Force Reserve there are 917 promotions to the grade of lieutenant colonel (list begins with Francis L. Abad, Jr.). (Reference No. 1824.)

*Maj. Gen. Otto J. Guenther, USA to be lieutenant general. (Reference No. 1831.)

**In the Air Force Reserve there are 15 promotions to the grade of lieutenant colonel (list begins with Francis M. Anuclair). (Reference No. 1839.)

*In the Army there is 1 promotion to the grade of lieutenant colonel (Michael D. Furlong). (Reference No. 1840.)

**In the Army Reserve there are 85 promotions to the grade of colonel (list begins with Kristine Campbell). (Reference No. 1841.)

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Frederic James Hansen, of Oregon, to be Deputy Administrator of the Environmental Protection Agency.

D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of 2 years.

Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of 5 years.

Devra Lee Davis, of the District of Columbia, to be a Member of the Chemical and Hazard Investigation Board for a term of 5 years.

Kenneth Burton of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of 2 years.

Paul L. Hill, Jr., of West Virginia, to be a Member of the Chemical and Hazard Investigation Board for a term of 5 years.

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical and Hazard Investigation Board for a term of 5 years.

Anne Jeanette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Ms. MOSELEY-BRAUN, and Mr. WELLSTONE):

S. 2501. A bill entitled "Federal Prohibition of Female Genital Mutilation Act of 1994" to the Committee on the Judiciary.

By Mr. GLENN:

S. 2502. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio; to the Committee on Energy and Natural Resources.

By Mr. DURENBERGER (for himself, Mr. HARKIN, Mr. DOLE, Mr. MCCAIN, Mr. SIMON, Mrs. MURRAY, and Mr. JEFFORDS):

S. 2503. A bill to amend the Small Business Act to authorize small business concerns owned and controlled by individuals with disabilities to participate in business development programs established by that Act, and for other purposes; to the Committee on Small Business.

By Mr. METZENBAUM (for himself and Mr. SIMON):

S. 2504. A bill to extend the protections of Federal labor and civil rights laws to part-time, temporary, and leased employees, independent contractors, and other contingent workers, and to ensure equitable treatment of such workers; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 2505. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to exempt from preemption under such title certain provisions of the law of the State of Washington relating to health plans; to the Committee on Labor and Human Resources.

By Mr. JOHNSTON:

S. 2506. A bill entitled "Wetlands Regulatory Reform Act of 1995" to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 2507. A bill to amend the Federal Water Pollution Control Act to improve stormwater management, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PACKWOOD:

S. 2508. A bill to amend the fishing endorsement issued to a vessel owned by Ronnie C. Fisheries, Inc.; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2509. A bill to establish an American Heritage Areas Partnership Program in the Department of the Interior; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself and Mr. GRASSLEY):

S. Con. Res. 78. A concurrent resolution concerning the removal of military forces of the Russian Federation from the independent nation of Moldova; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. Con. Res. 79. A concurrent resolution recognizing Belleville, New Jersey, as the birthplace of the industrial revolution in the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Ms. MOSELEY-BRAUN, and Mr. WELLSTONE):

S. 2501. A bill entitled "Federal Prohibition of Female Genital Mutilation Act of 1994"; to the Committee on the Judiciary.

THE FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION ACT OF 1994

Mr. REID. Mr. President, last night when I went home about 9 o'clock, or thereabouts, I had a very pleasant evening. My two grandchildren from Nevada are here. One of the little girls is 4 years old and her sister is 2 years old. I called my wife this morning from my office and told her what a pleasant night I had last night, especially as I was falling asleep, listening to those two little girls in an adjoining bedroom talk and play. I went to bed with my 4-year-old granddaughter singing, "It's a Small, Small World." It is something I will always remember.

I mention that today, Mr. President, because the subject about which I am going to speak indirectly relates to my 4-year-old granddaughter, Ryan, and my 2-year-old granddaughter, Savannah.

Two weeks ago, I introduced a sense-of-the-Senate resolution condemning the cruel ritual practice of female genital mutilation, and commending the Government of Egypt for taking quick action against two men who performed this deed, this illegal act, on a 10-year-old girl in front of television cameras beamed across the world. This resolution passed on September 27 of this year.

At that time, I committed myself to continuing to talk about this issue and to informing my colleagues, my friends and my constituents of the dangers it poses to the physical and emotional health of young girls who undergo the procedure and the violation it constitutes against an individual's human rights.

I also indicated during my speech on the Senate floor that I would be introducing a bill to make the practice of female genital mutilation against the law in this country, the United States. I rise to do that today with two of my distinguished colleagues who are well known for their commitment to improving the lives of women and children, Senators WELLSTONE and MOSELEY-BRAUN.

Senator WELLSTONE and his wife Sheila have worked tirelessly—and I underscore that word—throughout his tenure in the Senate and even before he came to the U.S. Senate, as a college professor, to end domestic violence and to make homes a safer place for women, children and their families. Their efforts have resulted in the passage of the Child Safety Act which will provide funds for child safety centers across our great land for families with a history of violence. He also has worked on the Domestic Violence Firearm Prevention Act, which denies gun ownership to persons who have restraining orders against them for threatened abuse to a spouse or child in the family, and the Violence Reduction Training Act, which authorizes funds to train health care providers to identify and refer victims of domestic violence.

Senator MOSELEY-BRAUN, a graduate of one of our most distinguished law schools in the country, the University of Chicago, shares Senator WELLSTONE's commitment to our Nation's children and has successfully worked for uniform child support enforcement legislation. Perhaps her greatest achievement this session, though, is the school infrastructure title in the ESEA reauthorization bill, which we will be debating today. Because of her vision, our Nation's students will be able to count on safe classrooms and appropriate school facilities as they work to secure a successful future for themselves and, accordingly, for our Nation.

So I say, Mr. President, in introducing this legislation, no one has worked harder, fought harder than Senators MOSELEY-BRAUN and WELLSTONE to protect our children and provide them with the foundation that is so essential to growing into happy, healthy adults. I am pleased they have joined in addressing this issue which is so important to the well-being of children across the world.

Mr. President, it is estimated that up to 100 million young girls and women have been mutilated in ritual female genital mutilation as practiced in over 30 countries worldwide. This ritual is usually performed on young girls between the ages of 4 and 10 years of age. My little girl, my little 4-year-old granddaughter, would be, in some countries, subject to this mutilation. Excision and infibulation are the most common practices. Infibulation is practiced in many countries, and it entails the excision of all the female genitalia. The remaining tissue is stitched together, leaving only a small opening for urine and menstrual fluid. Sometimes their legs are strapped together for up to 2 weeks.

This practice has, of course, no medical justification for being performed on anyone, but especially healthy young girls and women and is usually performed with crude, unsterile instruments without anesthetic. The cauterizing material in many of the practices is ash out of the fireplace. The aftereffects of this act include shock, infection, emotional trauma, hemorrhaging, debilitating scarring, and, of course, infertility and, yes, death.

As immigrants from countries in which female genital mutilation is performed as a rite of passage have traveled to other nations, this practice, sadly, has traveled with them.

Following my statement a few weeks ago on the floor on this subject, I received a letter in my office from a woman in Woodland Hills, CA. She wrote to me to express her support for my efforts—now our efforts—to draw attention to this practice. One paragraph of her letter tells it all. It stunned me. It reads:

> When my gynecologist told me that a colleague of his in Los Angeles regularly performed this ritual legally, you could have taken my breath away.

What troubles me most about this reality is that it is most often performed on children, young girls under the age of 18, at an age at which a child cannot give consent. A child does not have the ability to consent or understand the significance and the consequence of this ritual, certainly what effect it will have on her life and health and certainly not on her dignity.

The United Kingdom, Sweden, and Switzerland have all passed legislation preventing female genital mutilation. France and Canada maintain that the practice violates already established statutes prohibiting bodily mutilation and have taken action against this practice. The United States should also move to take the responsibility of abolishing this practice within the borders of our country.

The legislation introduced today will do exactly that, by outlawing the practice of female genital mutilation in the United States on young women and girls under the age of 18.

Eradication of this procedure will require more than just outlawing its practice. It will also require educating immigrant communities about the physical and psychological health effects of such a practice.

This legislation will give authority to the Deputy Assistant Secretary for Women's Health and the Deputy Assistant Secretary for Minority Health to design and implement outreach activities and educational programs in cooperation with representatives of various ethnic groups practicing this mutilation to educate individuals that it is wrong.

This legislation will also direct the Secretary of Health and Human Services to develop recommendations for the education of medical students in the treatment of women who have undergone this procedure and the complications arising from this mutilation.

In a special article for the New England Journal of Medicine, entitled "Female Circumcision as a Public Health Issue," Dr. Nahid Toubia explains the importance of education for health professionals on the implications of female genital mutilation. He states:

> Under the conditions in which most procedures take place, female (genital mutilation) constitutes a health hazard with short-term and long-term physical complications and psychological effects. The influx of refugees and immigrants from different parts of Africa to North America, Europe, and Australia in the past decade requires that physicians and other health professionals familiarize themselves with the practice and its ramifications for their patients.

This ritual practice is difficult for me to talk about, but ignoring this issue because of the discomfort it causes us does nothing but perpetuate the silent acquiescence to its practice. Some women around the world are standing up against tremendous pressure and defiance to fight for the health and dignity of their friends, sisters, mothers and daughters. We must do the same in our country. We must protect innocent young girls living in this country and abolish this practice. We must use education as our strongest weapon against its perpetuation. We must continue to talk about it until its end is reached.

The three of us rise today recognizing that this legislation is not going to pass this year, but the reason I introduced my colleagues and told about their accomplishments legislatively is to let the world know we are going to continue working on this until this legislation passes. I am going to do it for my grandchildren. I am going to do it for the children of this world. It is one of the most important things about which we can be engaged. It is all about human dignity.

I yield now to my colleague from Minnesota for whatever time he may consume.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. I thank my colleague. I say to my distinguished colleague from Illinois, Ms. MOSELEY-BRAUN, that I will be very brief.

I honestly feel that Senator REID has more than covered the ground. To me, this mutilation is an horrific form of child abuse, and it is a human rights violation. We should absolutely make sure it is abolished in our country. Our country should take the lead.

I also think, Mr. President, I say to Senator REID and Senator MOSELEY-BRAUN, we as a nation should be very active in the United Nations on this issue as well.

Mr. President, first of all, I wish to kind of talk about my personal connection to this issue and why I share Senator REID's absolute determination to make sure that we pass this legislation. This is not symbolic. We are not just introducing the bill at the end of this session and it just sort of fades away, never to be seen or heard about again. We are going to make sure this bill becomes the law of the land in the next Congress.

First of all, I thank Senator REID. When he first spoke about this absolutely horrible form of child abuse and basic violation of human rights—and in many, many cases we are talking about young girls—I happened to be in the Chamber, and I just listened to him. As you know, Mr. President, we become so used to seeing Senators out in the Chamber speaking, and then we rush to committee meetings or whatever else. We almost sometimes do not even hear the words. I just stopped and came back and sat and listened. I thank Senator REID for his personal commitment on this issue. This is inside of his heart. It is very, very clear. He is, as my kids would say, on fire on this issue. I just think that there is no question in my mind that none of us are going to rest until we make sure that this bill becomes the law of the land.

Second, I would like to thank Abe Rosenthal, the other person who has brought my attention to this. Mr. Rosenthal, a columnist for the New York Times, has been so strong in his writing about this. I think he is somewhat of a model conscience for our country and the world on this issue.

Finally, Mr. President, let me just simply say that as a man, as a father, as a husband with two sons and one daughter, and also as a grandfather,

with one granddaughter, I feel the same way about this. I do not even like to think about what the statistics mean in personal terms. I cannot even imagine such a cruel practice taking place. I really believe that this is a basic human rights issue.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEMALE GENITAL MUTILATION ACT OF 1994

This bill will make it illegal to perform the procedures of FGM on persons younger than 18 years punishable by a fine or imprisonment for up to 5 years.

The procedures will not be considered a violation if it is necessary for the health of the person and is performed by medical professionals. Also, it will not be considered a violation if it is performed on person in labor or just given birth.

Under this bill it will be illegal to discriminate and to deny medical services to any person who has undergone FGM procedures, or to persons who have requested that the procedures be performed on another. Violation equals fine and/or imprisonment up to 1 year.

The bill calls for the compilation of data on the number of females in U.S. who have subjected to FGM (whether done inside or outside of U.S.), and a breakdown of number of girls under 18.

The bill requires the Secretary of HHS to identify communities in U.S. which practice FGM and design and implement outreach activities to inform people of the physical and psychological health effects. This is to be done in collaboration with representatives of ethnic groups, and representatives of organizations which have expertise in prevention of FGM.

The bill requires the Secretary of HHS to develop recommendations for educating students in medical schools on FGM.

Female genital mutilation is a horrific form of child abuse as well as a human rights violation which should be explicitly outlawed in the United States.

Even the "mildest" form of FGM, the clitoridectomy, is the anatomical equivalent to amputation of the penis.

Though the extent of the problem in the U.S. is unclear, we should join with other nations such as The United Kingdom and Sweden in setting an example for the world by enacting legislation which explicitly prohibits FGM. One section of the bill calls for the collection of data which will provide us with the numbers we need to determine how widespread the problem is. [See U.S. examples as shown in background information below.]

For most of us, it is difficult to discuss this issue and to acknowledge that this form of child abuse could take place in our communities—in a nation which considers itself civilized. The passage of this act will send a clear message, especially to our immigrant communities, that it will be illegal for any child or young woman, regardless of cultural tradition, to be subjected to the torture of FGM.

I urge my colleagues to support this important and necessary bill.

BACKGROUND INFORMATION

Definitions.—Female genital mutilation (FGM) includes: clitoridectomies and infibulation. Clitoridectomies: removal of part of the clitoris or the whole organ. Infibulation: removal of the clitoris and labia minora, plus incision of labia majora, which is then stitched to cover the urethra and entrance to the vagina (a very small opening is left to pass urine and menstrual blood).

Clitoridectomy (the mildest type of FGM) is the anatomical equivalent to amputation of the penis.

Estimates range from 80 to 100 million women in over 30 countries have been subjected to FGM.

Extent of FGM in United States is unknown, however health care workers are seeing an increasing number of immigrants who have been subjected to the procedures. Examples: Somali refugees have offered to pay doctors up to $3,000 to perform the procedure on their daughters. In 1986, an African-born nurse, living in Atlanta, was charged with child abuse because of a botched clitoridectomy performed on her 3-year old niece. (Source: U.S. News & World Report, Feb. 7, 1994).

According to the World Health Organization (May 1993) complications of FGM include the following: Immediate risks are death (hemorrhage); shock (servere pain); infertility; tetanus; infection; HIV infection from tools used. Long-term effects include general health & reproductive problems—urinary tract infections; coital difficulty; cysts & abscesses; severe scar formations; difficulty voiding; difficulties with menstruation. Problems with childbirth include double the risk of maternal death; several times increased risk of stillbirth; increased risk of hemorrhage and infection.

Laws and initiatives of other countries/organizations: World Health Assembly (May 1993) adopted a resolution which highlighted the elimination of "harmful traditional practices and other social and behavioral obstacles affecting the health of women, children and adolescents . . . [including] female genital mutilation." Sweden, 1982, passed a law which prohibits all forms of FMG. United Kingdom passed a smilar law in 1985. France has not passed an specific law prohibiting FGM, however, several cases have been brought against parents for having the procedure performed or intending to do so, on their French-born daughters. These cases were established a precedent for the illegality of FGM, and were tried under child-abuse laws. The Netherlands and Belgium have made it clear that the practice is illegal. (Source: New England Journal of Medicine, Sept. 15, 1994).

Mr. WELLSTONE. I thank my colleague, Senator REID, from Nevada, and I would like to thank Senator MOSELEY-BRAUN. I look forward to working with the Senators on this to make sure that in fact we are successful in the next Congress.

Mr. REID. Mr. President, I yield whatever time the Senator from Illinois may consume.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois [Ms. MOSELEY-BRAUN].

Ms. MOSELEY-BRAUN. Mr. President, at the outset, I wish to thank and commend my colleague, the Senator from Nevada, for his initiative in this area. This issue of femald genital mutilation is an important child abuse issue. It is an important women's issue. But most significantly, it is an important human rights issue. As my colleagues have spoken to the point, this is not just a matter of difference in cultural points of view. This really goes to a public health concern, a concern for human rights that I think as Amerians we all share.

Mr. President, circumcision is a procedure with a long history. It is a common, accepted practice in the United States for babies to be circumcised. The Jewish religion has even made circumcision a religious ceremony. It is quick, relatively painless, and without long-term consequences—for men.

For women, however, circumcision is another matter altogether. The procedure known as female circumcision is not at all benign. It is mutilation.

Eighty million women worldwide have been mutilated by being subjected to female circumcision. This practice is most widely seen in Eastern and Western Africa and some Middle Eastern countries. In Mali, Sierra Leone, Somalia, and parts of Ethiopia and northern Sudan, nearly all women are circumcised.

Even the United States is not immune to this phenomenon. Tragically, we are seeing more and more genital mutilation as communities from African countries immigrate to this country.

That is why I am so pleased to be introducing this legislation with Senator REID and Senator WELLSTONE to halt this practice in the United States.

Female circumcision has been associated with the Moslem religion, but nowhere in Islamic scripture is it required. Nor is it practiced in Saudi Arabia, the cradle of Islam. Historically, the procedure dates back before the rise of the Moslem religion to the times of the Pharaoh in Egypt.

In countries where the practice is not universal, female genital mutilation is more common among poor, uneducated women, and it is inextricably tied to the status of women in the community.

In these societies, women who have not been circumcised are considered unclean, and unmarriageable. In communities where the only role for a woman is to be married and have children, the fear of being labeled unmarriageable is enormous and real.

Ironically, that is why women are the strongest supporters of this practice. It is the older women who know best about how an uncircumcised woman in a traditional village will be treated.

Girls are taught that with circumcision, they enter womanhood. Mothers encourage the mutilation because they want their daughters to marry—because marriage is the only access to a meal ticket. And men support the custom because a woman who is circumcised is chaste. In short, circumcision is a passport into the only role that women can play.

As a woman and a mother, I am outraged, because I can't imagine leading a child to this kind of torture.

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I want to raise awareness of this practice. This is mutilation of otherwise healthy women, pure and simple. We must work together to stop teaching girls that undergoing this kind of butchery is essential to their future.

Mr. President, there are very serious health risks associated with the practice of female genital mutilation that do not exist with male circumcision.

This practice is most often performed by midwives or other women elders with little or no medical training. It is performed without anesthetic or sanitary tools. Often, the cut is made with a razor blade or a piece of glass.

The New England Journal of Medicine has examined female genital mutilation as a public health issue. They report that women often hemorrhage after the cutting. Prolonged bleeding may lead to severe anemia. Urinary tract infections and pelvic infections are common. Sometimes, cysts form in the scar tissue. The mutilation can also lead to infertility.

At childbirth, circumcised women have double the risk of maternal death, and the risk of a stillbirth increases severalfold.

And because the cutting is performed without sanitary tools, female genital mutilation has become a means of spreading the HIV virus.

There are no records of how many girls die as a result of this practice.

Mr. President, Sweden, Britain, the Netherlands, and Belgium have outlawed this practice. In France, it is considered child abuse.

I think we can do as well here at home in the United States.

Last year, the World Health Organization adopted a resolution on maternal child health and family planning for health sponsored by Guinea, Kenya, Nigeria, Togo, Zambia, and Lebanon that highlights the importance of eliminating harmful traditional practices, including female genital mutilation, affecting the health of women, children, and adolescents.

Banning this practice in the United States is just the first step toward eradicating it. Girls must be taught that they will have opportunities, both in marriage and outside the home, if they are not mutilated. Mothers must believe that their daughters will have a place in the community if they are not circumcised. And men must be taught that the terrible health risks involved with the procedure far outweigh their belief that a circumcised woman is a virgin bride.

I want to commend the Inter-African Committee on Traditional Practices affecting the health of women and children, for their work in Africa over the last 10 years to educate women so that this practice can be abolished. It will take much more than government statements against the procedure to eradicate the tradition.

I also wish to acknowledge Americans who have spoken out against this procedure, including Gloria Steinem, Alice Walker, A.M. Rosenthal of the New York Times, ABC's "Day One."

Mr. President, no woman, anywhere, should have to undergo this kind of mutilation, not to get a husband, not to put food on the table, not for any reason. Female circumcision is, in the final analysis, about treating women as something less than people. It must be stopped. It has no place in today's world.

It certainly has no place here in the United States.

Mr. President, I think it is fair to say that the leadership of the Senator from Nevada in this area has been very important in bringing this issue to the attention of the American people and bringing this issue to the attention of this legislative body so that we can make a definitive statement as the Congress of the United States that female genital mutilation has no place in this country and that we are intent and will see to it that it is banned.

By Mr. GLENN:

S. 2502. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio; to the Committee on Energy and Natural Resources.

OHIO HYDROELECTRIC PROJECT LEGISLATION

• Mr. GLENN. Mr. President, I am introducing a bill to extend the time limitation on an already issued Federal Energy Regulatory Commission [FERC] license for the Summit Pumped Energy Storage Project in Norton, OH. Legislation authorizing the FERC to grant this extension has been introduced in the House by Congressman SAWYER.

Upon completion of environmental, engineering, and other project review, the FERC issued a license to Summit Energy Storage, Inc., for the Summit Pumped Storage Hydropower Project. The 1,500 megawatt Summit project, to be located in Summit and Medina Counties, OH, will generate an estimated maximum 3,900 gigawatt-hours of electricity per year.

In addition, this project will create thousands of man-years worth of construction jobs in the area. Other benefits for the region include tax revenue and economic growth in the short term and for the future.

Section 13 of the Federal Power Act prescribes the time limits for commencement of construction of a hydropower project once FERC has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the initial 2-year deadline. FERC has extended the Summit Project's construction commencement deadline for the one permissible 2-year period, setting the current deadline of April 11, 1995. The bills introduced by Congressman SAWYER and me would grant FERC authority to extend the commencement of construction deadline for up to 6 additional years.

Mr. President, I urge the enactment of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2502

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (FERC) project numbered 9423, the Federal Energy Regulatory Commission may, upon the request of the licensee for such project, in accordance with the good faith, due diligence, and public interest requirements of such section and the Commission's procedures under such section, extend the time period during which such licensee is required to commence the construction of such project for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for the construction of the project described in subsection (a) that was issued before the date of enactment of this section by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806).•

By Mr. DURENBERGER (for himself, Mr. HARKIN, Mr. DOLE, Mr. MCCAIN, Mr. SIMON, Mrs. MURRAY, and Mr. JEFFORDS):

S. 2503. A bill to amend the Small Business Act to authorize small business concerns owned and controlled by individuals with disabilities to participate in business development programs established by that act, and for other purposes; to the Committee on Small Business.

THE AMERICANS WITH DISABILITIES BUSINESS DEVELOPMENT ACT OF 1994

Mr. DURENBERGER. Mr. President, when Congress passed the Americans With Disabilities Act [ADA], a long-overdue step was taken to empower individuals who had for years, faced unfair discrimination and prejudice simply on the basis of a disability. The intent of the ADA is to allow people with disabilities to participate fully in all aspects of society. Unfortunately, one area in which individuals with disabilities have experienced inequality is in gaining the opportunity to own, operate, and manage a business.

Today I am introducing the Americans With Disabilities Business Development Act, a bill which would allow people with disabilities to compete for contracts and capital under the Small Business Administration's [SBA] 8(a) and 8(c) minority enterprise programs.

I want to thank my distinguished colleagues—Mr. HARKIN, Mr. DOLE, Mr. MCCAIN, Mr. SIMON, Mrs. MURRAY, and Mr. JEFFORDS—who have joined in cosponsoring this bill.

Mr. President, individuals with disabilities have historically experienced difficulty obtaining employment. Moreover, they have not had the same opportunities and financial support as others in society, to own and operate their own businesses. While the ADA prevents most employers from discriminating on the basis of disability, it does not provide financial support to business entrepreneurs who happen to have a disability.

The Small Business Act established the 8(a) and 8(c) programs, in part, to foster business ownership by individuals who are both economically and socially disadvantaged. By entering into contracts with Government agencies and departments for supply, service, construction, and research development, the SBA is able to offer subcontracts to 8(a) and 8(c) businesses. This not only maintains the viability to competitive, minority held businesses, but also works to eliminate the doubts which non-Government contractors may have in negotiating with minority enterprises.

The criteria for participation in the 8(a) and 8(c) programs are not clearly specified in law or regulations. By definition, members of racial or ethnic minorities are held to be "socially and economically disadvantaged." Although the ADA found that individuals with disabilities have suffered a history of unequal treatment, unfair discrimination and prejudices, the ambiguity in the SBA guidelines forces those with a disability to individually prove their "social and economic disadvantage." This is something that a disabled person should not have to do.

Mr. President, this legislation is another step toward affording individuals with disabilities the same opportunities that we all enjoy. I would urge my colleagues on both sides of the aisle to support the Americans With Disabilities Business Development Act and promote the long term vitality of the disabled entrepreneurs.

I ask unanimous consent that the text of the Americans With Disabilities Business Development Act be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2503

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 "Americans with Disabilities Business Development Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(i) The Congress finds that—

"(1) approximately 43,000,000 Americans have 1 or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;

"(2) census data, national polls, and other studies have documented that individuals with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

"(3) individuals with severe disabilities have faced many of the same discriminatory obstacles in developing small businesses as have groups previously recognized as 'socially and economically disadvantaged' under the Small Business Act;

"(4) the Nation's proper goals regarding individuals with severe disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

"(5) these goals can be advanced by providing the maximum practicable opportunities for the growth and development of small business concerns owned and controlled by individuals with severe disabilities.".

(b) PURPOSES.—The purposes of this Act are—

(1) to assist the legitimate business interests of small business concerns owned and controlled by individuals with severe disabilities;

(2) to permit small business concerns owned and controlled by individuals with severe disabilities to participate in business development programs established by the Small Business Act; and

(3) to eliminate, insofar as possible, discrimination against individuals with severe disabilities in obtaining capital and other production assistance.

SEC. 3. DEFINITIONS.

Section 3(f) of the Small Business Act (15 U.S.C. 632(f)) is amended to read as follows:

"(f) SEVERE DISABILITY.—For purposes of this Act, unless otherwise specifically provided, the term 'severe disability' shall, have the meaning given such term, by regulation, by the Administration.".

SEC. 4. AMERICANS WITH DISABILITIES.

(a) POLICY STATEMENT.—Section 2(f)(1)(C) of the Small Business Act (15 U.S.C. 631(f)(1)(C)) is amended by inserting "Americans with severe disabilities," after "Asian Pacific Americans,".

(b) SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM.—Section 8(a)(5) of the Small Business Act (15 U.S.C. 637(a)(5)) is amended by adding at the end the following new sentence: "For the purposes of this subsection, individuals with severe disabilities shall be considered to be socially disadvantaged individuals.".

(c) CONTRACT CLAUSE.—The contract clause contained in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 631(d)(3)) is amended in the last sentence by inserting "Americans with severe disabilities." after "Asian Pacific Americans,".

SEC. 5. TECHNICAL AMENDMENTS TO SMALL BUSINESS ACT.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 3(e)—

(A) by striking "the handicapped" and inserting "individuals with severe disabilities"; and

(B) by striking "handicapped individuals" each place such term appears and inserting "individuals with severe disabilities";

(2) in section 7(a)(10)—

(A) by striking "the handicapped" and inserting "individuals with severe disabilities"; and

(B) by striking "handicapped individual" and inserting "individual with severe disabilities"; and

(3) in subsection 7(h)—

(A) by striking "handicapped individuals" and inserting "individuals with severe disabilities";

(B) by striking "handicapped individual" and inserting "individual with severe disabilities"; and

(C) by striking paragraph (3).

Mr. HARKIN. Mr. President, I rise today in strong support of the Americans With Disabilities Business Development Act of 1994, which I am proud to cosponsor along with Senators DURENBERGER, DOLE, MCCAIN, SIMON, MURRAY, and JEFFORDS.

I particularly want to thank Senator DURENBERGER for his tireless efforts on this and other legislation to enhance opportunities for individuals with disabilities. As the ranking member on the Senate Subcommittee on Disability Policy of the Committee on Labor and Human Resources, Senator DURENBERGER has been a great advocate and good friend to the disability community.

As a member of the Senate Committee on Small Business and as chairman of the Subcommittee on Disability Policy, I have long been concerned that persons with disabilities have an inordinate amount of difficulty in meeting the Small Business Administration's criteria for socially and economically disadvantaged persons and, thus, are unable to access the section 8(a) program even though they are clearly among those Congress intended to benefit from the program.

Over the past several years, I have seen many examples of the systematic exclusion of persons with disabilities from the economic marketplace. The American With Disabilities Act was passed in an effort to eliminate this exclusion. The SBA plays a critical role in this effort by providing persons with disabilities with the means to gain their rightful place in the economic mainstream of society though small business ownership.

This bill would amend the Small Business Act to include persons with severe disabilities as one of the groups presumed to be socially disadvantaged for purposes of eligibility for the section 8(a) program. It is critical that persons with disabilities have access to programs that encourage small business ownership and that unfair barriers faced by persons with disabilities in SBA programs be eliminated.

By creating opportunities for would-be small business owners with disabilities, this legislation will advance the ADA's goals of independence, inclusion, and empowerment for all Americans with disabilities.

By Mr. METZENBAUM (for himself and Mr. SIMON):

S. 2504. A bill to extend the protections of Federal labor and civil rights laws to part-time, temporary, and leased employees, independent contractors, and other contingent workers, and to ensure equitable treatment of

such workers; to the Committee on Labor and Human Resources.

THE CONTINGENT WORKFORCE EQUITY ACT

• Mr. METZENBAUM. Mr. President, I introduce the Contingent Workforce Equity Act. As more and more employers replace full-time positions with part-time, temporary, and other contingent jobs, a growing number of American workers find themselves relegated to second-class status in our work force. This comprehensive legislation ensures that contingent workers—who now account for over a quarter of the work force—have the same rights and protections under our Federal labor laws as full-time workers. In short, their work may be contingent, but their rights shouldn't be.

Corporate America has always supplemented full-time employees with part-time and temporary workers to meet increases in demand for their products or services. In recent years, however, many U.S. businesses have been hiring part-time, temporary, and other contingent workers to replace full-time workers. Their aim is to cut labor and health care costs.

For example, last year, after earning a record $1.5 billion in profits, Bank of America fired thousands of full-time bank tellers and loan officers and rehired them as part-timers. This simple reclassification allowed the company to cut workers' paychecks in half and eliminate their health, pension, and vacation benefits altogether.

Unfortunately, it's not just Bank of America. In fact, the largest U.S. employer today is not GM, nor IBM, but Manpower, Inc., a temporary services firm that sent out 640,000 temporary workers to run America's businesses. In the last 10 years, the temporary help industry has grown more than 10 times faster than the work force as a whole. And these workers are not just performing secretarial duties any more: They are being sent to companies like electronics manufacturer Robertshaw Controls, which opened a Michigan factory last year staffed entirely with temporary hires from Manpower.

Today, the contingent work force is 34 million strong, and growing. Some say contingent workers may outnumber full-time workers by the end of the decade.

Of course, some contingent workers want the flexibility of part-time or temporary work. But there are millions of American workers who need full-time work to make ends meet, but who are stuck in the contingent work force because they can't find a full-time job. In the part-time sector alone, there are over 6 million workers who would prefer full-time employment. And even those who want contingent work still deserve fair wages and decent treatment.

But the profile of the contingent worker paints a grim picture. For example, part-time workers earn, on average, 62 cents for every dollar earned by full-time workers, leaving many of their families below the poverty line. Sixty-five percent of full-time workers have employer-provided health care benefits, as compared to only 15 percent of part-time workers. Nearly half of all full-time workers get pension benefits from their employer, as compared to only 10 percent of part-time workers.

State employment laws leave many contingent workers out in the cold. For example, millions of contingent workers find themselves excluded from workers' comp when they are injured on the job. In addition, the majority of States exclude independent contractors and part-time workers from their unemployment insurance program.

As employers, many State and local governments have contributed to the problem, by subcontracting public services to private firms that pay contingent workers low wages and no benefits. At the Citadel in South Carolina, for example, food service workers were treated for years as public sector employees, earning good wages with benefits. Then the State-owned school contracted out the food-service operation to ARA Services, which hired the same workers to do the same jobs for lower wages and no benefits. Recently, the NLRB refused to let the workers organize to bargain with ARA, finding that the Citadel still controls their wages.

A broad patchwork of Federal labor laws provides American workers with a safety net of minimum protections. These protections extend to wages, benefits, working conditions, equal employment opportunity, and other aspects of the employment relationship. But Congress wrote these laws with full-time workers in mind, and millions of contingent workers are slipping through the safety net.

For example, Patricia Knight was an Indiana insurance agent who was, for all practical purposes, an employee of an insurance company. Her supervisor subjected her to continuous sexual harassment, imposed different performance standards than those imposed on male agents, and discharged her when she tried to assert her rights. A Federal judge found substantial evidence of sexual harassment, but dismissed Knight's case because she was deemed an independent contractor not covered by Federal civil rights laws.

Katy Broughton was hired through Kelly Temp Services to work at a Mitchellace shoelace plant in Portsmouth, OH. She was paid minimum wage with no benefits, performing production jobs alongside Mitchellace's direct hires, who, were paid $7 an hour with benefits. After working there 2½ years, her assignment was hardly temporary. Nevertheless, when she and others tried to organize the plant to improve conditions, the NLRB denied her the opportunity to organize with the other workers because of her temporary status. The day after the union election, she was fired.

Jimmie Ruth Daughtrey had worked for Honeywell Corp. as a computer programmer for 7 years when the company eliminated her job. Shortly thereafter, Honeywell rehired her as an independent contractor—performing the same job, but without health care, pension, or other benefits. When Honeywell later terminated Daughtrey and other older workers, she filed suit under the Age Discrimination in Employment Act, but her case was dismissed because she was deemed a consultant rather than an employee covered by the act.

Millions of contingent workers are similarly excluded from the protections of other Federal labor laws such as Family and Medical Leave, Occupational Safety and Health, Worker Adjustment and Retraining Notification, and ERISA. In many cases, employers have deliberately modified their employment practices to escape their obligations under these laws. For example, every year U.S. employers misclassify millions of employees as independent contractors in order to avoid their obligations under Social Security, workers' comp, and unemployment insurance laws. As more and more employers transform their work forces from full time to contingent, more and more American workers are left unprotected by Federal labor laws.

The Federal Government, like State and local governments, has contributed to the problem as an employer. Last year, we mourned the loss of James Hudson, who passed away after having held his temporary caretaker job at the Lincoln Memorial for 8 years. Similarly, this summer one of my staff met a U.S. Park Service Ranger in Colorado who has held a temporary position, without benefits, for 10 years. All told, there are more than 450,000 Federal workers employed in temporary and part-time positions without benefits.

The legislation I am introducing today extends Federal labor law protections to contingent workers. By closing these legal loopholes, the bill will also dissuade employers from eliminating full-time jobs in an effort to escape their obligations under these laws. Contingent workers work hard, pay taxes, and deserve more than to be treated like second-class citizens. We can no longer afford to turn our backs on these workers.

Ultimately, this trend may force us to rethink many of our traditional assumptions about work, training, pensions, unemployment insurance, and a host of other issues. We need a high-wage, high productivity strategy to ensure U.S. competitiveness into the next century. But the increasing use of contingent labor—a central feature of a low-wage strategy—takes us in the opposite direction. It devalues workers,

and breaks the bonds that have traditionally linked workers and employers, a critical component of a high-productivity workplace.

In fact, this trend may pose a substantial risk to the free enterprise system as a whole, because these workers will no longer be able to purchase the very products they are making, to buy a car or afford a mortgage, or to contribute much to the economy. In addition, the more contingent our work force becomes, the more dependent workers will be on Government programs for health care, for retirement income, and for their very survival.

These are deeply troubling issues, and we must begin to address them. In the meantime, the Contingent Workforce Equity Act will end the second-class treatment of our Nation's part-time, temporary, and leased employees. As my colleagues know, I will be retiring at the end of this session, but I hope that this legislation will be reintroduced in the next Congress. America's hard working men and women deserve nothing less.

I ask unanimous consent that a summary appear in the RECORD together with the full text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2504

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 "Contingent Workforce Equity Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of part-time, temporary, leased, and other contingent workers is increasing in numbers and as a percentage of the workforce as a whole;

(2) Federal personnel practices have contributed to the increasing use of contingent workers;

(3) on average, contingent workers earn substantially less than full-time workers and are less likely to receive employer-provided health, pension, or other basic benefits;

(4) many contingent workers are excluded from coverage under State unemployment insurance laws;

(5) many contingent workers are excluded from the basic worker protections of Federal labor and civil rights laws;

(6) many employers misclassify their employees as independent contractors to avoid the requirements of social security, unemployment insurance, workers' compensation, and other laws; and

(7) contingent workers are entitled to fair wages and benefits, protections under Federal labor and civil rights laws, and coverage under State unemployment insurance laws, where feasible.

(b) PURPOSES.—The purposes of this Act are to—

(1) discourage employers from replacing full-time positions with part-time, temporary, or other contingent positions as a means of lowering labor costs or avoiding the requirements of Federal or State employment or employment-related laws;

(2) extend the protections of Federal labor and civil rights laws to contingent workers; and

(3) extend coverage under State unemployment insurance laws to contingent workers, where feasible.

TITLE I—WORKER PROTECTIONS

SEC. 101. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section—

"(A) not less than—

"(i) $4.25 an hour during the period ending on December 31, 1994;

"(ii) $4.85 an hour during the year beginning on January 1, 1995;

"(iii) $5.55 an hour during the year beginning January 1, 1996;

"(iv) $6.20 an hour during the year beginning January 1, 1997; and

"(v) $6.75 an hour during the year beginning January 1, 1998; and

"(B) with respect to the year beginning on January 1, 1999, and each such succeeding year, not less than the amount applicable under clause (v) of subparagraph adjusted on October 1 of the previous year to equal 50 percent of the monthly average hourly earnings for nonfarm, nonsupervisory private workers for the preceding 12 months, as determined by the Bureau of Labor Statistics, rounded to the nearest multiple of $0.05, except that any amount determined under this subparagraph shall not be less than the amount applicable under this paragraph for the preceding year;".

SEC. 102. EQUAL PAY.

Section 6 of the Fair Labor Standards Act (29 U.S.C. 206) is amended by adding at the end thereof the following:

"(g)(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of employment status by paying wages to part-time or temporary employees in such establishment at a rate less than the rate at which the employer pays wages to full-time employees in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to—

"(A) a seniority system;

"(B) a merit system;

"(C) a system that measures earnings by quantity or quality of production; or

"(D) a differential based on any other factor other than employment status.

An employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

"(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1).

"(3) For purposes of administration and enforcement, any amounts owing to any employee that have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

"(4) As used in this subsection, the term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.".

SEC. 103. CIVIL RIGHTS.

Section 1977(a) of the Revised Statutes (42 U.S.C. 1981(a)) is amended to read as follows:

"(a)(1) All persons within the jurisdiction of the United States shall have the right in every State and Territory—

"(A) to make and enforce contracts free from unlawful discrimination based on race, color, religion, sex, national origin, age, or disability; and

"(B) to sue, be parties, give evidence, and to be subject to punishment, pains, penalties, taxes, licenses, and exactions, free from such unlawful discrimination.

"(2) For purposes of determining the existence of unlawful discrimination under paragraph (1)—

"(A) in the case of a claim of unlawful discrimination based on race, color, religion, sex, or national origin, the same legal standards shall apply as are applicable under title VII of the Civil Rights Act of 1964 (42 U.S.C. 20000e et seq.);

"(B) in the case of a claim of unlawful discrimination based on age, the same legal standards shall apply as are applicable under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

"(C) in the case of a claim of unlawful discrimination based on disability, the same legal standards shall apply as are applicable under the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).".

SEC. 104. COLLECTIVE BARGAINING RIGHTS.

(a) DETERMINATION OF BARGAINING UNITS.—Section 9(b) of the National Labor Relations Act (29 U.S.C. 159(b)) is amended—

(1) by striking "; or (2)" and inserting "or"; and

(2) by striking "or (3)" and inserting "; (3) decide that an employee shall be excluded from a unit otherwise appropriate for the purposes of collective bargaining based on the employee's part-time or temporary status, if such employee (A) has a reasonable expectation of continued employment; and (B) is employed by the employer on the date on which eligibility for participation in a representation election is determined and on the date of the election; or (4)".

(b) JOINT EMPLOYER STATUS.—Section 2(3) of the National Labor Relations Act (29 U.S.C. 152(3)) is amended by adding at the end thereof the following: "An individual employed by a contractor of an employer shall be considered an employee of the employer if the individual is assigned on a regular basis to perform work on the premises of the employer, and the tasks performed by such individual are functionally integrated with the operations of the employer.".

SEC. 105. OCCUPATIONAL SAFETY AND HEALTH.

Section 5(a)(1) of the Occupational Safety and Health Act (29 U.S.C. 654(a)(1)) is amended to read as follows:

"(1) shall furnish employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees of the employer or to individuals who are employed by another employer and are performing services at such place of employment;".

SEC. 106. ADVANCE NOTICE OF LAYOFFS AND PLANT CLOSINGS.

Section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended—

(1) in subsection (a)—

(A) in paragraph (1), to read as follows:

"(1) the term 'employer' means any business enterprise that employs 100 or more employees;";

(B) in paragraph (2), by striking "excluding any part-time employees";

(C) in paragraph (3), by striking "(excluding any part-time employees)" each place such term appears; and

(D) by striking paragraph (8); and

(2) in subsection (b)(1), by striking "(other than a part-time employee)".

SEC. 107. CONTINGENT WORKFORCE SURVEY.

The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics, shall establish and carry out an annual survey identifying—

(1) the characteristics of temporary workers in the United States;

(2) the relationship between such workers and the establishments at which such workers are temporarily employed; and

(3) where appropriate, the relationship between such workers and their permanent employers.

SEC. 108. FEDERAL SERVICE CONTRACT SUCCESSORSHIP.

Section 4(c) of the Service Contract Act of 1965 (41 U.S.C. 353(c)) is amended—

(1) by striking "(c) No" and inserting "(c)(1) No"; and

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

"(2)(A) Except as provided in subparagraph (B), a contractor under a successor contract (under which substantially the same services are performed) shall, in good faith, provide a right of first refusal of employment under that contract to each employee employed under the predecessor contract. If, under the successor contract, the number of employees to be employed is less than the number of employees employed under the predecessor contract, the contractor shall provide such right to the employees on the basis of seniority.

"(B) Notwithstanding the requirements of subparagraph (A), a contractor shall not be required to provide a right of first refusal of employment to an employee employed under the predecessor contract if—

"(i) the contractor reasonably believes, based on the past performance of the employee under the predecessor contract, that the employee is unable to perform the work suitably under the successor contract; or

"(ii) if such action would require the contractor to lay off or discharge an employee who has worked continuously for the contractor for not less than the 60-day period immediately preceding the commencement of the successor contract.

"(C) A contractor satisfies the requirement under subparagraph (A) to provide employees under the predecessor contract with a right of first refusal of employment under a successor contract on the basis of seniority if the contractor provides such right first to the most senior employees and then to the other employees on the basis of descending order of seniority until all of the positions of employment are filled or all employees under the predecessor contract have exercised the right, whichever occurs first. Seniority shall be determined on the basis of length of service under the predecessor contract and each contract, if any, that preceded the predecessor contract.

"(D) In subparagraph (A), the term 'contractor', with respect to a successor contract, includes a subcontractor performing the obligations of the contractor under such contract.

"(3) The Secretary shall issue an order against any contractor or subcontractor under a successor contract who fails to hire an individual in accordance with this subsection. The order shall require the contractor or subcontractor to hire any individual whom the contractor or subcontractor has unlawfully failed to hire and to compensate the individual for any wages and fringe benefits that the individual would have received if the individual would have been hired by the contractor or subcontractor. Any amount that the Secretary determines is owed to an individual by a contractor or subcontractor under this paragraph may be withheld from any accrued payment due on the successor contract or any other contact between the contractor and the Federal Government.

"(5)(A) This subsection shall not apply to contracts awarded pursuant to the Javits-Wagner-O'Day Act, or under which services are provided to the Federal Government on an intermittent basis.

"(B) In subparagraph (A), the term 'Javits-Wagner-O'Day Act' means the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (41 U.S.C. 46–48c), commonly referred to as the Wagner-O'Day Act, that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), commonly referred to as the Javits-Wagner-O'Day Act.".

TITLE II—EMPLOYEE BENEFITS

SEC. 201. FAMILY AND MEDICAL LEAVE.

Section 101(2)(A) of the Family and Medical Leave Act (29 U.S.C. 2611(2)(A)) is amended—

(1) by striking "at least 12 months" and inserting "at least 3 months"; and

(2) by striking "at least 1,250 hours of service with such employer during the previous 12-month period" and inserting "at least 125 hours of service with such employer during the previous 3-month period".

SEC. 202. RETIREMENT AND HEALTH CARE BENEFITS.

(a) TREATMENT OF EMPLOYEES WORKING AT LESS THAN FULL-TIME UNDER PARTICIPATION, VESTING, AND ACCRUAL RULES GOVERNING PENSION PLANS.—

(1) PARTICIPATION RULES.—

(A) IN GENERAL.—Section 202(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052(a)(3)) is amended by adding at the end the following new subparagraph:

"(E)(i) For purposes of this paragraph, in the case of any employee who, as of the beginning of the 12-month period referred to in subparagraph (A)—

"(I) has customarily completed 500 or more hours of service per year but less than 1,000 hours of service per year, or

"(II) is employed in a type of position in which employment customarily constitutes 500 or more hours of service per year but less than 1,000 hours of service per year,

completion of 500 hours of service within such 12-month period shall be treated as completion of 1,000 hours of service.

"(ii) For purposes of this subparagraph, the extent to which employment in any type of position customarily constitutes less than 1,000 hours of service per year shall be determined with respect to each pension plan in accordance with such regulations as the Secretary shall prescribe providing for consideration of facts and circumstances peculiar to the workforce constituting the participants in such plan.".

(B) CONFORMING AMENDMENT.—Section 204(b)(1)(E) of such Act (29 U.S.C. 1054(b)(1)(E)) is amended by striking "section 202(a)(3)(A)" and inserting "subparagraphs (A) and (E) of section 202(a)(3)".

(2) VESTING RULES.—

(A) IN GENERAL.—Section 203(b)(2) of such Act (29 U.S.C. 1053(b)(2)) is amended by adding at the end the following new subparagraph:

"(E)(i) For purposes of this paragraph, in the case of any employee who, as of the beginning of the period designated by the plan pursuant to subparagraph (A)—

"(I) has customarily completed 500 or more hours of service per year but less than 1,000 hours of service per year, or

"(II) is employed in a type of position in which employment customarily constitutes 500 or more hours of service per year but less than 1,000 hours of service per year,

completion of 500 hours of service within such period shall be treated as completion of 1,000 hours of service.

"(ii) For purposes of this subparagraph, the extent to which employment in any type of position customarily constitutes less than 1,000 hours of service per year shall be determined with respect to each pension plan in accordance with such regulations as the Secretary shall prescribe providing for consideration of facts and circumstances peculiar to the workforce constituting the participants in such plan.".

(B) 1-YEAR BREAKS IN SERVICE.—Section 203(b)(3) of such Act (29 U.S.C. 1053(b)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, in the case of any employee who, as of the beginning of the period designated by the plan pursuant to subparagraph (A)—

"(I) has customarily completed 500 or more hours of service per year but less than 1,000 hours of service per year, or

"(II) is employed in a type of position in which employment customarily constitutes 500 or more hours of service per year but less than 1,000 hours of service per year,

completion of 250 hours of service within such period shall be treated as completion of 500 hours of service.

"(ii) For purposes of this subparagraph, the extent to which employment in any type of position customarily constitutes less than 1,000 hours of service per year shall be determined with respect to each pension plan in accordance with such regulations as the Secretary shall prescribe providing for consideration of facts and circumstances peculiar to the workforce constituting the participants in such plan.".

(3) ACCRUAL RULES.—Section 204(b)(4)(C) of such Act (29 U.S.C. 1054(b)(4)(C)) is amended—

(A) by inserting "(i)" after "(C)"; and

(B) by adding at the end the following new clauses:

"(ii) For purposes of this subparagraph, in the case of any employee who, as of the beginning of the period designated by the plan pursuant to clause (i)—

"(I) has customarily completed 500 or more hours of service per year but less than 1,000 hours of service per year, or

"(II) is employed in a type of position in which employment customarily constitutes 500 or more hours of service per year but less than 1,000 hours of service per year,

completion of 500 hours of service within such period shall be treated as completion of 1,000 hours of service.

"(iii) For purposes of clause (ii), the extent to which employment in any type of position customarily constitutes less than 1,000 hours of service per year shall be determined with respect to each pension plan in accordance

with such regulations as the Secretary shall prescribe providing for consideration of facts and circumstances peculiar to the workforce constituting the participants in such plan.".

(b) TREATMENT OF EMPLOYEES WORKING AT LESS THAN FULL-TIME UNDER GROUP HEALTH PLANS.

(1) IN GENERAL.—Part 2 of subtitle B of title I of such Act is amended—

(A) by redesignating section 211 (29 U.S.C. 1061) as section 212; and

(B) by inserting after section 210 (29 U.S.C. 1060) the following new section:

"TREATMENT OF PART-TIME WORKERS UNDER GROUP HEALTH PLANS

"SEC. 211. (a) IN GENERAL.—A reduction in the employer-provided premium under a group health plan with respect to any employee for any period of coverage solely because the employee's customary employment is less than full-time may be provided under such plan only if the employee is described in subsection (b) and only to the extent permitted under subsection (c).

"(b) REDUCTIONS APPLICABLE TO EMPLOYEES WORKING LESS THAN FULL-TIME.—

"(1) IN GENERAL.—An employee is described in this subsection if such employee, as of the beginning of the period of coverage referred to in subsection (a)—

"(A) has customarily completed less than 30 hours of service per week, or

"(B) is employed in a type of position in which employment customarily constitutes less than 30 hours of service per week.

"(2) REGULATIONS.—For purposes of paragraph (1), whether employment in any type of position customarily constitutes less than 30 hours of service per week shall be determined with respect to each group health plan in accordance with such regulations as the Secretary shall prescribe providing for consideration of facts and circumstances peculiar to the workforce constituting the participants in such plan.

"(c) AMOUNT OF PERMISSIBLE REDUCTION.—The employer-provided premium under a group health plan with respect to any employee for any period of coverage, after the reduction permitted under subsection (a), shall not be less than a ratable portion of the employer-provided premium which would be provided under such plan for such period of coverage with respect to an employee who completes 30 hours of service per week.

"(d) DEFINITIONS.—For purposes of this section—

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided such term in section 607(1).

"(2) EMPLOYER-PROVIDED PREMIUM.—

"(A) IN GENERAL.—The term 'employer-provided premium' under a plan for any period of coverage means the portion of the applicable premium under the plan for such period of coverage which is attributable under the plan to employer contributions.

"(B) APPLICABLE PREMIUM.—For purposes of subparagraph (A), in determining the applicable premium of a group health plan, principles similar to the principles applicable under section 604 shall apply.".

(2) CONFORMING AMENDMENTS.—

(A) Section 201(1) of such Act (29 U.S.C. 1051(1)) is amended by inserting ", except with respect to section 211" before the semicolon.

(B) The table of contents in section 1 of such Act is amended by striking the item relating to section 211 and inserting the following new items:

"Sec. 211. Treatment of part-time workers under group health plans.

"Sec. 212. Effective date.".

(c) EXPANSION OF DEFINITION OF EMPLOYEE TO INCLUDE CERTAIN INDIVIDUALS WHOSE SERVICES ARE LEASED OR CONTRACTED FOR.—Paragraph (6) of section 3 of such Act (29 U.S.C. 1002(6)) is amended—

(1) by inserting "(A)" after "(6)"; and

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

"(B) Such term includes, with respect to any employer, any person who is not an employee (within the meaning of subparagraph (A)) of such employer and who provides services to such employer, if—

"(i) such person has (pursuant to an agreement with such employer or any other person) performed such services for such employer (or for such employer and related persons (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986)) for a period of at least 1 year (6 months in the case of core health benefits) at the rate of at least 500 hours of service per year, and

"(ii) such services are of a type historically performed, in the business field of the employer, by employees (within the meaning of subparagraph (A)).".

(d) EFFECTIVE DATES.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1995.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, paragraph (1) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "January 1, 1995" the date of the commencement of the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1995, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 1997.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this paragraph.

SEC. 203. PENSION PORTABILITY.

(a) REQUIREMENT OF PORTABLE PENSION ACCOUNTS.—

(1) IN GENERAL.—Part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1051 et seq.) is amended by inserting after section 205 the following new section:

"SEC. 205A. PORTABILITY REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS.

"(a) DIRECT TRANSFERS.—

"(1) IN GENERAL.—Each defined contribution plan shall, at the election of an employee upon separation from service, make a direct trustee-to-trustee transfer of the portion of the employee's eligible amount specified in the election to a portable pension account specified in the election which—

"(A) is maintained by a qualified pension plan which agrees to accept the transfer, or

"(B) is established by the individual on the individual's own behalf.

"(2) TIME FOR TRANSFER.—The transfer under paragraph (1) shall be made no later than 60 days after the date of the employee's separation from service.

"(b) PORTABLE PENSION ACCOUNTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'portable pension account' means—

"(A) in the case of a qualified pension plan, an individual account plan, an individual account within the plan, or simplified employee pension under section 408(k) of the Internal Revenue Code of 1986 meeting the requirements of the following paragraphs of this subsection, and

"(B) in the case of an individual, an individual retirement plan meeting such requirements.

"(2) DISTRIBUTION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if distributions from the account—

"(i) may only be made in a permitted retirement income form, and

"(ii) may only be made with the consent of the participant.

"(B) PERMITTED RETIREMENT INCOME FORM.—For purposes of subparagraph (A), a permitted retirement income form is as follows:

"(i) A qualified joint and survivor annuity (within the meaning of section 205(d)).

"(ii) Any other joint life annuity (including a cash refund annuity).

"(iii) A single life annuity (including a cash refund annuity).

"(iv) Any series of substantially equal periodic payments described in section 72(t)(2)(A)(iv) of the Internal Revenue Code of 1986 which are not part of an annuity described in the preceding clauses.

"(3) SPOUSAL CONSENT.—The requirements of this paragraph shall not be met unless the account provides that any election as to form of benefit must meet spousal consent requirements which are identical to the requirements of section 205(c)(2).

"(c) ELIGIBLE AMOUNT.—For purposes of this section, the term 'eligible amount' means, with respect to any participant, the balance to the credit of the participant as of the date of the distribution, including interest on such balance through the date of the distribution.

"(d) OTHER DEFINITIONS AND RULES.—For purposes of this section—

"(1) QUALIFIED PLAN.—The term 'qualified plan' means—

"(A) a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust which is exempt from tax under section 501(a) of such Code,

"(B) an annuity plan described in section 403(a) of such Code, and

"(C) an annuity contract described in section 403(b) of such Code.

"(2) INDIVIDUAL RETIREMENT PLAN.—The term 'individual retirement plan' means—

"(A) an individual retirement account described in section 408(a) of such Code, and

"(B) an individual retirement annuity described in section 408(b) of such Code.

"(3) BENEFICIARIES OR ALTERNATE PAYEES.—In the case of an individual who is a beneficiary of the participant or an alternate

payee (within the meaning of section 206(d)(3)(K)) under a plan, such individual shall be treated in the same manner as if a participant in the plan."

(2) CONFORMING AMENDMENTS.—

(A) Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by adding at the end the following new sentence: "Except as otherwise provided in regulations of the Secretary of Labor and the Secretary of the Treasury, the requirements of subparagraph (B) shall not be treated as violated in the case of a direct trustee-to-trustee transfer described in section 205A."

(B) Section 204(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(d)) is amended—

(i) in paragraph (1), by striking "or",

(ii) in paragraph (2), by striking the period and inserting ", or", and

(iii) by inserting after paragraph (2) the following new paragraph:

"(3) a direct trustee-to-trustee transfer described in section 205A."

(C) The table of contents for part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 205 the following new item:

"Sec. 205A. Portability requirements for defined contribution plans."

(b) RECIPROCITY AGREEMENTS BETWEEN INDUSTRY AND LABOR FUNDS.—

(1) ESTABLISHMENT.—The Secretary of Labor shall establish standards for plans maintained pursuant to collective bargaining agreements between employers and employee representatives which provide that 2 or more of the plans may enter into agreements under which—

(A) the plans would maintain portable pension accounts described in section 205A of the Employee Retirement Income Security Act of 1974 (as added by section 121) for employees who terminate employment covered by 1 plan and begin employment covered by another, or

(B) the plans would make arrangements for employees to transfer accrued benefits and vesting rights from one plan to another.

(2) STANDARDS MADE AVAILABLE.—The Secretary of Labor shall make any standards developed under paragraph (1) available to employers and employee representatives.

(c) INFLATION ADJUSTMENT FOR DEFERRED VESTED BENEFITS.—

(1) IN GENERAL.—Section 203 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053) is amended by adding at the end the following new subsection:

"(f) DEFERRED NONFORFEITABLE BENEFITS.—If an employee's participation in a plan is terminated before the date the employee is eligible for payment of an immediate annuity under the plan—

"(1) subsection (e) shall not apply, and

"(2) the plan shall provide that the employee may elect—

"(A) to have the plan immediately distribute the present value (using the interest rate specified by the Secretary) of the employee's nonforfeitable benefit, or

"(B) to have the plan provide inflation adjustments (at the rates specified by the Secretary) to such benefit during the period beginning with the date of separation and ending with the date an annuity is first payable."

(2) ACCRUED BENEFIT.—Section 204(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(d)) is amended by adding at the end the following new sentence: "An employee's accrued benefit under a plan shall be increased by any inflation adjustment under section 203(f)(2)(B)."

SEC. 204. UNEMPLOYMENT COMPENSATION.

(a) PART-TIME EMPLOYEES; INDEPENDENT CONTRACTORS.—Subsection (a) of section 3304 of the Internal Revenue Code of 1986 (relating to requirements for approval of State unemployment compensation laws) is amended by striking "and" at the end of paragraph (17), by redesignating paragraph (18) as paragraph (20), and by inserting after paragraph (17) the following new paragraphs:

"(18) in applying the State law provisions relating to availability for work, active search for work, or refusal to accept work, to an individual seeking part-time employment, the term 'suitable work' shall not include any work where the individual would normally perform services for more hours per week than the number of hours per week for which the individual is available, if the individual demonstrates good cause for the individual's limited availability and such limitation does not substantially impair the individual's current attachment to the labor force;

"(19) the determination of whether an individual is an employee of another person shall be made in accordance with section 3306(i); and".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on November 1, 1995.

(2) SPECIAL RULE.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and November 1, 1995, the amendments made by this section shall take effect 30 calendar days after the 1st day on which such legislature is in session on or after November 1, 1995.

TITLE III—MISCLASSIFICATION OF EMPLOYEES AS INDEPENDENT CONTRACTORS

SEC. 301. INTERNAL REVENUE SERVICE PROCEDURES.

(a) WAIVER OF EMPLOYMENT TAX LIABILITY FOR REASONABLE GOOD FAITH MISCLASSIFICATION BASED ON COMMON LAW RULES.—Section 3509 of the Internal Revenue Code of 1986 (relating to determination of employer's liability for certain employment taxes) is amended by adding at the end the following new subsection:

"(e) WAIVER OF EMPLOYMENT TAX LIABILITY FOR REASONABLE GOOD FAITH MISCLASSIFICATION BASED ON COMMON LAW RULES.—

"(1) IN GENERAL.—For purposes of determining the liability of any taxpayer for employment taxes with respect to any individual for any period, such individual shall be deemed not to have been an employee of the taxpayer for such period if—

"(A) the taxpayer did not treat such individual as an employee for purposes of the employment taxes for such period,

"(B) the taxpayer's treatment of such individual as not being an employee was based on a reasonable good faith misapplication of the common law rules used for determining the employer-employee relationship,

"(C) all Federal tax returns (including information returns) required to be filed by the taxpayer with respect to such individual for such period were filed on a basis consistent with the taxpayer's treatment of such individual as not being an employee,

"(D) the taxpayer (and any predecessor) did not treat any other individual holding a substantially similar position as an employee for purposes of the employment taxes for any period beginning after December 31, 1977, and

"(E) the taxpayer enters into a closing agreement under section 7121 with the Secretary (in the time and manner determined by the Secretary) agreeing to treat such individual, and any other individual holding a substantially similar position, as employees and to file all Federal employment tax returns with respect to such individuals on a basis consistent with the taxpayer's treatment of such individuals as employees.

"(2) DEFINITIONS AND SPECIAL RULES.—

"(A) EMPLOYMENT TAX.—For purposes of this subsection, the term 'employment tax' means any tax imposed by subtitle C, including any interest, penalty, or additional amount with respect to such tax.

"(B) NO REFUND OR CREDIT OF OVERPAYMENT.—No refund or credit of any overpayment of an employment tax resulting from the application of paragraph (1) shall be allowed, notwithstanding that the period for filing a claim for refund or credit of such overpayment is not barred on the effective date of this subsection."

(b) MODIFICATIONS TO SAFE HARBOR FOR CLASSIFICATIONS OF INDIVIDUALS AS NON-EMPLOYEES.—

(1) REQUIREMENT OF REASONABLE BASIS.—Paragraph (1) of section 530(a) of the Revenue Act of 1978 (relating to controversies involving whether individuals are employees for purposes of the employment taxes) is amended by striking "unless the taxpayer had no reasonable basis" and inserting the following: "if the taxpayer had a reasonable basis".

(2) REPEAL OF PRIOR AUDIT AS REASONABLE BASIS, ETC.—Paragraph (2) of section 530(a) of the Revenue Act of 1978 is amended—

(A) by striking the paragraph caption and inserting the following: "REASONABLE BASIS FOR NOT TREATING INDIVIDUAL AS EMPLOYEE.—",

(B) in the matter preceding subparagraph (A)—

(i) by striking "in any case", and

(ii) by inserting "only" before "if the taxpayer's",

(C) by adding "or" at the end of subparagraph (A), and

(D) by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(c) AUTHORITY FOR REGULATIONS AND RULINGS ON EMPLOYMENT STATUS.—Section 530 of the Revenue Act of 1978 is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect beginning on the date which is 120 days after the date of the enactment of this Act.

(2) MODIFICATIONS TO SAFE HARBOR.—The amendments made by subsection (b) shall apply to periods ending on or after the date which is 120 days after the date of the enactment of this Act.

SEC. 302. FEDERAL CONTRACTS.

(a) CLASSIFICATION OF PERSONS AS EMPLOYEES AND INDEPENDENT CONTRACTORS UNDER CERTAIN PROCUREMENT CONTRACTS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 312. CLASSIFICATION OF PERSONS AS EMPLOYEES AND INDEPENDENT CONTRACTORS.

"(a) INELIGIBILITY FOR GOVERNMENT CONTRACTS AND SUBCONTRACTS.—(1) A person (including any subsidiary, successor, or related

entity of a person) shall not be eligible for a contract during the 2-year period beginning on the date of the issuance of any final determination under Federal law that the person (including any subsidiary or related entity of the person) willfully misclassified an individual for purposes of any employment tax.

"(2) For purposes of this subsection, a determination is final if all rights to appeal the determination, or to request a review, rehearing, or redetermination of the matter that is the subject of the determination, have been exhausted or have lapsed.

"(b) CERTIFICATION OF ADEQUACY OF BIDS TO PAY EMPLOYMENT TAXES.—A person who submits a bid or proposal for a contract shall certify that the amount of the bid or proposal is adequate to pay all employment taxes with respect to all work to be performed under the contract by employees of the person.

"(c) NOTIFICATION OF INDEPENDENT CONTRACTORS.—Each contract shall include a requirement that the contractor provide, to each person who performs work under the contract and who is treated by the contractor as an independent contractor for purposes of employment taxes, a notification regarding—

"(1) all obligations of the independent contractor under Federal and State law to withhold and pay employment taxes with respect to work performed under the contract by the independent contractor (including work performed by employees of the independent contractor); and

"(2) all statutory rights and protections that are available under Federal and State law to employees of the contractor and are not available to the independent contractor (including employees of the independent contractor), including rights and protections under the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1978, and title VII of the Civil Rights Act of 1964.

"(d) RIGHT OF ACTION.—A person who submits a bid or proposal for a contract and who suffers damages as a result of the award of the contract to a person who knowingly and willfully submits a certification under subsection (b) with respect to the contract that is false, may bring an action for damages against the person awarded the contract in any district court of the United States in which the defendant is located.

"(e) DEFINITIONS.—As used in this section:

"(1) The term 'employment tax' means any tax imposed by subtitle C of the Internal Revenue Code of 1986.

"(2) The term 'contract' means a contract that is entered into by an executive agency under this title, and all subcontracts under such a contract.

"(3) The term 'misclassify' means to treat as an independent contractor an individual who is an employee.".

(2) The table of contents in the first section of the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to the last section in title III the following new item:

"Sec. 312. Classification of persons as employees and independent contractors.".

(b) APPLICABILITY.—Section 312 of the Federal Property and Administrative Services Act of 1949, as added by subsection (a), shall apply to—

(1) contracts entered into under title III of such Act after the expiration of the 180-day period beginning on the date of the enactment of this Act;

(2) subcontracts under contracts covered by paragraph (1); and

(3) options exercised under any such contract after the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 303. DEFENSE CONTRACTS.

(a) CLASSIFICATION OF PERSONS AS EMPLOYEES AND INDEPENDENT CONTRACTORS UNDER DEFENSE CONTRACTS.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2393 the following new section:

"§ 2393a. Classification of persons as employees and independent contractors

"(a) INELIGIBILITY FOR DEFENSE CONTRACTS AND SUBCONTRACTS.—(1) A person (including any subsidiary, successor, or related entity of a person) shall not be eligible for a contract during the 2-year period beginning on the date of the issuance of any final determination under Federal law that the person (including any subsidiary or related entity of the person) willfully misclassified an individual for purposes of any employment tax.

"(2) For purposes of this subsection, a determination is final if all rights to appeal the determination, or to request a review, rehearing, or redetermination of the matter that is the subject of the determination, have been exhausted or have lapsed.

"(b) CERTIFICATION OF ADEQUACY OF BIDS TO PAY EMPLOYMENT TAXES.—A person who submits a bid or proposal for a contract shall certify that the amount of the bid or proposal is adequate to pay all employment taxes with respect to all work to be performed under the contract by employees of the person.

"(c) NOTIFICATION OF INDEPENDENT CONTRACTORS.—Each contract shall include a requirement that the contractor shall provide, to each person who performs work under the contract and who is treated by the contractor as an independent contractor for purposes of employment taxes, a notification regarding—

"(1) all obligations of the independent contractor under Federal and State law to withhold and pay employment taxes with respect to work performed under the contract by the independent contractor (including work performed by employees of the independent contractor); and

"(2) all statutory rights and protections that are available under Federal and State law to employees of the contractor and are not available to the independent contractor (including employees of the independent contractor), including rights and protections under the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1978, and title VII of the Civil Rights Act of 1964.

"(d) RIGHT OF ACTION.—A person who submits a bid or proposal for a contract and who suffers damages as a result of the award of the contract to a person who knowingly and willfully submits a certification under subsection (b) with respect to the contract that is false, may bring an action for damages against the person awarded the contract in any district court of the United States in which the defendant is located.

"(e) APPLICABILITY.—This section applies to contracts entered into under chapter 137 of this title.

"(f) DEFINITIONS.—In this section:

"(1) The term 'employment tax' means any tax imposed by subtitle C of the Internal Revenue Code of 1986.

"(2) The term 'contract' includes subcontracts.

"(3) The term 'misclassify' means to treat as an independent contractor an individual who is an employee.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2393a. Classification of persons as employees and independent contractors.".

(b) APPLICABILITY.—Section 2393a of title 10, United States Code, as added by subsection (a), shall apply to—

(1) contracts entered into under chapter 137 of title 10, United States Code, after the expiration of the 180-day period beginning on the date of the enactment of this Act;

(2) subcontracts under contracts covered by paragraph (1); and

(3) options exercised under any such contract after the expiration of the 180-day period beginning on the date of the enactment of this Act.

TITLE IV—FEDERAL TEMPORARY EMPLOYEES

SEC. 401. LIMITATION ON TEMPORARY EMPLOYMENT.

It is the sense of Congress that—

(1) the Federal Government has appointed and maintained employees in temporary positions that are not appropriate for temporary appointments, both by virtue of the type of work and the extended lengths of service in some cases;

(2) when a vacancy occurs in a position that was filled continuously by a temporary employee in the year preceding the vacancy, the Federal Government should not fill such vacancy with a temporary employee, regardless of whether the individual previously employed would refill such position;

(3) when a vacancy occurs in a position as described under paragraph (2), the Federal Government should not establish a successor position and fill it with a temporary employee; and

(4) when a vacancy occurs in a position that was filled continuously by a temporary employee in the year preceding the vacancy, and the Federal Government determines there is a need for the services performed in such position, the Federal Government should establish a permanent or term position to fill such need whenever feasible.

SEC. 402. HEALTH BENEFITS.

(a) ELIMINATION OF SERVICE REQUIREMENT AND EMPLOYEE PAYMENT OF GOVERNMENT CONTRIBUTION.—Section 8906a of title 5, United States Code, is amended to read as follows:

"§ 8906a. Temporary employees

"The Office of Personnel Management shall prescribe regulations to provide for offering health benefits plans to temporary employees under the provisions of this chapter.".

(b) INCLUSION OF TEMPORARY EMPLOYEES.—Section 8913(b) of title 5, United States Code, is amended—

(1) in the second sentence by striking out ", such as short-term appointment, seasonal or intermittent employment, and employment of like nature"; and

(2) in paragraph (4) by striking out "and is eligible under section 8906a(a)".

SEC. 403. RETIREMENT BENEFITS.

(a) INCLUSION OF CERTAIN TEMPORARY EMPLOYEES UNDER CIVIL SERVICE RETIREMENT SYSTEM.—The second sentence of section 8347(g) of title 5, United States Code, is amended by inserting before the period "or any temporary employee who, in the aggregate, has completed 5 years of service (in the

same or different positions), including service as a temporary employee.".

(b) INCLUSION OF CERTAIN TEMPORARY EMPLOYEES UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8402(c)(1) of title 5, United States Code, is amended by inserting before the period "or any temporary employee who, in the aggregate, has completed 5 years of service (in the same or different positions), including service as a temporary employee".

(c) CREDITABILITY OF SERVICE.—In administering the amendments made under this section, service may be taken into account whether performed before, on, or after the date of the enactment of this Act, for all purposes of chapters 83 and 84 of title 5, United States Code (including employee and Government contributions relating to such service and the computation of annuities). An employee shall have service as a temporary employee (which would otherwise be excluded except for the amendments made under subsections (a) and (b) and for which no employee contributions have been made) used for the computation of an annuity under chapters 83 and 84 of title 5, United States Code (as amended by this Act) if the employee deposits such contributions (including interest) as determined by the Office of Personnel Management relating to such service into the Civil Service Retirement and Disability Fund. All appropriate employing agencies shall pay the applicable contributions into the Civil Service Retirement and Disability Fund. The Office of Personnel Management shall prescribe regulations to carry out the provisions of this subsection.

SEC. 404. LIFE INSURANCE BENEFITS.

Section 8716(b) of title 5, United States Code, is amended—

(1) in the second sentence, by striking out ", such as short-term appointment, seasonal, intermittent employment, and employment of like nature";

(2) in paragraph (2) by striking out "or" after the semicolon;

(3) in paragraph (3) by striking out the period and inserting in lieu thereof "; or"; and

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

"(4) a temporary employee who has completed 6 months of current continuous employment (in the same position or different positions), including service as a temporary employee, excluding any break in service of 5 days or less.".

S. 2504, THE CONTINGENT WORKFORCE EQUITY ACT—SUMMARY OF PROVISIONS

TITLE I. WORKER PROTECTIONS

Section 101. Minimum Wage. Raise the minimum wage to make up for lost real value since 1978, and index to allow automatic increases in future to reflect inflation.

Section 102. Equal Pay. Provide that contingent workers must be paid at the same rate as full-time workers if they perform the same work.

Section 103. Civil Rights. Protect independent contractors from discrimination based on gender, religion, age, and disability (they are already protected against race discrimination).

Section 104. Collective Bargaining Rights. Include contingent workers in otherwise appropriate bargaining units; clarify joint employer rules to protect contingent workers.

Section 105. Occupational Safety and Health. Clarify employer's duty to protect all workers from hazards within its control, not just its own employees.

Section 106. Advance Notice of Layoffs and Plant Closings. Extend WARN Act advance notice rights to part-time workers.

Section 107. Contingent Workforce Survey. Direct BLS to improve collection of data on contingent workforce.

Section 108. Federal Service Contract Successorship. Require federal service contract successors to provide a right of first refusal to each qualified employee who was employed under the previous contract, provided that (1) a position still exists for that employee, and (2) such action would not require the successor to discharge one of its own employees.

TITLE II. EMPLOYEE BENEFITS

Section 201. Family and Medical Leave. Drop FMLA coverage threshold from 1250 hours annually to 500 hours, to protect part-time workers.

Section 202. Retirement and Health Care Benefits. Lower ERISA coverage threshold from 1000 hours annually to 500 hours; allow part-time employees, leased employees and independent contractors working 500 or more hours annually to accrue pensions under employer-sponsored plans; allow part-time employees to receive pro-rated health benefits under employer-sponsored plans.

Section 203. Pension Portability. Allow departing employees to transfer pensions when changing jobs or convert their value to individual retirement accounts or annuities; direct DOL to develop standards for reciprocity among pension plans;

Section 204. Unemployment Compensation. Amend Internal Revenue Code to require states to provide unemployment compensation to part-time employees who are unable to take full-time jobs.

TITLE III. MISCLASSIFICATION OF EMPLOYEES AS INDEPENDENT CONTRACTORS

Section 301. Internal Revenue Service Procedures. Limits IRS ability to waive employer tax liability for misclassifying employees as independent contractors; employer must have acted with reasonable good faith, treated all similarly-situated individuals as independent contractors, and agreed to treat affected workers as employees in future.

Section 302. Federal Contracts. Impose 2-year ban on federal contracts for employers who willfully misclassify employees as independent contractors; require federal contractors to notify all independent contractors performing services for them of their legal rights and obligations as independent contractors; grants federal contract bidders a right of action against bidders who misclassify employees as independent contractors.

Section 303. Defense Contracts. Impose 2-year ban on defense contracts for employers who willfully misclassify employees as independent contractors; require defense contractors to notify all independent contractors performing services for them of their legal rights and obligations as independent contractors; grants defense contract bidders a right of action against bidders who misclassify employees as independent contractors.

TITLE IV. FEDERAL TEMPORARY EMPLOYEES

Section 401. Limitation on Temporary Employment. Adopt sense of Congress that federal government should limit positions designated as "temporary" to those lasting a maximum of one year.

Section 402. Health Benefits. Allows temporary federal employees to receive same health benefits as those provided to full-time federal workers.

Section 403. Retirement Benefits. Allows federal employees in temporary assignments to participate in federal employees retirement system after five years of service.

Section 404. Life Insurance Benefits. Allows temporary federal employees, after completing six months of continuous employment, to receive same life insurance benefits as full-time federal workers.•

By Mr. JOHNSTON:

S. 2506. A bill entitled "Wetlands Regulatory Reform Act of 1995"; to the Committee on Environment and Public Works.

THE WETLANDS REGULATORY REFORM ACT OF 1995

• Mr. JOHNSTON. Mr. President, I am pleased today to introduce the Wetlands Regulatory Reform Act of 1995. This bill will reform the section 404 "wetlands" permitting program under the Clean Water Act by introducing balance, common sense, and reason to a Federal program that is causing unnecessary problems for my constituents—and I believe for many of our citizens around the Nation.

I am introducing this legislation in the closing days of this Congress so that interested persons may review the legislation in the coming months and recommend improvements. My intent is to reintroduce this legislation early in the next Congress, with any modifications that seem appropriate, and to press vigorously for its enactment. Reforming this regulatory program will be one of my highest priorities in the coming Congress.

Mr. President, the current section 404 regulatory program has been designed less by the elected representatives of the people in Congress than by officials of the Corps of Engineers and the Environmental Protection Agency and by Federal judges. In 1972, the Congress enacted the Federal Water Pollution Control Act. Section 404 of that act prohibited "discharges of dredged or fill material" into "waters of the United States" without a permit from the Secretary of the Army. At the time of passage, "waters of the United States" was thought to be limited to the navigable waters of the Nation.

From this narrow beginning has come a rigid regulatory program that is devaluing property and preventing the construction of housing, the extension of airport runways, the construction of roads—often on lands that rarely have water on the surface but which, nevertheless, are viewed as "wetlands" within the definition of "waters of the United States". And I might add, Mr. President, that 75 percent of the land that is being regulated through the section 404 program as "wetlands" or "waters of the United States" is privately owned property.

I do not believe that we, in Congress, intended for the section 404 program to become a rigid, broad Federal land use program that affects primarily privately owned property. Yet, the evidence is clear to me that the section 404 program has become just that. Therefore, Mr. President, I believe that the time has come for the Congress to

reform this program to focus Federal regulatory authority on those wetlands that are truly important functioning wetlands, to ensure that our citizens can obtain permits through a reasonable process within a reasonable period of time, and to ensure that this program is not denying people the use of their property unless there is an overriding reason to do so.

Mr. President, the Wetlands Regulatory Reform Act of 1994 proposes several key changes to the current 404 program:

First, this legislation will require that Federal jurisdictional wetlands be classified into three categories: high-, medium-, and low-valued wetlands, based on the relative wetlands functions present. Today, the section 404 program regulates all wetlands equally rigidly, whether the wetlands is a pristine, high-value wetland or a wet spot in a field. This treatment of wetlands defies logic and common sense.

My legislation will require the Corps of Engineers to classify wetlands based on their functions, and then regulate them accordingly. Class A—high-value—wetlands will be regulated under the current sequencing methodology, which first seeks to avoid adverse effects on wetlands, them attempts to minimize those adverse effects that cannot be avoided or minimized. Class B—medium-value—wetlands will be regulated under a balancing test, which does not require the avoidance step. Finally, Class C—low-value—wetlands will not be regulated by the Federal Government, but may be regulated by the States if they so choose.

Second, this legislation removes the dual agency implementation of this program, an aspect of the program that is particularly confusing and troublesome to our constituents. Today, the Army Corps of Engineers issues section 404 permits, but the Environmental Protection Agency may veto the decision of the Corps to issue the permit. Although EPA actually exercises its veto power infrequently, I understand that veto is threatened often, causing undue delays and repeated multi-agency consultations. My legislation removes the EPA veto, and instead simply requires the Corps to consult with EPA before acting.

Similarly, the EPA currently may veto permit decisions made by States that have assumed responsibility for the section 404 program. My bill deletes this authority as unnecessary interference with State administration of the program. If EPA determines that the State is not implementing the program appropriately, EPA has the authority, which my bill does not change, to withdraw approval of the State program and return the program to Federal hands. But as long as the State is in charge, its individual permit decisions should not be subject to veto from Washington.

Third, mitigation banking is authorized and encouraged by the bill as a sound means to return wetlands functions to the environment. There are a number of mitigation banking projects now around the Nation. The experience with these projects is proving that mitigation banking holds great promise as a means of restoring, enhancing, reclaiming, and even creating wetlands to offset the wetlands disturbances that are permitted under the section 404 program. Mitigation banking is the type of market driven mechanism that I believe we must incorporate in our national environmental laws if we are to achieve our national environmental goals.

Finally, this legislation will require that steps be taken to provide notice to our citizens regarding the location of Federal jurisdictional wetlands. Remarkably, Mr. President, the Federal Government is regulating over 100 million acres of land, over 75 million acres of which is privately owned, yet there are no maps posted to inform our citizens about the location of these lands. Perhaps this would not be a problem if Federal jurisdictional wetlands were only swamps, marshes, bogs and other such areas that are wet at the surface for a significant portion of the year. But land that is dry at the surface all year long can also be a Federal jurisdictional wetlands.

Without maps and other notices, only the most highly trained technicians among our citizens can identify the subtle differences between lands that are not subject to the section 404 program and those that are. Thus, many people have bought land for home sites, only to find out later that they have bought a Federal jurisdictional wetland and cannot obtain a permit to build their house. We owe our citizens better than that.

My legislation will require the Corps of Engineers to immediately post notices about the section 404 program near the property records in the courthouses around the Nation, and to post maps of Federal jurisdictional wetlands as those maps become available, including the National Wetlands Inventory maps that are being developed by the National Biological Survey.

Mr. President, there are many other improvements of the current program in my legislation, including time limits on the issuance of section 404 permits, an administrative appeal process, the expansion of the program to cover drainage and excavation of wetlands, and the designation of the Soil Conservation Service to delineate wetlands on agricultural wetlands. The legislation I am introducing today is similar to the Comprehensive Wetlands Conservation and Management Act of 1993, H.R. 1330, which was introduced in the House of Representatives by my colleagues from Louisiana, Representative HAYES and Representative TAUZIN. That bill has 170 cosponsors representing congressional districts in 40 states.

However, my legislation varies from the House reform legislation in at least one important aspect. My legislation does not provide a mechanism for obtaining compensation from the Federal Government when private property is taken through the operation of the 404 program. I believe that the impact of the section 404 program on private property rights is a very important issue. However, rather than address the compensation issue at this time, I believe that it is preferable to include provisions in the legislation that will help ensure that the section 404 program does not result in takings of private property in the first place. Therefore, in addition to the many provisions of the bill that will make the wetlands program more balanced and rational, it also directs the Secretary of the Army and the Administrator of the Environmental Protection Agency to implement the program in a manner that minimizes the adverse effects on the use and value of privately owned property.

I encourage all of my colleagues to review the legislation that I am introducing today. I look forward to working with my colleagues and others in an effort to find a consensus on the important issue of reforming the section 404 wetlands regulatory program so that the program will work both for the environment and for our constituents.

Mr. President, I ask that the legislation be printed in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2506

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 "Wetlands Regulatory Reform Act of 1995".

SEC. 2. FINDINGS AND DECLARATION OF POLICIES AND GOALS

(a) FINDINGS.—The Congress finds that—

(1) wetlands serve important ecological and natural resource functions, such as providing essential nesting and feeding habitat for waterfowl, other wildlife, and many rare and endangered species, fisheries habitat, the enhancement of water quality, and natural flood control;

(2) much of the Nation's resource has sustained significant degradation, resulting in the need for effective programs to limit the loss of ecologically significant wetlands and to provide for long-term restoration and enhancement of the wetlands resource base; and

(3) because 75 percent of the Nation's wetlands in the lower forty-eight States are privately owned and because the majority of the Nation's population lives in or near wetlands areas, an effective wetlands conservation and management program must reflect a balanced approach that conserves and enhances ecologically significant wetlands functions while respecting private property

rights, recognizing the need for essential public infrastructure, such as highways, utilities, ports, airports, sewer system, and public water supply systems, and the need to preserve strong local tax bases, and providing the opportunity for sustained economic growth.

(b) DECLARATION OF POLICIES AND GOALS.—Section 101(a) (33 U.S.C. 1251(a)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following:

"(8) it is the national policy that the Federal wetlands permitting program under Section 404 of the Federal Water Pollution Control Act shall be implemented to protect ecologically significant wetlands while avoiding the diminishment of the use and value of privately-owned property.".

SEC. 3. BALANCED IMPLEMENTATION OF PROGRAM TO CONSERVE WETLANDS WHILE PROTECTING PRIVATE PROPERTY RIGHTS.

Section 404 (33) U.S.C. 1344) is amended by adding at the end the following new subsection:

"(u) BALANCED IMPLEMENTATION.—

"(1) In implementing their responsibilities under the regulatory program under this section, the Secretary and the Administrator shall balance the objective of conserving functioning wetlands with the objective of ensuring continued economic growth, providing essential infrastructure, maintaining strong state and local tax bases, and protecting against the diminishment of the use and value of privately-owned property.

"(2) In carrying out this section, the Secretary and the Administrator and all other Federal agencies and officials of the Federal government shall seek in all actions to minimize the adverse effects of the regulatory program under this section on the use and value of privately-owned property.".

SEC. 4 DEFINITION AND DELINEATION OF WETLANDS.—

(a) Section 404 is amended by adding at the end the following new subsection:

"(v) DEFINITIONS.—For purpose of this section, the term:

"(1) 'wetlands' means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs, fens, potholes, playa lakes, vernal pools, and similar areas;

"(2) 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers; and

"(3) 'Administrator' means the Administrator of the Environmental Protection Agency.".

(b) Section 404(a) (33 U.S.C. 1344(a)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) by striking "clause (1)" and inserting in lieu thereof "subparagraph (A)"; and

(4) by adding at the end the following new paragraphs:

"(2) REVISIONS TO DELINEATION PROCEDURES.—

"(A) IN GENERAL.—After the date of enactment of this Act, no revisions to or clarifications of the guidelines for identifying and delineating wetlands areas under this subsection shall be issued until the National Academy of Sciences has completed the study of wetlands authorized by the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389).

"(B) REVISIONS.—Within 18 months of the completion of the study required under subparagraph (A), the Administrator shall review the results of the study and, in consultation with the Secretary, the Secretary of Agriculture, the Secretary of the Interior, and the States, revise the guidelines referenced in subparagraph (A) in accordance with subparagraph (E), and as is otherwise necessary.

"(C) PROMULGATION OF REGULATIONS.—Revision of the guidelines referenced in subparagraph (A), along with those portions of the guidelines that the Administrator does not propose to revise, shall, after public notice and opportunity for comment, be issued (in accordance with section 553 of Title 5 of the United States Code and as otherwise required under this section) as final rules and regulations. In carrying out the provisions of this subparagraph, public hearings shall be held in geographic areas of the Nation that contain significant areas of wetlands.

"(D) Notwithstanding subparagraph (C), regulations adopted pursuant to this paragraph shall be submitted to the relevant authorizing committees of the House of Representatives and the Senate and shall not become effective until the 181st day after such submission.

"(E) The regulations promulgated pursuant to this paragraph shall provide that, except in the limited instances identified in the Corps of Engineers Wetlands Delineation Manual issued in January 1987 (Technical Report Y-87-1) and implementing guidelines, in order to make a positive wetland delineation determination, clear evidence of wetlands hydrology, hydrophytic vegetation, and hydric soil must be found to be present during the period in which the delineation is made.

"(3) CONTINUED USE OF 1987 MANUAL.—

"(A) IN GENERAL.—Until such regulations are promulgated, the Secretary, acting though the Chief of Engineers, shall use the Corps of Engineers Wetlands Delineation Manual issued in January 1987 (Technical Report Y-87-1) and implementing guidelines to identify and delineate wetlands areas.

"(4) AGRICULTURAL LANDS.—

"(A) IN GENERAL.—For purposes of this section, wetlands located on agricultural lands and associated non-agricultural lands shall be delineated by the Secretary of Agriculture in accordance with Section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)).

"(B) CONSISTENCY.—Any areas of agricultural land or any activities related to the land determined to be exempt from the requirements of Subtitle C of Title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall also be exempt from the requirements of this section for such period of time as those lands are used as agricultural lands.

"(C) DEFINITION.—For purposes of this section, the term 'agricultural lands' means cropland, pastureland, native pasture, rangeland, orchards, vineyards, nonindustrial forest land, and any other land used to produce or support the production of an annual or perennial crop of a commodity, aquaculture product, nursery product, or livestock."

SEC. 5. WETLANDS CLASSIFICATION.

Section 404(d) (33 U.S.c. 1344(d)) is amended by striking all therein and by inserting in lieu thereof the following:

"(d) WETLANDS CLASSIFICATION.—(1) The Administrator, with the assistance of the Secretary, and in consultation with the Secretary of the Department of Agriculture, the Secretary of the Department of the Interior, and the States, shall undertake a project to classify wetlands in the United States. Such classification project shall be completed not later than ten years after the date of enactment of this Act. In undertaking such project, priority shall be given to requests for classification under paragraph (4).

"(2) In conducting the project under this section, the classification of wetlands shall be based upon the best reasonably obtainable scientific information, including the results of the National Academy of Sciences study of wetlands authorized by the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389). Wetlands shall be classified as either Class A, Class B, or Class C, depending on their relative ecological significance, taking, into account regional variations in hydrology, soils, and vegetation, as follows—

"(A) Class A wetlands are those wetlands:

"(i) which serve critical wetlands functions, including the provision of critical habitat for a concentration of avian, aquatic, or wetland-dependent wildlife;

"(ii) which consist of or may be a portion of ten or more contiguous acres and have an inlet or outlet for relief of water flow; except that this requirement shall not operate to preclude the classification as Class A wetlands lands containing prairie pothole features, playa lakes, or vernal pools if such lands otherwise meet the requirements for Class A classification under this paragraph;

"(iii) for which there exists a scarcity of functioning wetlands within the watershed or aquatic ecosystem such that the discharge of dredged or fill material into such wetlands would seriously jeopardize the availability of the wetlands functions identified in clause (i); and

"(iv) for which there is no overriding public interest in the use of such wetlands for purposes other than those served by wetlands;

"(B) Class B wetlands are those wetlands that provide habitat for a significant population of avian, aquatic, or wetland-dependent wildlife, or provide other significant wetlands functions, including significant enhancement or protection of water quality, or significant natural flood control; and

"(C) Class C wetlands are those wetlands that:

(i) serve marginal wetlands functions that exist in such abundance that regulations of activities in such wetlands is not necessary to conserve important wetlands functions;

(ii) are within industrial complexes or other intensely developed areas that do not serve significant wetlands functions as a result of such location; or

(iii) are located behind legally constituted, man-made structures or natural formations, such as levees constructed and maintained to permit the utilization of such lands for commercial, industrial, or residential purposes consistent with local land use planning requirements.

"(3) In conducting the classification project under this section, there shall be a public hearing in each county, parish, or borough of a State before completion of wetlands classification in such county, parish, or borough. Promptly after completion of wetlands classification in a county, parish, or borough, a map or maps indicating the classification of such wetlands shall be made available to the public in the building within the county, parish, or borough that contains

property records, and shall be filed with such property records, and notice of same shall be published in the Federal Register and in publications of wide circulation in such county, parish, or borough.

"(4) Until the classification process has been completed with respect to wetlands within a particular county, parish, or borough, any person seeking a classification of such wetlands may file a request with the Secretary, identifying the site of the wetlands and requesting the Secretary to determine the classification of such wetlands. The requestor shall provide such additional information as may be necessary for purposes of determining the classification of such wetlands.

"(5) Within ninety days following receipt of a request for classification under paragraph (4), the Secretary shall notify the requestor of the classification of the wetlands that are the subject of such request and shall state in writing the basis for such classification. The classification of the wetlands that are the subject of the request shall be determined by the Secretary in accordance with this subsection and the regulations promulgated pursuant thereto.

"(6) Not later than one year after the date of enactment of this Act, the Administrator, with the assistance of the Secretary, shall issue regulations implementing this subsection. Until such regulations are issued, the Secretary shall classify wetlands in response to a request for classification under paragraph (4), or as part of the permitting process pursuant to subsection (a).

SEC. 6. ACTIVITIES REGULATED

Section 404(a) (33 U.S.C. 1344(a)) is amended—

(a) by striking "(a) The Secretary" and inserting the following:

"(a) IN GENERAL.—

"(1) ISSUANCE OF PERMITS.—The Secretary";

(b) by adding at the end the following new paragraph:

"(2) For purposes of this section, the discharge of dredged or fill material into waters of the United States includes the draining, channelization, and excavation of wetlands.".

SEC. 7. PERMIT METHODOLOGY

Section 404(a) (33 U.S.C. 1344(a)) is further amended by adding at the end the following new paragraphs:

"(3)(A) The Secretary shall determine whether to issue a permit for the discharge of dredged or fill material into wetlands classified pursuant to subsection (d) as Class A wetlands based on a sequential analysis that seeks to (i) avoid adverse effects on such wetlands, (ii) minimize such adverse effects that cannot be avoided, and (iii) mitigate any adverse effects that cannot be avoided and that remain after minimization. Any permit authorizing the discharge of dredged or fill material in Class A wetlands may contain such terms and conditions concerning mitigation that the Secretary deems appropriate to prevent the unacceptable loss or degradation of Class A wetlands.

"(B) The Secretary shall determine whether to issue a permit to authorize discharges of dredged or fill material in wetlands classified pursuant to subsection (d) as Class B wetlands pursuant to a public interest review. Such public interest review shall balance the reasonably foreseeable benefits and detriments resulting from issuance of the permit, based on such factors as economic growth, the need for fish and wildlife habitat, water supply and conservation, water quality, infrastucture needs, energy needs, mineral needs, food production, recreation, and considerations of private property ownership. The Secretary may condition such permit as necessary to ensure that the watershed or aquatic ecosystem of which such wetlands are a part does not suffer significant loss or degradation of wetlands functions.

"(C) No permit from the Secretary shall be required with respect to the discharge of dredged or fill material in wetlands classified pursuant to subsection (d) as Class C wetlands. A state may require a permit with respect to discharges in Class C wetlands if such state deems it appropriate, along with such terms and conditions as such state may impose.".

SEC. 8. REQUIRE CONSULTATION BETWEEN EPA AND THE CORPS; REPEAL AUTHORITY OF EPA TO VETO CORPS PERMITTING DECISIONS

Section 404(c) (33 U.S.C. 1344(c)) is amended to read as follows:

"The Secretary shall consult with the Administrator regarding whether the discharge of such material at the specified disposal site would have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.".

SEC. 9. EXTENSIONS OF TIME AND THE CONSEQUENCES OF FAILURE BY THE SECRETARY TO MAKE A DECISION.

Section 404(a) (33 U.S.C. 1344(a)) is further amended—

(a) by adding at the end of paragraph (1) (as so designated) the following new sentence:

"The Secretary shall request from the applicant any additional information to complete the application not later than 60 days after the Secretary receives the application."; and

(b) by adding at the end the following new paragraphs:

"(3) DATE OF DECISION BY SECRETARY.—Except as provided in paragraph (4), the Secretary shall make a decision with respect to an application for a permit submitted under paragraph (1) not later than 90 days after the completed application is submitted.

"(4) EXTENSION.—The decision of the Secretary with respect to an application for a permit under paragraph (1) may be made after the date specified in paragraph (3) only if—

"(A) with respect to issuance of the permit, the Secretary is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to issue an environmental impact statement, in which case the decision shall be made not later than 30 days after the date on which the requirements of such Act are met;

"(B) the permit application involves an activity that may affect any species that is listed or proposed for listing or any critical habitat that is designated or proposed for designation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in which case the decision shall be made not later than 30 days after the date on which the requirements of such Act are met, as determined by the Secretary of the Interior, or the Secretary of Commerce, whomever is appropriate;

"(C) the Administrator, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, or the Secretary of Transportation, the head of any other appropriate Federal agency, or the Governor of the State in which the activity occurs requests that the Secretary of the Army or the Secretary of Agriculture, as the case may be, grant an extension beyond the date specified in paragraph (3), and such Secretary grants such request in writing, in which case the decision shall be made not later than 150 days after the completed application is submitted;

"(D) the Secretary and the applicant for the permit determine that additional time is needed to evaluate the application; or

"(E) the decision is precluded as a matter of law or procedures required by law.

"(5) CONSEQUENCES OF FAILURE BY THE SECRETARY TO MAKE A DECISION.—If the Secretary fails to make a decision by the date specified in paragraph (3) or (4), as the case may be, the permit shall be deemed granted."

SEC. 10. GENERAL PERMIT IMPROVEMENTS.

Section 404(e) (33 U.S.C. 1344(e)) is amended—

(a) by adding after "minimal" in the first place it appears, "or temporary"; and

(b) by adding at the end the following new paragraphs:

"(3) STATE POGRAMS.—Upon the request of a State, regional, local, or Tribal governmental body with an existing wetlands regulatory program, the Secretary shall issue a general permit for such program if the non-federal regulatory program—

"(A) has jurisdiction over the activities and waters within the scope of the requested general permit.

"(B) provides adequate safeguards to ensure that it will provide at least the same degree of protection for the navigable waters as the protection provided by this section;

"(C) provides at least the same opportunity for public review, comment, and hearings as the opportunity provided by this section; and

"(D) provides an opportunity for the Secretary, in cooperation with the Administrator, the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), and the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration) to conduct periodic reviews of permit decisions made under the non-federal program in order to ensure that the requirements of this subsection are met. The provisions of this paragraph shall not apply to general permits issued by the Secretary for linear utility facilities, and such linear utility facilities shall continue to be regulated by the Secretary.

"(4) CONSISTENCY WITH SWAMPBUSTER.—A general permit may be issued for discharges of dredged or fill material associated with activities found by the Secretary of Agriculture, in consultation with the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service, to be exempted from the ineligibility provisions of section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) pursuant to subsections (f) and (h) of section 1222 of such act (16 U.S.C. 3822) if the general permit—

"(A) provides adequate safeguards to ensure that the activities exempted will have no more than minimal individual and cumulative impacts on the environment; and

"(B) includes provisions to provide an opportunity for the Secretary and the Administrator to conduct periodic reviews of permit decisions made by the Secretary of Agriculture to ensure that the terms and conditions of the general permit and the requirements of this subsection are met.

"(5) GRANTS FOR STATE, REGIONAL, LOCAL AND TRIBAL PROGRAMS.—The Secretary and the Administrator may make a grant to a State, Tribal, regional, or local governmental body for the operation of a regulatory program with respect to which a general permit has been issued pursuant to this

subsection. The aggregate amount of such grants may not exceed the amount made available by appropriations to the Secretary or the Administrator to carry out this section with respect to State, Tribal, regional, or local governmental bodies.".

SEC. 11. EXEMPT ACTIVITIES.—

(a) Paragraph (1) of Section 404(f) (33 U.S.C. 1344(f)(1)) is amended to read as follows:

"(f)(1) EXEMPT ACTIVITIES.—

"Except as provided in paragraph (2) of this subsection, the discharge of dredged or fill material is exempted from regulation under this section, section 301(a) and 402 of this Act (except for effluent standards or prohibitions under section 307) if it is:

"(A) from normal farming, silviculture, and ranching activities, such as haying, grazing, plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

"(B) for the purpose of maintaining, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, water conveyances, linear utility facilities, causeways, bridge abutments or approaches, and transportation structures;

"(C) for the purpose of constructing or maintaining farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches or spreading areas for groundwater recharge;

"(D) for the purpose of constructing temporary sedimentation basins on a construction site that does not involve a discharge of fill material into navigable waters;

"(E) for the purpose of constructing or maintaining farm roads or forest roads, or temporary roads for moving mining equipment, or access roads for linear utility facilities, or access roads to, or within, drinking water treatment plants, if the roads are constructed and maintained, in accordance with best management practices, to ensure that—

"(i) flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired;

"(ii) the reach of the navigable waters is not reduced; and

"(iii) any adverse effect on the aquatic environment will otherwise be minimized;

"(F) resulting from any activity with respect to which a State has a program approved by the Administrator under section 208(b)(4) that meets the requirements of subparagraphs (B) and (C) of such section;

"(G) undertaken in connection with a marsh management and conservation program in a coastal county, parish, or borough, where such program has been approved by the Governor of the State or the designee of the Governor;

"(H) into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as piers and docks, and for linear projects such as bridges, transmission and distribution line footings, and walkways;

"(I) for the placement of pilings in waters of the United States in circumstances involving linear projects such as bridges, elevated walkways, or powerline structures, or that involve structures such as piers, boathouses, wharves, marinas, lighthouses and individual houses built on stilts solely to reduce the potential of flooding;

"(J) for the clearing of vegetation (i) within rights-of-way associated with the development and maintenance of linear utility projects, including electric power transmission and distribution lines, petroleum product and natural gas pipelines, and water and sewer lines, or (ii) from reservoirs used primarily for storage of drinking water where the construction of the reservoirs was authorized pursuant to this section, or where the construction of reservoirs predates the requirement for the authorization;

"(K) undertaken on farmed wetlands, except that any change in use of such land for the purpose of undertaking activities that are not exempt from regulation under this subsection shall be subject to the requirements of this section to the extent that such farmed wetlands are 'wetlands' under subsection (d) of this section;

"(L) undertaken on lands or involve activities within a State's coastal zone which are excluded from regulation under a State coastal zone management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.);

"(M) undertaken in incidentally-created wetlands that have exhibited wetlands functions for less than five years;

"(N) part of expanding an ongoing farming operation involving the water-dependent, obligate crop Vaccinium macrocarpin, so long as such expansion does not occur in Class A wetlands, does not result of in the conversion of more than ten acres of wetlands per operator per year, and the converted wetlands (other than where dikes and other necessary facilities are placed) remain as wetlands or other waters of the United States;

"(O) from aggregate or clay mining activities in wetlands if such activities are conducted pursuant to a State or Federal permit that requires (i) that reclamation of such affected wetlands to be completed within five years of the commencement of such activities, and (ii) that such wetlands be reclaimed to a condition capable of supporting wetlands functions substantially equivalent to the functions supported by such wetlands at the time of commencement of such activities; or

"(P) for the purpose of preserving and enhancing aviation safety or undertaken in order to prevent an airport hazard.".

(b) EXEMPTED AREAS.—Section 404(f) is further amended by adding at the end the following new paragraph:

"(3) EXEMPTED AREAS.—For purposes of this section, the following shall not be considered to be navigable waters:

"(A) nontidal drainage and irrigation ditches excavated in uplands;

"(B) artificially irrigated areas which would revert to uplands if the irrigation ceased;

"(C) artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and that are used primarily for stock watering, irrigation, agricultural settling ponds, fire control, cranberry growing, or rice growing;

"(D) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons;

"(E) waterfilled depressions created in uplands incidental to construction activity and pits excavated in uplands for the purpose of obtaining fill, sand, gravel, aggregates or minerals, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of navigable waters;

"(F) artificial stormwater detention areas and artificial sewage treatment areas that are not modifications of navigable waters;

"(G) prior converted croplands; and

"(H) confined dredged material disposal areas constructed in uplands.".

SEC. 12. STATE PROGRAMS.

(a) STANDARDS FOR STATE DELEGATION.—Subsection (h)(2) of section 404 (33 U.S.C. 1344(h)(2)) is amended by adding the following at the end:

"The Administrator shall approve a state program submitted under subsection (g)(1) that is developed to meet the particular needs and circumstances of such state, provided that the level of wetlands protection provided by the state program is substantially similar to the protection provided by this section."

(b) FEDERAL OVERSIGHT OF STATE PROGRAMS.—Subsection (i) of section 404 (33 U.S.C. 1344(i)) is amended by adding the following at the end:

"Not later than 5 years after the date of the approval of a State program, and every 5 years thereafter, in order to ensure that the requirements of this section are met, the Administrator, in cooperation with the Secretary and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), shall conduct a periodic review of permit decisions made by a State that carries out a program that is approved by the Administrator under subsection (h)(2).

"The Secretary and the Administrator may make a grant to a State for the operation of a program that is approved by the Administrator pursuant to subsection (h)(2). The aggregate amount of such grants may not exceed the amount that is made available by appropriations to the Secretary or the Administrator to carry out this section with respect to State programs.".

(c) The last four sentences of Section 404(j) (33 U.S.C. 1344(j)) are hereby repealed.

SEC. 13. MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following new subsection:

"(w) MITIGATION BANKS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, after providing notice and opportunity for public review and comment, the Secretary shall issue regulations for the establishment, use, maintenance, and oversight of mitigation banks. The regulations shall be developed in consultation with the Administrator and the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

"(B) PROVISIONS AND REQUIREMENTS.—The regulations issued pursuant to subparagraph (A) shall ensure that mitigation banks—

"(i) comply with the guidelines established under subsection (b)(1);

"(ii) to the extent practicable and environmentally desirable, provide in-kind replacement of lost wetlands functions, and be located in, or in proximity to, the same watershed as the affected wetlands;

"(iii) be operated by an entity which has the financial capability to meet the requirements of this section, including the deposit of a performance bond or other appropriate demonstration of financial responsibility to support the long-term maintenance of the bank, specify responsibilities for long-term monitoring, maintenance, and protection, and provide for the long-term security of ownership interests of wetlands and uplands on which projects are conducted to protect the wetlands functions associated with the mitigation banks;

"(iv) employ consistent and scientifically sound methods to determine debits by evaluating wetlands functions, project impacts, and duration of the impact at the sites of

proposed permits for discharges of dredged or fill material pursuant to this section, and to determine credits based on wetlands functions at the sites of mitigation banks;

"(v) provide for the transfer of credits for mitigation that has been performed and for mitigation that shall be performed within a designated time in the future, provided that financial bonds shall be posted in sufficient amount to ensure that the mitigation will be performed in the case of default; and

"(vi) provide opportunity for public notice of, and comment on, proposals for mitigation banks; *provided however*, that the process utilized by a mitigation bank to obtain a permit under this section satisfies the requirement for such public notice and comment.

"(2) MITIGATION BANK DEFINED.—As used in this section, the term 'mitigation bank' means a wetlands restoration, creation, enhancement, or preservation project undertaken by one or more parties, including private and public entities, expressly for the purpose of providing mitigation compensation credits to offset wetlands losses authorized by the terms of permits allowing discharges of dredged or fill material into the navigable waters.".

SEC. 14. ADMINISTRATIVE APPEALS PROCESS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following new subsection:

"(x) ADMINISTRATIVE APPEALS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall, after providing notice and opportunity for public comment, issue regulations establishing procedures pursuant to which—

"(A) a landowner may appeal a determination of regulatory jurisdiction under this section with respect to a parcel of property;

"(B) any person may appeal a determination that the proposed activity is not exempt under subsection (f);

"(C) a landowner may appeal a determination that an activity is not regulated under a general permit issued under this section;

"(D) an applicant for a permit under this section may appeal a determination made pursuant to this section to deny issuance of the permit or to impose a requirement under the permit; and

"(E) a landowner or any other person required to restore or otherwise alter a parcel of property pursuant to an order issued under this section may appeal such order.

"(2) FILING DEADLINE.—An appeal brought to this subsection shall be filed not later than 30 days after the date on which written notice of the decision or action that is the subject of the appeal is received, or is deemed received, by the party filing the appeal.

"(3) DECISION DEADLINE.—An appeal brought pursuant to this subsection shall be decided not later than 90 days after the date on which the appeal is filed.

"(4) THIRD-PARTY COMMENTS ON APPEAL.—Any person who participated in the public comment process concerning a decision or action that is the subject of an appeal brought pursuant to this subsection may file written comments with respect to such appeal.

"(5) OFFICIAL DECIDING APPEAL.—An appeal brought pursuant to this subsection shall be heard and decided by an appropriate and impartial official of the Federal Government, other than the official who made the determination or carried out the action that is the subject of the appeal.

"(6) PAYMENT OR MITIGATION AFTER APPEAL.—A landowner or any other person who has filed an appeal under this subsection shall not be required to pay a penalty or perform mitigation or restoration assessed under this section or section 309 until after the appeal has been decided.".

SEC. 15. MAPPING AND PUBLIC NOTICE REQUIREMENTS.

Section 404 is amended by adding at the end the following new subsection:

"(y) MAPPING AND PUBLIC NOTICE REQUIREMENTS.—

"(1) The Corps of Engineers shall, within 90 days after the enactment of this Act, provide the court of each county, parish, or borough in which Federal jurisdictional wetlands may be located, a notice for posting near the property records of the county, parish, or borough. Such notice shall: (i) state that Federal jurisdictional wetlands may be located in the county, parish, or borough, (ii) provide an understandable explanation of how Federal jurisdiction over wetlands is determined, (iii) describe the requirements and restrictions of the wetlands regulatory program under this section, and (iv) provide instructions on how to obtain a delineation and classification of wetlands.

"(2) When the delineation or classification of a property pursuant to this section becomes final, the Secretary shall file a copy of the delineation, including the classification of the wetland if any are present, with the records of the property in the local courthouse, and the Secretary shall serve a copy of the delineation determination on every property owner of record and any person with a recorded mortgage or lien on the property.

"(3) The Corps and the EPA shall file notice of enforcement actions taken with respect to private property in the property records of such property.

"(4) As the National Biological Survey completes the National Wetlands Inventory, the maps prepared in that inventory shall be provided to the court for posting in the counties, parishes, and boroughs that are covered by the maps.".

SEC. 16. REGULATORY PROGRAM FOR ALASKA.

(a) Section 404(b) (33 U.S.C. 1344(b)), as amended, is further amended by adding at the end the following new paragraph:

"(5) For permits for the discharge of dredged or fill material within the State of Alaska, the guidelines issued under this subsection—

(A) shall not include requirements or standards for compensatory mitigation of adverse impacts, but may include requirements for non-compensatory mitigation of adverse impacts,

(B) shall include requirements or standards for minimization of impacts, and

(C) may include standards or requirements for avoidance of impacts, except that the permit applicant shall not be required to establish that upland alternative sites do not exist."

(b) STANDARDS FOR GENERAL PERMITS IN ALASKA—Section 404(e) (33 U.S.C. 1344(e)), as amended by Section 10, is further amended by inserting the following new paragraph after paragraph (5):

"(6) Notwithstanding the requirements of paragraphs (1) and (2), the Secretary shall issue a general permit for discharges of dredged and fill material in Alaska. Such general permit shall contain requirements that provide a similar degree of protection for navigable waters as the protection required by the other provisions of subsection (b)(5).".

(c) Section 404 (33 U.S.C. 1344) is amended by adding at the end thereof:

"(z) ALASKA NATIVE CORPORATION LANDS—

"(1) IN GENERAL—Lands conveyed to, selected by, or owned by Alaska Native Corporations pursuant to the Alaska Native Claims Settlement Act, P.L. 92-203, as amended, shall be "economic base lands."

"(2) PERMIT CONSIDERATIONS—Regarding permit decisions for economic base lands, in addition to the requirements in subsection (a) and (b), the Secretary shall—

"(A) balance the standards and policies of this Act against the obligations of the United States to allow economic base lands to be used beneficially to create and sustain economic activity;

"(B) give substantial weight to the social and economic needs of Alaska Natives; and

"(C) account for regional differences, abundance, and functions of wetlands.

"(3) GENERAL PERMITS—Regarding rural Alaska Native villages as defined in section 3(c) of the Alaska Native Claims Settlement Act, P.L. 92-203, (43 U.S.C. 1602(c)), the Secretary shall issue general permits for disposition of dredge and fill material for critical infrastructure, including water and sewer systems, airports, roads, communication sites, fuel storage sites, landfills, housing, hospitals, medical clinics, schools, and other community infrastructure in rural Alaska villages without a determination that activities authorized by such a general permit cause only minimal adverse environmental effects when performed separately and will have only minimal cumulative adverse effects on the environment.

"(4) OTHER CONSIDERATIONS.—The Secretary shall consult with and provide assistance to Alaska Native Corporations and the State of Alaska regarding promulgation and administration of policies and regulations under this section.".

SEC. 17. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end thereof the following new paragraphs:

"(21) The term 'wetlands' means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, potholes, playa lakes, vernal pools, and similar areas.

"(22) The term 'creation of wetlands' means an activity that brings a wetland into existence at a site where it did not formerly exist.

"(23) The term 'enhancement of wetlands' means any activity that increases the functioning of existing wetlands.

"(24) The term 'wetlands functions' means the roles wetlands serve, including flood water storage, flood water conveyance, groundwater discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetlands plant habitat, aquatic habitat, and habitat for wetland-dependent wildlife.

"(25) The term 'incidentally created wetlands' means lands that exhibit wetlands characteristics sufficient to meet the criteria for delineation of wetlands, where one or more of such characteristics is the unintended result of human induced alterations of hydrology.

"(26) The term 'maintenance,' when referring to wetlands, means activities undertaken to assure continuation of a wetland or the accomplishment of project goals after a

restoration or creation project has been completed, including water level manipulations and control of non-native plant species.

"(27) The term 'normal farming, silviculture, aquaculture and ranching activities' means normal ongoing practices identified as such by the Secretary of Agriculture, in consultation with the Cooperative Extension Service for each State and the land grant university system and agricultural colleges of the State, taking into account existing practices and such other practices as may be identified in consultation with the affected industry or community.

"(28) The term 'prior converted cropland' means land that was both manipulated (drained or otherwise physically altered to remove excess water from the land) and cropped before December 23, 1985, to the extent that such land no longer exhibits significant wetlands functions.

"(29) The term 'restoration,' when referring to wetlands, means an activity undertaken to return a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater wetlands acreage or functions.

"(30) The term 'temporary impact' or 'temporary effect' mean the disturbance or alteration of wetlands caused by activities under circumstances in which, within three years following the commencement of such activities, such wetlands—

"(A) are returned to the conditions in existence prior to the commencement of such activity; or

"(B) display conditions sufficient to ensure that without further human action, such wetlands will return to the conditions in existence prior to the commencement of such activity.".

"(31) The term 'linear utility facility' means a continuous conveyance, such as a pipeline, cable, line, or wire, used for the transmission, gathering, or distribution of electric power, natural gas, oil, or water.•

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 2507. A bill to amend the Federal Water Pollution Control Act to improve stormwater management, and for other purposes; to the Committee on Environment and Public Works.

THE STORMWATER CONTROL REFORM ACT OF 1994

• Mr. BAUCUS. Mr. President, I ask unanimous consent that the legislation I am introducing today for myself and Mr. CHAFEE from Rhode Island, the Stormwater Control Reform Act of 1994, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2507

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 "Stormwater Control Reform Act of 1994".

SEC. 2. STORMWATER MANAGEMENT.

Section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) by striking the matter preceding subparagraph (A) and inserting the following:

"(1) IN GENERAL.—The requirements of paragraph (4) for applications and the issuance of permits for stormwater discharges shall apply to:";

(B) in subparagraph (B), by inserting "or commercial" after "industrial";

(C) by striking "separate" each place it appears in subparagraph (C) and (D);

(D) by redesignating subparagraph (E) as subparagraph (F); and

(E) by inserting after subparagraph (D) the following new subparagraph:

"(E) A discharge from a municipal storm sewer system serving a population of fewer than 100,000 individuals that is located in an urbanized area (as designated by the Bureau of the Census) in which a stormwater discharge covered by a permit issued under subparagraph (C) or (D) is also located.";

(4) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) OTHER MUNICIPAL STORMWATER DISCHARGES.—

"(A) MORATORIUM ON PERMITTING FOR REMAINING URBANIZED AREAS.—

"(i) MUNICIPAL STORMWATER SYSTEMS.—Except as provided in clauses (iii) and (iv), prior to October 1, 2001, neither the Administrator nor the State (in the case of a permit program approved under subsection (b)) shall require a permit under this section for discharges composed entirely of stormwater from municipal storm sewer systems serving a population of fewer than 100,000 individuals that is located in an urbanized area (as designated by the Bureau of the Census) other than discharges described in paragraph (1)(E).

"(ii) ADVANCE NOTICE OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall publish an advance notice of proposed rulemaking that summarizes available information on municipal storm sewer systems covered by clause (i) and outlines the options being considered for regulations under clause (iii).

"(iii) REGULATIONS.—The Administrator may issue regulations specifying permit application requirements for permits for the discharges covered by clause (i) prior to October 1, 1998, based on a determination by the Administrator that the discharges would be appropriately regulated by a permit issued pursuant to this subsection. If the Administrator issues the regulations, permits shall be issued or denied for the discharges not later than 7 years after the date of enactment of paragraph (3)(C).

"(iv) FAILURE TO ISSUE REGULATIONS.—Notwithstanding clause (i), if the Administrator fails to issue the regulations described in clause (iii) prior to October 1, 1998, the discharges covered by clause (i) shall be subject to the requirements of section 301 and this section as of October 1, 1998.

"(B) EXEMPTION FROM PERMIT REQUIREMENTS FOR NONURBANIZED AREAS.—Notwithstanding section 301 or any other provision of this section, a source of discharges composed entirely of stormwater from municipal storm sewer systems, other than the discharges described in paragraph (1) or subparagraph (A), is not required to obtain a permit for the discharges under this Act.

"(C) CLARIFICATION.—Nothing in this subsection shall be interpreted, construed, or applied to modify the requirements of this Act (including other provisions of this section) otherwise applicable to discharges of stormwater combined with domestic or industrial wastewater.";

(5) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting "AND COMMERCIAL" after "INDUSTRIAL"; and

(ii) by inserting "and commercial" after "industrial";

(B) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) shall include monitoring and reporting requirements that, at minimum, provide for—

"(I) representative monitoring for the quality of receiving waters; and

"(II) reporting for the implementation of management measures."; and

(C) by adding at the end the following new subparagraphs:

"(C) MAXIMUM EXTENT PRACTICABLE.—

"(i) MAXIMUM EXTENT PRACTICABLE DEFINED.—As used in subparagraph (B)(iii) (and with respect to permits issued after the date that is 2 years after the date of enactment of this subparagraph), the term 'maximum extent practicable' means applying management measures, as defined in section 6217(g)(5) of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b(g)(5)), for municipal stormwater discharges that, in the judgment of the Administrator (or a State authorized to issue a permit under this section), will attain and maintain water quality standards.

"(ii) GUIDANCE.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator, after consultation with persons with expertise in the management of stormwater (including officials of local governments and representatives of public interest groups), shall—

"(I) establish requirements for specific management measures for municipal stormwater discharges based on the guidance issued under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1445b) to define 'maximum extent practicable' for the purposes of this section; and

"(II) if practicable, include in the requirements minimum and objective performance standards for each of the management measures.

"(D) NUMERIC EFFLUENT LIMITATIONS.—Notwithstanding section 301 and this section, during the 10-year period beginning on the date of enactment of this subparagraph, a permit issued pursuant to this subsection for discharges from municipal storm sewers composed entirely of stormwater shall not require compliance with numeric effluent limitations and water quality standards shall not be applied or enforced as effluent limitations.

"(E) MUNICIPALLY OWNED AND COMMERCIAL DISCHARGES.—The Administrator (or a State with a program approved under subsection (b)) may issue a consolidated permit for discharges from a storm sewer system owned by a municipality and the stormwater discharges from industrial or commercial sources owned by the same municipality.";

(6) in paragraph (4)—

(A) by striking "(2)" each place it appears and inserting "(1)";

(B) in subparagraph (B)—

(i) by striking "(B) OTHER MUNICIPAL DISCHARGES.—Not later than" and inserting the following:

"(B) OTHER MUNICIPAL DISCHARGES.—

"(i) IN GENERAL.—Not later than"; and

(ii) by adding at the end the following new clauses:

"(ii) DEADLINE FOR SUBMISSION OF APPLICATION.—Applications for permits for discharges from municipal storm systems that were not required to apply for a permit before the date of enactment of this clause because the systems are combined storm and sanitary systems shall be filed not later than 4 years after the date of enactment of this clause.

"(iii) EFFECTIVE DATE.—The requirement for a permit under section 301 and this section shall apply to discharges from municipal storm sewer systems described in paragraph (1)(E) beginning on the date of the expiration of a permit for a discharge described in subparagraph (C) or (D) of paragraph (1) that is located in the same urbanized area and that occurs after the date that is 3 years after the date of enactment of this clause."; and

(C) by adding at the end the following new subparagraph:

"(C) COMMERCIAL AND LIGHT INDUSTRIAL DISCHARGES.—

"(1) IN GENERAL.—Except as provided in clause (ii), the Administrator shall, after notice and opportunity for public comment, establish permit application and other requirements for stormwater discharges from commercial and light industrial sources and ensure that permits under this section for all sources are issued as expeditiously as practicable, but no later than 8 years after the date of enactment of this subparagraph.

"(ii) EXCEPTIONS.—This subparagraph shall not apply to discharges from sources that—

"(I) were required to submit applications for a permit by the rule published by the Administrator at 55 Fed. Reg. 47990 (November 16, 1990);

"(II) are in a source or a class for which an exemption to the permit requirements of this section and section 301 is granted before the date that is 8 years after the date of enactment of this subparagraph, pursuant to paragraph (5); or

"(III) are owned or operated by a municipality and are subject to a consolidated permit as authorized by paragraph by (3)(E).

"(D) REGULATIONS.—The Administrator shall publish a notice of proposed rulemaking for the requirements described in subparagraph (C) not later than 4 years after the date of enactment of this subparagraph and shall issue final regulations relating to the requirements not later than 6 years after the date of enactment of this subparagraph."; and

(7) by striking paragraphs (5) and (6) and inserting the following new paragraphs:

"(5) COMMERCIAL AND LIGHT INDUSTRIAL DISCHARGES.—

"(A) IN GENERAL.—The Administrator may exempt a class or category of commercial and light industrial discharges composed entirely of stormwater (other than discharges subject to permit application requirements published at 55 Fed. Reg. 47990 (November 16, 1990)) from the requirement to obtain a permit pursuant to section 301 and this section if the Administrator determines based on available information that, considering controls and management measures installed at sources in the class or category, stormwater discharges from sources in the class or category have minimal effect on water or sediment quality.

"(B) REGULATIONS.—

"(i) IN GENERAL.—The Administrator shall issue regulations for classes or categories of discharges exempt under subparagraph (A).

"(ii) CONTENTS.—Such regulations shall, at a minimum, establish priorities, establish requirements for State stormwater management programs, and establish expeditious deadlines for compliance with the requirements established by the regulations. The regulations may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate. The Administrator may, in making a determination under subparagraph (A), take into account controls and management measures established pursuant to this subparagraph.

"(iii) REFERENCES.—For purposes of sections 309 and 505, any reference to a permit issued under section 402 shall be interpreted to include a requirement imposed by a regulation issued pursuant to this subparagraph.

"(6) STORMWATER RESEARCH.—

"(A) IN GENERAL.—To determine the most cost-effective and technologically feasible means of improving the quality of the waters of the Nation, the Administrator shall establish an initiative through which the Administrator shall fund State and local demonstration programs and research to test innovative approaches to address the impacts of hydrologic and hydraulic changes, source controls, and water quality management practices and controls for runoff from municipal storm sewers. Persons conducting demonstration programs and research funded under the initiative shall also take into account the physical nature of episodic stormwater flows, the varying pollutants in stormwater, the actual risk the flows pose to the designated beneficial uses, and the ability of natural ecosystems to accept temporary stormwater events.

"(B) AWARD OF FUNDS.—The Administrator shall award the demonstration and research program funds taking into account regional and population variations.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph a total of $100,000,000 for the period consisting of fiscal years 1995 through 2004. Such sums shall remain available until expended.

"(7) ADDITIONAL MONITORING SUPPORT.—Municipalities subject to permits issued under this subsection shall be eligible for grants under section 319(h) to train and facilitate training of citizens in citizen watershed monitoring activities to support municipal stormwater management programs.".•

By Mr. PACKWOOD:

S. 2508. A bill to amend the fishing endorsement issued to a vessel owned by Ronnie C. Fisheries, Inc.; to the Committee on Commerce, Science, and Transportation.

THE RONNIE C. FISHERIES, INC. VESSEL ACT OF 1994

• Mr. PACKWOOD. Mr. President, I introduce a bill for the sake of fairness. It is a bill based on the merits of a case that didn't meet the rigid guidelines of Federal regulations despite meeting the intent of the Federal program. The private relief I offer today is for the Seibel family of South Beach, OR, who need to have the Pacific Coast groundfish limited entry permit transferred from their vessel that was lost at sea, to their other vessel, the *F/V A J*.

Some may say that offering this kind of private relief sets a precedent. I believe it is a precedent of righting a wrong. The Seibels have jumped through all the administrative hoops possible. The regulators they have encountered side with them on the merits of their case, but have denied them the permit due to the rigid wording of the regulations. The very agency that denied them the permit, the National Oceanic and Atmospheric Administration, says it will not oppose my legislation.

We in Congress are charged with the awesome responsibility of making sure justice is served in the laws we create. I say let the merits of the case determine the precedent we set. With every bill Congress passes we create a precedent.

Mr. President, Dave and Barbara Seibel have fished in the waters off the coast of the Pacific Northwest since 1968, and in the groundfish fishery since 1976. They are classic examples of historical fishermen, as defined under the Magnuson Fishery Conservation and Management Act. The Seibels are an example of the category of fishermen that were meant to be included in the Pacific Coast Groundfish Limited Entry Program.

As happens to those that go to sea in ships, the Seibels have felt the bitter sting of losing their boat, and much more tragically, losing the three crewmen aboard. On March 9, 1989, their 75-foot *F/V Ronnie C.* and crew were lost at sea. The loss was devastating. In deciding how to continue in the fishery after this loss, the Seibels sought to resume the fishing done by the lost vessel using their other boat, the 150 foot *F/V A J*. While the Seibels have fished all these years, and the *Ronnie C.* had a groundfish permit from the National Marine Fisheries Service, the *F/V A J* did not. In 1991, the *F/V A J* sat at the dock, so that year the *F/V A J* did not fulfill the 1994 National Marine Fisheries Service regulations. The regulations call for two 500-pound catches of fish per year from 1989–91. The Seibels had no market for the whiting they might have caught in 1991 because the groundfishery was in the throes of changing from factory processor deliveries at-sea to the not yet geared-up shoreside processing plants. So the boat sat at the dock. The boat, the *F/V A J*, did meet the requirements the two previous years when they sold to the at-sea processors.

Oregonians can be very practical people, Mr. President, especially the independent fishermen. Their logic tells them that if you can't sell any fish, it's a waste of time to harvest the fish from the sea and let them rot on the boat.

So, right between the regulatory cracks this fishing family fell. In one part of the National Marine Fisheries Service regulations, it specifically refers to the consideration of occurrences beyond the owners control, but this is not specifically stated throughout the regulation, a bureaucratic oversight,

no doubt. So, National Marine Fisheries Service has followed the very letter of its regulations and denied a permit that would let the Seibel's fish with their one boat that is still above water.

The Seibels have gone through the council review process, the review board having decided in their favor. The Seibels have gone to the Pacific Fishery Management Council, the council having voted unanimously in favor of reconsideration of the Seibel'situation by the National Marine Fisheries Service. Still, National Marine Fisheries Service cannot reverse its original decision and issue a permit for the *F/V A J* due to the wording of the regulations.

The legislation I am introducing moves the original permit to the Seibel's remaining boat. Quite simply, the Seibels will have no permitted boat with which to fish for Pacific groundfish next spring, Mr. President. And since they will not be able to finance the boat without a permit, they will loose their boat. And since fishing is their livelihood, they will be unable to make a living. I ask for my colleague's support for letting the Seibels get on with their lives as working and productive people of this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2508

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

SECTION 1. FISHING ENDORSEMENT.

Notwithstanding any other provision of law, the size endorsement on Pacific Coast Groundfish Limited Entry Permit Number GF0351, issued to Ronnie C. Fisheries Incorporated, is hereby amended to read "150 feet" length overall.●

By Mr. MOYNIHAN:

S. 2509. A bill to establish an American Heritage Areas Partnership Program in the Department of the Interior; to the Committee on Energy and Natural Resources.

THE AMERICAN HERITAGE AREAS PARTNERSHIP ACT OF 1994

● Mr. MOYNIHAN. Mr. President, I introduce the American Heritage Partnership Act of 1994. This bill will recognize the natural, cultural, historic, and scenic resources and recreational opportunities that together constitute the idea of the American heritage. The bill will also preserve and protect these unique resources and make easier their enjoyment by Americans from near and far.

It is no easy task to define an American heritage area, but here we do so by saying it means a place where natural, cultural, historic, or scenic resources, or a combination thereof, combine to form a cohesive, nationally distinctive landscape that has developed from patterns of human activity shaped by geography. Heritage areas are together representative of the national experience, as demonstrated through the physical features that remain and the traditions that have evolved there.

The Secretary of the Interior may award grants to help identify areas that meet the requirements for this designation and to prepare the management plan that is required before designation. One of the criteria for designation is the presence of residents, nonprofit organizations, other private entities, and governments within the proposed area that have demonstrated support for the designation and the implementation of the management plan. Without such local support, a proposal would not meet the criteria.

Mr. President, this bill will make possible the enjoyment and protection of many unique facets of American life for us and for future generations. I am hopeful that one or more areas in New York will be considered worthy of this designation. But that is for the future. We must first enact the bill, and for that I ask my colleagues' support.●

ADDITIONAL COSPONSORS

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Tennessee [Mr. SASSER], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1343

At the request of Mr. AKAKA, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1343, a bill entitled the "Steel Jaw Leghold Trap Prohibition Act."

S. 1690

At the request of Mr. DANFORTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1871

At the request of Mr. KENNEDY, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1871, a bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA, and for other purposes.

S. 1971

At the request of Mr. MCCAIN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1971, a bill to require the reauthorization of executive reporting requirements at least every 5 years.

S. 2156

At the request of Mr. LEVIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2156, a bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes.

S. 2310

At the request of Mr. CONRAD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 2310, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the Medicare Program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

S. 2330

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2330, a bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

S. 2375

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2375, a bill to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

S. 2411

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Indiana [Mr. COATS], were added as cosponsors of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Kentucky [Mr. FORD], were added as cosponsors of S. 2411, supra.

S. 2460

At the request of Mr. CHAFEE, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Kentucky [Mr. FORD], the Senator from California [Mrs. FEINSTEIN], the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. DANFORTH], the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], the Senator

from Nebraska [Mr. KERREY], the Senator from Missouri [Mr. BOND], the Senator from Florida [Mr. MACK], the Senator from Florida [Mr. GRAHAM], and the Senator from Massachusetts [Mr. KENNEDY], were added as cosponsors of S. 2460, a bill to extend for an additional 2 years the period during which Medicare select policies may be issued.

S. 2464

At the request of Mr. WOFFORD, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from West Virginia [Mr. ROCKEFELLER], were added as cosponsors of S. 2464, a bill entitled the "Congressional Health Insurance Accountability Act."

S. 2478

At the request of Mr. KERRY, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Texas [Mrs. HUTCHISON], were added as cosponsors of S. 2478, a bill to amend the Small Business Act to enhance the business development opportunities of small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes.

S. 2489

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 2489, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

At the request of Mr. KENNEDY, the names of the Senator from Kentucky [Mr. FORD], the Senator from Maine [Mr. COHEN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2489, supra.

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 186, joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day".

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 208, joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Nevada [Mr. BRYAN], and the Senator from New Mexico [Mr. DOMENICI], were added as cosponsors of Senate Joint Resolution 219, joint resolution to commend the U.S. rice industry, and for other purposes.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. METZENBAUM, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Concurrent Resolution 69, concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. LEAHY, the names of the Senator from California [Mrs. BOXER], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Concurrent Resolution 77, concurrent resolution expressing the sense of the Congress regarding the U.S. position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization.

SENATE CONCURRENT RESOLUTION 78—CONCERNING THE REMOVAL OF MILITARY FORCES OF THE RUSSIAN FEDERATION FROM THE INDEPENDENT NATION OF MOLDOVA

Mr. DECONCINI (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

SENATE CONCURRENT RESOLUTION 78

Whereas military forces of the Russian Federation continue to be deployed on the territory of the sovereign and independent nation of Moldova against the wishes of the people and government of Moldova;

Whereas the continued stationing of military forces by the Russian Federation in Moldova without permission of the government of Moldova is contrary to international law;

Whereas the Parliamentary Assembly of the Conference on Security and Cooperation in Europe passed a resolution on July 6, 1994, calling for a "most rapid, continuing, unconditional, and full withdrawal" of the 14th Army of the Russian Federation from Moldova, and the diplomatic mission in Moldova of the Conference on Security and Cooperation in Europe has called for the accelerated withdrawal of the 14th Army;

Whereas on August 10, 1994, negotiators of the governments of Moldova and the Russian Federation initialed an agreement according to which the Russian Federation will withdraw its military forces from Moldova in 3 years; and

Whereas the Minister of Defense of the Russian Federation has called for changes in such withdrawal agreement and the Commander of the 14th Army of the Russian Federation has publicly rejected the terms of the agreement: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

That the Congress—

(1) calls upon the government of the Russian Federation to adhere to the provisions of the agreement initialed on August 10, 1994, to provide for the withdrawal of the military forces of the Russian Federation from Moldova; and

(2) urges the Administration to continue to use every appropriate opportunity, including multilateral and bilateral diplomacy, to secure removal of the military forces of the Russian Federation from Moldova.

SENATE CONCURRENT RESOLUTION 79—RELATIVE TO BELLEVILLE, NJ

Mr. LAUTENBERG (for himself and Mr. BRADLEY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

SENATE CONCURRENT RESOLUTION 79

Whereas, in 1753, Josiah Hornblower, an English engineer who was an associate and rival of James Watt, assembled the 1st functioning steam engine in the Western Hemisphere in Belleville, New Jersey, to pump water from the Schuyler copper mines;

Whereas, approximately 40 years after such assembly, the 1st steam engine made in the United States was manufactured in a foundry in Belleville from designs by Josiah Hornblower;

Whereas the designs were commissioned by Nicholas Roosevelt, who was the great-uncle of Franklin Delano Roosevelt and Theodore Roosevelt, to power the Polacca, which was the 1st experimental steamboat in the United States;

Whereas the Polacca negotiated the Passaic River on October 21, 1798, which was several years before Robert Fulton's boat, Clermont, sailed the Hudson River;

Whereas historians herald the invention of the steam engine as the beginning of the industrial revolution;

Whereas the presence of Josiah Hornblower in Belleville brought many of the initiators of the industrial revolution in the United States to Belleville;

Whereas such individuals included members of the Rutgers family, many of whom are buried in the cemetery of the old Dutch Reformed Church in Belleville; and

Whereas Belleville has a rightful claim to the title "Birthplace of the American Industrial Revolution": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress recognizes Belleville, New Jersey, as the birthplace of the industrial revolution in the United States; and

(2) the President is authorized and requested to issue a proclamation honoring Belleville as such birthplace.

AMENDMENTS SUBMITTED

AERONAUTICS AND SPACE POLICY ACT

ROCKEFELLER AMENDMENT NO. 2615

Mr. FORD (for Mr. ROCKEFELLER) proposed an amendment to the bill (H.R. 4489) to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology,

mission support, and inspector general, and for other purposes; as following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aeronautics and Space Policy Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Aeronautics and Space Administration will require a stable budget, adjusted for inflation, in order to carry out the initiatives now planned in human space flight and science, aeronautics, and technology;

(2) cooperation in space should continue to be a major element of the post-cold war foreign policy agenda through a broad range of scientific and engineering programs that have the potential to stabilize the scientific and industrial base of the former Soviet Union and encourage the transition toward political reform and a market-based economy;

(3) the National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and private sector systems.

(4) in formulating a national space transportation policy, the National Aeronautics and Space Administration should take the lead role in developing advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and manned space systems; and

(5) maintaining experimental state-of-the-art facilities has been a key investment to retaining United States competitiveness and technological leadership, and these facilities have been heavily utilized by United States industry in their research and development programs.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

TITLE I—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SUBTITLE A—SPECIAL AUTHORITY AND LIMITATIONS

SEC. 101. OPERATING PLAN.

Not later than 60 days after the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an operating plan that provides a detailed plan for obligating fiscal year 1995 funds.

SEC. 102. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—The Administrator may use funds appropriated for purposes other than—

(1) construction of facilities;

(2) research and program management, excluding research operations support; and

(3) Inspector General,

for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are appropriated.

(b) LIMITATION.—None of the funds used pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $750,000, until 30 days have passed after the Administrator has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organziations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 103. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations may remain available without fiscal year limitation.

SEC. 104. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Amounts appropriated for a construction of facilities project—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use for such purposes up to $10,000,000 of the amounts appropriated for construction of facilities purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 105. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding; and

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 106 USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Funds appropriated for Mission Support may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the authority of the Administrator.

SEC. 107. LAND CONVEYANCE.

(A) The Administrator may accept the conveyance to the United States of certain parcels of land from the cities of Cleveland and Brook Park, Ohio, for the purpose of establishing a Visitor Center for the Lewis Research Center.

(b) If cost-effective, the Administrator may acquire a certain parcel of land, together with existing facilities, located at the site of the Clear Lake Development Facility, Clear Lake, Texas. The land and facilities in question comprise approximately 13 acres and include a Light Manufacturing Facilities, an Avionics Development Facility, and an Assembly and Test Building which may be modified for use as a Neutral Buoyancy Laboratory in support of human space flight activities.

SEC. 108. GEOGRAPHICAL DISTRIBUTION.

The National Aeronautics and Space Administration shall give consideration to geographical distribution of its research and development funds whenever feasible.

SEC. 109. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Administrator has certified to the Congress that the Administrator has reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 110. SENSE OF CONGRESS; ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

It is the sense of Congress that, when consistent with the goals of the National Aeronautics and Space Administration, the Administrator should select sites in depressed communities for new programs or functions of the National Aeronautics and Space Administration, unless those new programs or functions are so closely related to programs

or functions carried out at an existing facility as to require being carried out at that existing facility.

SEC. 111. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Space Access and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall ensure that proper procedures will be developed for actively seeking, from nongovernment persons, innovative technology concepts relating to the provision of space hardware, technology, or services to the National Aeronautics and Space Administration. Expedited technology procurement procedures shall include, but not be limited to Space Act Agreements, Cooperative Agreements with both profit and not-for-profit organizations, and other consortium and partnering programs that will ensure proactive commercial applications development and technology infusion for both NASA and industry.

To carry out this subsection the Administrator shall ensure use in the evaluation process of persons with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection. Use of nongovernmental sector expertise will be used to the maximum extent practicable through the use of existing special appointment procedures.

(3) SUNSET.—This subsection shall cease to be effective 10 years after the date of enactment of the Aeronautics and Space Policy Act of 1994.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector into the missions and programs of the National Aeronautics and Space Administration;

(C) utilize streamlined buying and bidding procedures to the maximum extent practicable, and survey private sector buying and bidding procedures to determine the extent to which they may be incorporated into procedures of the National Aeronautics and Space Administration;

(D) consider the use of fixed price contracts at both contract and subcontract levels to integrate commercially available technology into systems and subsystems of the National Aeronautics and Space Administration; and

(E) provide an annual report to the Congress as to progress achieved in implementing the technology procurement initiative set forth under this subsection.

(2) REQUIREMENTS.—The Administration shall ensure that requirements developed for space hardware, innovative technology or related space services under this demonstration program shall, to the maximum extent practicable, enhance the integration of existing commercial, non-developmental or available off-the-shelf hardware or services into meeting the Agency's mission. Requirements shall seek to utilize non-Governmental research and development activities, and those cooperative research efforts between Government and non-Government sources to bring potentially innovative technology concepts into the Agency's mainstream missions.

SEC. 112. COORDINATION OF EDUCATION SUPPORT FOR UNDERREPRESENTED GROUPS.

The Administrator shall coordinate with other Federal agencies all National Aeronautics and Space Administration education activities to encourage the participation of women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities.

SEC. 113. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $100,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 114. SMALL SPACECRAFT TECHNOLOGY INITIATIVE.

The Administrator may not obligate funds for the Small Spacecraft Technology Initiative to duplicate private sector activities or to fund any activities that a private sector entity is proposing to carry out for commercial purposes.

SEC. 115. SCIENTIFIC COOPERATION WITH RUSSIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Aeronautics and Space Administration should seek, to the maximum extent practicable, to undertake joint scientific activities with Russia with an initial focus on the robotic exploration of Mars. Such joint scientific activities may include other spacefaring nations, as appropriate.

(b) MARS TRANSITION PLAN.—The Administrator shall provide to the Congress by February 15, 1995, a detailed plan to integrate the Mars Surveyor program with a Mars exploration program with Russia and other spacefaring nations, as appropriate.

SEC. 116. VISITORS CENTER.

To the extent provided in advance in appropriations Acts, all unobligated funds available to the Administrator from appropriations for fiscal years before fiscal year 1995, but not to exceed $5,000,000, may be obligated for the establishment of a Visitor Center for the Lewis Research Center, if at least an equal amount of funding of in-kind resources of equivalent value or a combination thereof are provided for such purpose from non-Federal sources.

SEC. 117. CONSORTIUM FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORK BUILDING.

The Consortium for International Earth Science Information Network may not obligate more than $27,000,000 for the construction of a new building. Such funds may not be obligated until 90 days after the completion of a building prospectus by the General Services Administration, which shall be completed within 60 days after the date of enactment of this Act.

SEC. 118. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following new section.

"SEC. 109. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

"(a) IN GENERAL.—The National Aeronautics and Space Administration, in coordination with other agencies that belong to the Committee established under section 102, shall establish the requirements and architecture for, design, and develop a Global Change Data and Information System that shall serve as the system to process, archive, and distribute data generated by the Global Changee Research Program. The Office of Science and Technology policy shall coordinate the activities of the National Aeronautics and Space Administration and such other agencies under this section.

"(b) SPECIFICATIONS.—The Office of Science and Technology Policy shall ensure that the Global Change Data and Information System is designed—

"(1) so that Federal agencies may connect data centers operated by such agencies to such System;

"(2) so as to minimize, to the extent practicable, the cost of connecting such data centers; and

"(3) so as to avoid duplication with existing Federally-funded efforts and to promote products that are useful to the Global Change Data and Information System.

"(c) OPERATING RESPONSIBILITY.—Each agency involved in the Global Change Research Program shall retain the responsibility to establish and operate Global Change Data and Information System data centers to process, archive, and distribute data generated by such agency's programs. Agencies may agree to assume the responsibility for processing, archiving, or distributing data generated by other agencies.

"(d) PLAN.—The Office of Science and Technology Policy shall prepare a plan that will ensure the interoperability among the data systems of the agencies of the United States Global Change Research Program, develop standards among the agencies to promote the exchange of data by researchers, and maintain high levels of data service among the agencies. The Office shall submit the plan to the Congress within one year after the date of enactment of the Aeronautics and Space Policy Act of 1994.".

SEC. 119. ACCESS TO DATA FOR GLOBAL CHANGE RESEARCH.

The National Science and Technology Council, through its Committee on Environment and Natural Resources, shall develop and submit to the Congress within one year after the date of enactment of this Act a plan for providing access to declassified data from classified archives and systems for global change research. The plan shall—

(1) determine whether the Global Change Data and Information System or other means should be used to provide multiple source access to such data for the scientific community; and

(2) identify what agencies or nonprofit institutions or consortia should be responsible for particular parts of such data and any data centers needed to process, archive, and distribute such data.

SEC. 120. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

(a) STUDY.—The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technologies innovation in the United States by using the Nation's institutions of higher education to help meet the National Aeronautics and Space Administration's research and development needs, by stimulating technology transfer between

institutions of higher education and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation; and

(2) avoids duplication of existing National Aeronautics and Space Administration programs with the institutions of higher education.

(b) COMPLETION.—The study required by subsection (a) shall be completed and its results submitted to the Congress within one year after the date of enactment of this Act.

(c) ADVICE.—In carrying out the study required by subsection (a), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 121. STUDY ON TDRSS AND COMMERCIAL SATELLITE SYSTEM CONVERGENCE.

(a) REQUIREMENT.—The Administrator shall conduct a study on the convergence of the National Aeronautics and Space Administration Tracking and Data Relay Satellite System (TDRSS) with commercial communications satellite systems. The study shall assess whether a converged system, from which the National Aeronautics and Space Administration would buy tracking and data relay services, could—

(1) satisfy the National Aeronautics and Space Administration's tracking and data relay requirements;

(2) reduce the National Aeronautics and Space Administration's expenses in satisfying tracking and data relay requirements through maintenance and operations of the TDRSS;

(3) be financed, developed, and operated by the private sector;

(4) serve commercial communication needs;

(5) be established to satisfy the National Aeronautics and Space Administration's requirements in time to obviate the need to procure TDRSS spacecraft beyond the tenth flight; and

(6) encourage the growth of the commercial satellite communications market.

(b) CONSULTATION.—In conducting the study, the Administrator shall consult with commercial satellite operators, including the International Telecommunications Satellite Organization, other international satellite operators, and United Stats satellite operators, as appropriate, and shall also consult with the Department of Defense concerning its requirements for tacking and data relay services.

(c) REPORT.—The Administrator shall report on the study's findings and recommendations on feasibility of convergence to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by February 15, 1995.

SEC. 122. SPACE SHUTTLE COST REDUCTION INITIATIVES.

By February 1, 1995, the Administrator shall submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

(1) specifies the minimum number of Space Shuttle flights that would be required each fiscal year from 1995 through 2004 to implement payload and related activities provided for in the President's fiscal year 1995 budget request and supporting and ancillary documents thereto;

(2) outlines the Space Shuttle flight and payload manifest that could be implemented for each of the fiscal years 1995 through 1999 if the Space Shuttle flight rate for each of those years were 8 missions, if the flight rate were 7 missions, and if the flight rate were 6 missions;

(3) evaluates the extent to which various potential management consolidation initiatives could reduce the annual cost of the Space Shuttle program while preserving quality and safety; and

(4) evaluates the extent to which various potential contract incentives could be used to reduce the annual cost of the Space Shuttle program while preserving quality and safety.

SEC. 123. ADVANCED LAUNCH TECHNOLOGY REPORT.

By February 1, 1995, the Administrator shall submit to the Congress a program plan for an advanced launch technology program that—

(1) clearly articulates the goals and objectives of the program and the flight hardware it will produce;

(2) describes the management structure and development philosophy that will be used to implement the program;

(3) outlines key milestones toward the achievement of the goals and objectives articulated under paragraph (1);

(4) estimates the total cost that will have been incurred upon completion of the program;

(5) defines the annual budgetary requirements of the program for the next 5 years; and

(6) identifies the source or sources of funding anticipated for the program for each of the next 5 years.

SEC. 124. SENSE OF CONGRESS; WOMEN'S HEALTH ISSUES.

It is the sense of Congress that the National Aeronautics and Space Administration should pursue, to the extent practicable, life and microgravity sciences research related to the causes of breast and ovarian cancers, bone-related diseases, and other women's health issues.

SEC. 125. SPACE STATION ACCOUNTING REPORT.

(a) ANNUAL REPORT TO THE CONGRESS.—The Administration of the National Aeronautics and Space Administration shall transmit a report to the Congress each year containing a complete accounting of all costs of the space station, including cash and other payments to Russia.

(b) QUARTERLY REPORTS FROM RUSSIA.—The Administrator shall obtain quarterly reports from the Russian Space Agency and the National Aeronautics and Space Administration which fully account for the disposition of funds paid or transferred by the National Aeronautics and Space Administration to Russia, including—

(1) the amount of funds received from the National Aeronautics and Space Administration and the date of their receipt,

(2) the amount of funds converted from United States currency by the Russian Space Agency, the currency into which the funds have been converted, and the dates and exchange rates of each such conversion,

(3) the amount of non-United States currency, and of United States currency, disbursed by the Russian Space Agency to any contractor or subcontractor, the identity of such contractor or subcontractor, and the date on which the funds were disbursed, and

(4) the balance of the funds provided by the National Aeronautics and Space Administration which have not been disbursed by the Russian Space Agency as of the date of the report.

SEC. 126. PURCHASE OF SPACE SCIENCE DATA.

To the maximum extent practicable, the National Aeronautics and Space Administration shall purchase from the private sector space science data. Examples of such data include scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

SEC. 127. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide, to the extent feasible, farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and any other information available through remote sensing.

(b) ENHANCED REMOTE SENSING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly evaluate the need for a radar imaging platform that could enhance United States remote sensing capability by providing information and data relating to agricultural resources, and which may have other commercial and research applications.

(c) TRAINING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to inform farmers and other prospective users concerning the use and availability of remote sensing data.

(d) SUNSET.—The provisions of this section shall expire 5 years after the date of enactment of this Act.

SEC. 128. SPACE EXPLORATION OPPORTUNITIES ASSESSMENT.

(a) ASSESSMENT.—The Administrator shall conduct an assessment of methods for maximizing, based on a variety of prospective funding levels, the quantity and quality of opportunities for space exploration, both human and robotic, using space vehicles and platforms available or expected to be available. Such assessment shall focus on the 5-year period after the date of enactment of this Act, and on each of the two subsequent 5-year periods. Such assessment shall address opportunities in connection with civilian and military domestic, and foreign, space vehicles and platforms, whether publicly or privately funded.

(b) REPORT TO CONGRESS.—The Administrator shall, within one year after the date of enactment of this Act, submit to Congress a report containing the results of the assessment conducted under subsection (a).

SEC. 129. CATALOGUE OF EARTH-THREATENING COMETS AND ASTEROIDS.

(a) REQUIREMENT.—To the extent practicable, the National Aeronautics and Space Administration, in coordination with the Department of Defense and the space agencies of other countries, shall identify and catalog within 10 years the orbital characteristics of all comets and asteroids that are greater than 1 kilometer in diameter and are in an orbit around the sun that crosses the orbit of the Earth.

(b) PROGRAM PLAN.—By February 1, 1995, the Administrator shall submit to the Congress a program plan, including estimated budgetary requirements for fiscal years 1996 through 2000, to implement subsection (a).

Subtitle B—Aeronautics

SEC. 151. NATIONAL AERONAUTICAL FACILITIES POLICY.

It is the policy of the United States that—

(1) revitalizing national aeronautical facilities shall be a major element of Federal investment in aeronautical research and development; and

(2) industry and government cost-sharing for facilities construction and use shall be investigated to achieve aeronautics research and technology goals within a constrained Federal budget.

SEC. 152. WORLDWIDE FACILITIES ASSESSMENT.

The President or his designees shall conduct an assessment of all aeronautics facilities in the United States and in other countries and report to Congress the results of this assessment at the time the fiscal year 1996 budget is submitted. The assessment shall include—

(1) identification of all existing and planned aeronautics research and development facilities in the United States and in other countries;

(2) analysis of the capabilities of each aeronautics facility that impact aeronautical research and technology objectives of the United States Government and domestic industries; and

(3) determination of the current use and plans for use of foreign aeronautics facilities for research and technology activities of the United States Government and domestic industries and the risk to the competitiveness of the United States industry due to the potential unintended transfer of technology.

SEC. 153. AERONAUTICS FACILITIES STRATEGY.

(a) STRATEGY.—The President or his designees shall work closely with domestic industries to coordinate, develop, and implement a strategy for Federal investment in aeronautics research and technology and aeronautics facilities. This strategy shall establish—

(1) priorities for Federal investment in aeronautics facilities;

(2) a facilities implementation schedule to meet research and technology project milestones and aerospace industry market requirements;

(3) the projected cost of constructing and operating new facilities; and

(4) options and recommendations to provide funding (including cost-sharing and risk-sharing with industries and among Federal agencies and innovative procurement, financing, or management arrangements) for the construction of new aeronautics facilities and for the operation of new aeronautics facilities.

(b) DEADLINE.—The strategy required by subsection (a), and budget requirements associated with implementing such strategy, shall accompany the fiscal year 1996 budget submission to Congress.

SEC. 154. FACILITIES SITE SELECTION PLAN.

(a) PRESIDENT TO DEVELOP SITE PLAN.—The President shall develop a site selection plan for the location of new aeronautics research facilities, consistent with the strategy developed under section 153 of this Act, and submit the plan to Congress by March 1, 1995.

(b) GENERAL FACTORS.—In developing the plan, general factors to be considered for site selection shall include—

(1) cost;

(2) technical merit;

(3) extent of local cost sharing;

(4) availability of sufficient power and water;

(5) access to suitable transportation infrastructure;

(6) quality of local labor force; and

(7) other criteria as appropriate.

(c) SPECIFIC FACTORS.—In developing the plan, specific factors to be taken into consideration are—

(1) environmental requirements for operating aeronautics research facilities at specific speeds and regimes;

(2) advantages and disadvantages of both rural areas and Standard Metropolitan Statistical Areas; and

(3) other criteria as appropriate.

(d) NO AREA TO BE RULED OUT.—No area of the United States shall be ruled out for consideration of a proposal for development of new aeronautics research facilities.

SEC. 155. AERONAUTICAL BASIC RESEARCH PLAN.

(A) PLAN.—The Administrator of the National Aeronautics and Space Administration shall develop an aeronautical basic research investment plan as part of the Research and Technology Base of the Administration which—

(1) describes the aeronautical basic research underway within the Administration, including a review of the status of basic research in critical aeronautics disciplines;

(2) establishes goals and objectives for aeronautical basic research of the Administration to advance the critical disciplines required by United States industry for such research;

(3) identifies the priorities for aeronautical basic research of the Administration required by industry to advance United States long-term competitiveness;

(4) describes the anticipated impact of aeronautical basic research of the Administration on United States long-term competitiveness;

(5) encourages the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness; and

(6) identifies opportunities for aeronautical basic research to be performed by minority-owned and women-owned businesses within the aeronautical basic research industry.

(b) REPORT TO CONGRESS.—The Administrator shall update the plan described in subsection (a) annually and transmit the plan to Congress with the Administration's annual budget request.

SEC. 156. JOINT AERONAUTICAL RESEARCH AND DEVELOPMENT PRIORITIES.

The Administrator of the National Aeronautics and Space Administration shall work with the heads of other appropriate Federal agencies to identify and establish priorities for research on aeronautical technologies that will enhance the competitiveness of the United States in aeronautics, including—

(1) research on next-generation wind tunnel and advanced wind tunnel instrumentation technology,

(2) research on advanced engine materials, engine concepts, and testing of propulsion systems or components of the high-speed civil transport research program,

(3) advanced general aviation research,

(4) advanced hypersonic aeronautical research,

(5) selected programs that jointly enhance public and private aeronautical technology development,

(6) an opportunity for private contractors to be involved in such research and development; and

(7) the transfer of Government-developed technologies to the private sector to promote economic strengths and competitiveness.

TITLE II—COMMERCIAL SPACE LAUNCH AMENDMENTS

SEC. 201. COMMERCIAL REENTRY VEHICLES.

Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries";

and

(D) by adding at the end the following new item:

"70120. Report to Congress";

(2) in section 70102—

(A) by inserting "from Earth" after "and any payload" in paragraph (3);

(B) by redesignating paragraphs (10) through (12) as paragraphs (12) through (14), respectively; and

(C) by inserting after paragraph (9) the following new paragraphs:

"(10) 'renter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth.

"(11) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact.";

(3) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES OR REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(4) in section 70105—

(A) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(5) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site"; and

(B) by inserting "or reentry vehicle" and "assemble a launch vehicle";

(6) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(7) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site" after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(8) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(9) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry" after "launch services" in subsection (a)(4);

(C) by inserting "or a reentry" after "launch services" each place it appears in subsection (b);

(D) by inserting "or Reentries" after "Launches" in the heading for subsection (e); and

(E) by inserting "or reentry" after "launch site" in subsection (e);

(10) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(11) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site" after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(12) in section 70117—

(A) by inserting "or reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) in subsection (f)—

(i) by inserting "or Reentry" after "Launch" in the subsection heading;

(ii) by inserting ", reentry vehicle," after "A launch vehicle";

(iii) by inserting "or reentered" after "that is launched"; and

(iv) by inserting "or reentry" after "the launch"; and

(D) in subsection (g)—

(i) by inserting "reentry of a reentry vehicle," after "or launch site," in paragraph (1); and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

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

"§ 70120. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

SEC. 202. LICENSE APPLICATION.

(a) Section 70105 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "receiving an application" both places it appears and inserting in lieu thereof "accepting an application in accordance with subsection (b)(2)(D)";

(2) by striking "and" at the end of subsection (b)(2)(B);

(3) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and"; and

(4) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting an application for a license under this chapter.".

(b) The amendment made by subsection (a)(1) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code.

SEC. 203. SPACE ADVERTISING.

(a) DEFINITION.—Section 70102 of title 49, United States Code, is amended by inserting after paragraph (14), as redesignated by section 301(2)(B) of this title, the following new paragraph:

"(15) 'obtrusive space advertising' means advertising in outer space that is capable of being recognized by a human being on the surface of the earth without the aid of a telescope or other technological device;".

(b) PROHIBITION.—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

"§ 70109a. Space advertising

"(a) LICENSING.—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary shall not—

"(1) issue or transfer a license under this chapter; or

"(2) waive the license requirements of this chapter;

for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising.

"(b) LAUNCHING.—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising on or after the date of enactment of the Aeronautics and Space Policy Act of 1994.

"(c) COMMERCIAL SPACE ADVERTISING.—Nothing in this section shall apply to nonobtrusive commercial space advertising, including advertising on commercial space transportation vehicles, space infrastructure, payloads, space launch facilities, and launch support facilities.".

(c) NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.—

(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for obtrusive space advertising purposes.

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

(3) As used in this subsection, the term "foreign launching nation" means a nation—

(A) which launches, or procures the launching of, a payload into outer space; or

(B) from whose territory or facility a payload is launched into outer space.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 701 of title 49, United States Codes, is amended by inserting the following after the item relating to section 70109:

"70109a. Space advertising".

TITLE III-REVISIONS TO LAND REMOTE SENSING POLICY ACT OF 1992

SEC. 301. AMENDMENTS.

The Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.) is amended—

(1) by amending section 2(9) to read as follows:

"(9) Because Landsat data are particularly important for global environmental change research, the program should be managed by an integrated team consisting of the National Aeronautics and Space Administration and the Department of Commerce.";

(2) in sections 3(6)(A), 101 (a) and (b), 103(b), and 504, by striking "Secretary of Defense" and inserting in lieu thereof "Secretary";

(3) in section 3(6)(B), by striking "Department of Defense and" and inserting in lieu thereof "and the Department of Commerce, as well as the Department of Interior, or";

(4) in section 101(b)(1), by striking ", with the addition of a tracking and data relay satellite communications capability";

(5) in section 101(b)(2), by striking all after "baseline funding profile" and inserting in lieu thereof "for the development and operational life of Landsat 7 that is mutually acceptable to the agencies constituting the Landsat Program Management;";

(6) in section 101(b), by inserting after paragraph (4) the following:

"The Director of the Office of Science and Technology Policy shall, no later than 60 days after enactment of the Aeronautics and Space Policy Act of 1994, transmit the management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(7) in sections 101(c)(3), 202(b)(1), 501(a), and 502(c)(7), by striking "section 506" and inserting "section 507";

(8) in section 102(b)(1), by striking "by the expected end of the design life of Landsat 6" and inserting in lieu thereof "by the predicted end of life of Landsat 5, or as soon as practicable thereafter";

(9) in section 103(a), by striking "section 105" and inserting in lieu thereof "section 104";

(10) by adding at the end of section 103 the following:

"(c) IMPLEMENTATION OF AGREEMENT.—If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goal stated in paragraphs (1) through (8) of subsection (a), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.";

(11) by striking section 104 and redesignating section 105 as section 104;

(12) in section 201(c), by amending the second sentence thereof to read as follows: "If the Secretary determines that the license requested by the applicant should not be issued, the Secretary shall inform the applicant within such 120-day period of the reasons for such determination and the specific

actions required of the applicant to obtain a license.";

(13) in section 202(b)(6), by inserting "significant or substantial" before "agreement";

(14) in section 204, by striking "may" and inserting in lieu thereof "shall";

(15) by inserting at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Within 30 days after any determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed pursuant to this title, the Secretary shall report to the Congress the reasons for such determination, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Within 30 days after any action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall notify the Congress of such action and provide the reasons for such action.";

(16) in section 302—

(A) by striking "(a) GENERAL RULE.—"; and

(B) by striking subsection (b); and

(18) in section 507, by striking subsection (a) and subsection (b)(1) and inserting in lieu thereof the following:

"(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions. Within 60 days after receiving a request from the Secretary, the Secretary of Defense shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendations have been received by the Secretary within such 60-day period, the Secretary may deem activities proposed in the license application to be consistent with the protection of the national security of the United States.

"(b) RESPONSIBILITY OF SECRETARY OF STATE.—

"(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions. Within 60 days after receiving a request from the Secretary, the Secretary of State shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet existing international obligations of the United States. If no such recommendations have been received by the Secretary within such 60-day period, the Secretary may deem activities proposed in the license application to be consistent with existing international obligations of the United States.".

TITLE IV—TECHNOLOGY INVESTMENT POLICY FOR AERONAUTICS AND SPACE

SEC. 401. FINDINGS.

The Congress finds that—

(1) the United States aerospace industry has provided a major contribution to the competitiveness of the United States;

(2) the international market share of the United States aerospace industry has steadily eroded due to competition from foreign consortia that receive substantial direct subsidies from their governments;

(3) the United States aerospace industry has been severely impacted by the reductions in defense spending, leading to reduced levels of research and development investment by industry;

(4) increased contribution to the health of the United States economy by the National Aeronautics and Space Administration is important to the long-term support of civilian aeronautics and space activities; and

(5) no effective means have been developed by which the National Aeronautics and Space Administration can accurately measure the contribution of its research toward achieving United States competitiveness and maintaining technological leadership.

SEC. 402. AERONAUTICS AND SPACE POLICY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the policy of the United States that—

(1) improving the competitive capability of the United States industry shall be a fundamental goal of the aeronautical and space research and development programs of the National Aeronautics and Space Administration;

(2) the investment in aeronautics and space technology by the National Aeronautics and Space Administration shall be closely coordinated with United States industry; and

(3) the establishment of industry-led precompetitive consortia, alliances, or other entities shall be encouraged to better identify and coordinate the industry requirements for advanced technologies and facilities.

SEC. 403. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

(a) TECHNICAL CORRECTION AMENDMENTS.—

(1) Section 214 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 is amended by striking "(c)" both places it appears and inserting in lieu thereof "(d)".

(2) The amendment made by paragraph (1) shall be effective as of the date of enactment of the Act referred to in paragraph (1).

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May" and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

(c) COMPETITIVENESS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to the economic growth, competitiveness, and productivity of the Nation.";

(2) by striking subsection (f) and by redesignating subsections (g) and (h), as subsections (f) and (g), respectively; and

(3) in subsection (g), as so redesignated, by striking "(f), and (g)" and inserting "and (f)".

(d) AIR TRANSPORTATION.—Section 102(d) of such Act is amended—

(1) by striking "and" in (8) and

(2) by adding the following after "(9)":

"(10) The research required for the improvement of the safety, capacity, and efficiency of the United States air transportation system through close coordination among the agencies of the Federal Government.".

SEC. 404. TECHNOLOGY DEVELOPMENT AND COMMERCIALIZATION GOALS.

The Administrator shall require that, to the maximum extent practicable, aeronautical and space projects of the National Aeronautics and Space Administration—

(1) incorporate a technology plan that fosters technological advances of value to the mission of the National Aeronautics and Space Administration which benefits the economy of the United States and reduces the life cycle costs of such projects;

(2) promote commercial technology applications;

(3) measure and evaluate technology development and the potential for commercialization; and

(4) seek the involvement of United States industry.

SEC. 405. INDUSTRY TECHNOLOGY PROGRAM.

(a) PURPOSE; CRITERIA.—The Administrator shall establish a competitive program under which the Administrator may fund research and development projects proposed by industry-led consortia, alliances, or other entities, for the purpose of advancing aeronautics and space technologies. In selecting projects to be funded under this section, the Administrator shall weigh and consider—

(1) the extent of funding provided by industry for such project;

(2) each project's scientific and technical merit;

(3) the potential of the project to advance mission needs of the National Aeronautics and Space Administration;

(4) each project's potential to advance technologies that enhance the competitiveness of United States industry in global markets; and

(5) such other criteria as the Administrator considers appropriate to carry out the purposes of this section.

(b) COST-SHARING.—Amounts appropriated for this program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for this program. Of the non-Federal funding provided for this program, the Administrator shall require contributions from sources other than those identified as Independent Research and Development.

(c) FINANCING MECHANISMS.—In funding the technology projects selected under this section, the Administrator is encouraged—

(1) to make greater use of the authority of the National Aeronautics and Space Administration under section 203(c)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(5)) especially when applied to non-aerospace firms; and

(2) to enter into innovative procurement, financing, and management arrangement, consistent with existing statutes.

(d) COORDINATION WITH FEDERAL AGENCIES.—In carrying out this section, the Administrator shall consult with the Secretaries of Commerce, Defense, Energy, and Transportation and with such other Federal agency heads as the Administrator considers appropriate.

SEC. 406. CONDITIONS ON TECHNOLOGY INVESTMENT; ECONOMIC BENEFIT.

In funding technology programs and activities under this title, the Administrator shall ensure that the principal economic benefits accrue to the economy of the United States. The Administrator may consider such specific criteria as appropriate, and in developing such criteria, shall consult with appropriate Federal agency heads.

SEC. 407. ROLE OF PROCUREMENT IN TECHNOLOGY INVESTMENT.

The Administrator, in meeting aeronautical and space mission needs, shall coordinate

and direct resources of the National Aeronautics and Space Administration in the area of procurement to—

(1) advance state-of-the-art technologies;

(2) assess and procure, where appropriate, commercially available technologies from the marketplace;

(3) use performance incentives; and

(4) reduce the paperwork requirements associated with procurement.

SEC. 408. COORDINATION WITH OTHER FEDERAL PROGRAMS.

(a) TECHNOLOGY PROGRAMS AND TECHNOLOGY TRANSFER PROGRAMS.—To ensure a consistent Federal investment policy and to preclude multiple awards for a single proposal, the Administrator shall ensure that the technology investment activities established under this title are coordinated closely with existing and future—

(1) Federal technology programs such as the Technology Reinvestment Program of the Advanced Research Projects Agency and the Advanced Technology Program of the National Institute of Standards and Technology; and

(2) Federal technology transfer programs and activities established to promote and advocate the use of technologies developed in the Federal laboratories.

(b) INDENTIFICATION OF FUNDING RECEIVED FROM OTHER AGENCIES.—The Administrator shall identify, as part of the annual budget submission to Congress, all funding received by the National Aeronautics and Space Administration from other Federal agencies for technology investment and development, including funds from programs listed in (a)(1) above.

SEC. 409. INTERAGENCY TECHNOLOGY INITIATIVES.

As part of the National Aeronautics and Space Administration's annual budget submission to Congress, the Administrator shall identify funding requirements, project milestones, and 5-year budget projections, for the portion undertaken by the National Aeronautics and Space Administration of each interagency technology project.

SEC. 410. COORDINATION WITH OTHER NASA PROGRAMS.

(a SMALL BUSINESS INNOVATION RESEARCH.—The Administrator shall coordinate the technology investment activities under this title with the Small Business Innovation Research activities of the National Aeronautics and Space Administration to ensure the effectiveness of funding to small businesses, to the maximum extent permitted by law.

(b) INDEPENDENT RESEARCH AND DEVELOPMENT FUNDS.—The Administrator shall identify all funds provided to contractors of the National Aeronautics and Space Administration for activities commonly referred to as "Independent Research and Development" and coordinate such funds with the technology investment activities under this title.

(c) TECHNOLOGY TRANSFER AND COMMERCIAL PROGRAMS.—The Administrator shall coordinate the activities of ongoing and future technology transfer, innovation, and commercial programs of the National Aeronautics and Space Administration with the technology investment activities under this title.

SEC. 411. PERSONNEL INCENTIVES.

To encourage the personnel of the National Aeronautics and Space Administration to pursue technology innovation and development, the Administrator shall provide personnel incentives, including—

(1) promotions and within-grade increases;

(2) bonuses and cash awards under the inventions and contributions system and senior executive service; and

(3) paid leave, sabbaticals, or intergovernmental personnel transfers to other Federal agencies or the private sector to pursue technology innovation and development, as the Administrator deems appropriate.

SEC. 412. ANNUAL REPORT TO CONGRESS.

The Administrator shall assess the technology investment activities established under this title and shall submit a report to Congress on the results of such assessment of activities. The report shall accompany the annual budget submission to Congress.

SEC. 413. APPLICATION OF ANTITRUST LAWS.

Nothing in this title shall be construed to create an immunity from any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

SEC. 414. DEFINITIONS.

For the purposes of this title, the term—

(1) "Federal laboratory" has the meaning given such term in section 4(6) or the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)).

(2) "United States" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION BUDGET

SEC. 501. SHORT TITLE.

This title may be cited as the "National Aeronautics and Space Administration Consistency in Budgeting Act of 1994".

SEC. 502. FIVE-YEAR PLAN.

(A) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall submit to Congress each year, not more than 30 days after the date on which the President's budget is submitted to Congress under section 1105(a) of title 31, United States Code, a 5-year program plan reflecting the expenditures and proposed appropriations included in the President's budget for the Administration.

(b) CONSISTENCY OF AMOUNTS.—

(1) IN GENERAL.—The Administrator shall ensure that the amounts described in paragraph (2)(A) for any fiscal year are consistent with amounts described in paragraph (2)(B) for that fiscal year.

(2) AMOUNTS DESCRIBED.—The amounts referred to in paragraph (1) are—

(A) the amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the President's budget submitted under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the 5-year program plan submitted under subsection (a); and

(B) the total amount of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration, included under such section in the President's budget submitted for any fiscal year.

EXPORT OF NON-LETHAL DEFENSE ARTICLES

D'AMATO AMENDMENT NO. 2616

Mr. CRAIG (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 4455) to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

(a) IN GENERAL.—Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following:

"(I)(i) Subparagraph (A) shall not apply to a transaction involving defense articles or services if—

"(I) the Bank determines that—

"(aa) the defense articles or services are nonlethal; and

"(bb) the primary end use of the defense articles or services will be for civilian purposes; and

"(II) at least 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

"(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

"(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives, and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the second preceding fiscal year.".

(b) REPORT TO THE CONGRESS.—Section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by inserting "or described in subparagraph (I)(i)" before the period at the end of the first sentence.

(c) PERIOD OF EFFECTIVENESS.—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 September 30, 1997.

SEC. 2. PROMOTION OF EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES.

(A) IN GENERAL.—The first section 11(b) of the Export-Import Bank Act of 1945; 12 U.S.C. 635i-5(b)) is amended—

(1) by inserting before "The Bank shall" the following:

"(1) IN GENERAL.—";

(2) in the first sentence, by inserting before the period "(such as exports of products and services used to aid in the monitoring, abatement, control, or prevention of air, water, and ground contaminants or pollution, or which provide protection in the handling of toxic substances, subject to a final determination by the Bank, and products and services for foreign environmental projects

dedicated entirely to the prevention, control, or cleanup of air, water, or ground pollution, including facilities to provide for control or cleanup, and used in the retrofitting of facility equipment for the sole purpose of mitigating, controlling, or preventing adverse environmental effects, subject to a final determination by the Bank)"; and

(3) by adding at the end the following:

"(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriate to the Bank not more than $35,000,000 for the cost (as defined in section 5092(5) of the Federal Credit Reform Act of 1990) of supporting such exports. If, in any fiscal year, the funds appropriated in accordance with this paragraph are not fully utilized due to insufficient qualified transactions for the export of such goods and services, such funds may be expended for other purposes eligible for support by the Bank.".

(b) TENCHNICAL CORRECTION.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by redesignating the second section 11 (12 U.S.C. 6351-8) as section 14.

FEDERAL POWER ACT AMENDMENTS OF 1994

JOHNSTON AMENDMENT NO. 2617

Mr. FORD (for Mr. JOHNSTON) proposed an amendment to the bill (S. 2384) to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes; as follows:

On page 3, line 6, strike "the Governor of the State notifies".

On page 3, line 7, following "Energy" insert "determines, after notice and an opportunity for public comment,".

On page 3, line 10, strike "appropriate".

On page 3, line 14, strike "adequate".

On page 3, line 20, following "applicable." insert "Upon notice from the Governor of the State, the Secretary of Energy shall immediately initiate the process to make this determination, and shall complete said process and make a determination within 180 days of such notice.".

On page 5, line 21, strike "(a) General Licensing Authority.—".

On page 5, line 24, following the word "Hawaii" insert a comma and the phrase "unless a license would be required by section 23 of the Act".

On page 6, line 1, strike section 301(b) in its entirety.

On page 8, line 14, insert the following title:

TITLE VI—PROJECTS IN THE STATE OF KENTUCKY

SEC. 601. EXTENSION OF DEADLINE.

That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the project for up to a maximum of three consecutive two-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

BYRD AMENDMENT NO. 2618

Mr. FORD (for Mr. BYRD) proposed an amendment to the bill S. 2384, supra; as follows:

On Page 10, below line 2, add the following:

TITLE X—PROJECTS IN THE STATE OF WEST VIRGINIA

SEC. 1001. EXTENSION OF DEADLINE.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for such projects, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section and the procedures specified in such section, extend the time period during which such licensee is required to commence of construction of such projects to terminate on October 3, 1999. This section shall take effect for the projects upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such projects. If the license issued for project numbered 6902 should expire prior to the date of enactment of this Act, the Commission is authorized and directed to reinstate effective October 15, 1994, the license previously issued for such project and to extend the time required for the commencement of construction of such project until October 3, 1999.

SIMON AMENDMENT NO. 2619

Mr. FORD (for Mr. SIMON) proposed an amendment to the bill S. 2384, supra; as follows:

At the appropriate place substitute the following new section for the section already included in the Omnibus FERC bill regarding FERC Project License Number 3943 and 3944.

SEC. . The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 16, 1994 the hydroelectric license previously issued for Project Number 3943. Within the meaning of Section 13 of the Federal Power Act time required for the commencement of construction of such project shall be reinstated for not more than 3 consecutive 2-year periods.

SEC. . The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 15, 1994 the hydroelectric license previously issued for Project Number 3944. Within the meaning of Section 13 of the Federal Power Act time required for the commencement of construction of such project shall be extended for not more than 3 consecutive 2-year periods.

SPECTER AMENDMENT NO. 2620

Mr. FORD (for Mr. SPECTER) proposed an amendment to the bill S. 2384, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE X—PROJECTS IN THE STATE OF PENNSYLVANIA

SEC. 1001. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 4474, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until April 15, 2001, the time required for the licensee to commence construction of such project.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, October 5, 1994, at 2:30 p.m. in open session to consider the nomination of the Honorable Alan J. Dixon to be Chairman of the Base Realignment and Closure Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 5, 1994, to conduct a hearing on the 2d annual report by the Trade Promotion Coordinating Committee, and a markup on the nominations of Bruce Morrison and Timothy O'Neill for the Federal Housing Finance Board, James Clifford Hudson for the Securities Investor Protection Corporation; and Mary Ellen Fise, H. Terry Rasco, and Christine M. Warnke to be members of the National Institute of Building Sciences.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on October 5, 1994, at 9:30 a.m. on S. 2467—GATT implementing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on October 5, 1994, at 2:30 p.m. on the nomination of Christine A. Varney (DC) to be a Federal trade commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, October 5, 1994, to conduct a business meeting beginning after the first vote after 12 p.m. to consider: Frederic J. Hansen,

nominated by the President to be Deputy Administrator of the Environmental Protection Agency; Paul L. Hill, nominated by the President to be chairperson and a member of the Chemical Safety and Hazard Investigation Board; Devra Lee Davis and Gerald V. Poje, nominated by the President to be members of the Chemical Safety Hazard and Investigation Board; Kenneth K. Burton, David Michael Rappoport, and Ann J. Udall, nominated by the President to be members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 5, 1994, at 11 a.m. to hold an additional hearing on Thomas McNamara to be Assistant Secretary of State for Politico-Military Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, October 5, 1994, at 10 a.m. for a markup on S. 2467, subtitle E, Government procurement of title 3, and S. 1946, to provide for the repurchase, by native American organizations, of land acquired or taken from them.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 5, 1994 at 10:30 a.m. to hold a hearing on "Implementing the Strategy: How the Crime Bill Will Fight Drugs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, October 5, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, October 5, 1994, at 2 p.m., to hold a hearing on "the Constitutional Right to International Travel."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be permitted to meet today, October 5, 1994 at 1 p.m., to hear witnesses testify on miscellaneous farm tax issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., October 5, 1994, to receive testimony on the following bills: S. 2280, to provide for an orderly process to ensure compensation for the termination of an easement or the taking of real property used for public utility purposes at the Manassas National Battlefield Park, VA, and for other purposes; S. 2359, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; S. 2434 and H.R. 3516, bills to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; and H.R. 3905, to provide for the establishment and management of the Opal Creek Forest Preserve in the State of Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. DOLE. Mr. President, pursuant to rule 5, paragraph 1 of the Standing Rules of the Senate, I hereby give written notice of my intention to amend rule 35 of the Standing Rules of the Senate; as follows:

GIFT RULES

AMENDMENTS TO SENATE RULES.

Resolved, rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal subject to the limitations and definitions contained in House Report 103-750 of the 103d Congress.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer or employee of the Senate unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, fact-finding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.".

This rule change becomes effective May 31, 1995.

ADDITIONAL STATEMENTS

IRISH-AMERICAN HERITAGE MONTH

• Mr. LAUTENBERG. I rise to commend the Senate for approving House Joint Resolution 401 yesterday, which designates March 1995 and March 1996 as "Irish-American Heritage Month." I am also a cosponsor of Senate Joint Resolution 223, the Senate companion resolution.

This resolution pays tribute to the numerous contributions the Irish have made to America.

The year 1995 marks the 150th anniversary of the beginning of the Great

Famine in Ireland. Between then and 1910, more than 3 million Irish immigrants came to our shores.

The Irish-American community has made an invaluable contribution to the rich mosaic which is our American heritage. Their culture and traditions have enriched us all. For that we owe them a debt of gratitude, and our tribute.

It is a privilege to support this joint resolution honoring the rich ancestry of Irish-Americans as well as the important contribution that they have made to our country. I am pleased that the Senate approved this resolution overwhelmingly.•

S. 340—ANIMAL MEDICINAL DRUG USE CLARIFICATION ACT OF 1994

• Mr. COATS. Mr. President, last evening, the Senate-passed legislation that codifies the practices allowed under the current compliance policy guidelines regarding the extra-level use of veterinary pharmaceutical products. I supported this legislation as a cosponsor and am pleased at its passage. By passing this legislation, we have reaffirmed our trust in veterinarians to use their professional judgement in treating animals—both livestock and pets. This legislation allows veterinarians to fulfill there professional responsibility of animal care in the context of a veterinarian-client-patient relationship.

Extra-label drug use is the use of a federally approved product in ways not specified on the products labeling. Extra-label drug use in no way increases the risk to humans or animals by allowing unsafe or unapproved drugs to be used in the treatment of livestock and pets. Because there are too few approved animal health products to treat all animal illnesses, in order to treat animals adequately and to alleviate animal suffering, veterinarians must use some products in an extra-label fashion. This legislation allows veterinarians to use products in an extra-label manner as deemed appropriate by the Food and Drug Administration's [FDA] Center for Veterinary Medicine [CVM].

Although I am quite pleased at the passage of this legislation, it is at best a short-term solution to a long-term and larger problem—the lack of drugs available to treat animals. The legislation, as it passed, will not address this problem.

The animal health industry spends $400 million each year on research to bring new products to the market. The investment is tremendous as one takes a product from discovery to the market. Yet, 87 percent of all pharmaceuticals, vaccines, and feed additives used in animal health generate annual revenues of less than $1 million each. A new animal drug application review process mandated by law to take 6 months now averages 4 years. S. 340 does nothing to expedite the review process of the FDA and CVM. We must now work with the manufacturers of animal health products, veterinarians, livestock producers, FDA, and CVM to address this larger problem of animal drug review and approval policies and procedures.

The FDA/CVM regulatory process was established to ensure that products marketed have met the key criteria of safety, quality, and efficacy. As we celebrate the passage of S. 340, we should understand that our goal is to have more approved products available to meet the needs of animal care. The extra-label use allowed in this legislation should be interpreted such that we maintain the incentive to bring products through the regulatory process.

Livestock producers and the animal health industry joined with veterinarians in support of this measure to address their valid issues. Through future legislative initiatives, we now need to address animal drug availability deficiencies. Congress can address these deficiencies by improving the animal drug approval process. Improving the process will help turn extra-label uses into labeled claims, which ultimately serves the animal and pet industry as a whole.

Again, Mr. President, I am extremely pleased at the passage of this legislation, but caution that we must address the larger and increasingly urgent problem of animal drug availability.•

CROW SETTLEMENT ACT—S. 1216

• Mr. BAUCUS. Mr. President, Monday night the Senate passed S. 1216, the Crow Settlement Act. This has been a long time coming.

The Crow Settlement Act is the product of good faith effort, compromise, and sometimes difficult negotiations between the Crow Tribe, the Northern Cheyenne Tribe, the State of Montana, and the U.S. Government. It is a credit to all concerned that an agreement of this importance could receive the unanimous endorsement of the Senate when so many critical issues have been allowed to remain unresolved in the final days of the 103d Congress.

The Crow Settlement Act settles a century-old dispute that deprived the Crow Nation of 36,000 acres of land. This land was promised by the Federal Government under the 1868 Fort Laramie Treaty. Yet, before the Crow Tribe had the opportunity to begin settling upon this land, a surveying error stole away a significant piece of their reservation.

The disputed land is in the southeastern corner of Montana, north of the Wyoming border, south of the Yellowstone River. Under the Fort Laramie Treaty, the Crow Tribe's eastern boundary was designated as the 107th meridian. Sixteen years later, the Northern Cheyenne Reservation was established with a western boundary as the 107th meridian. The tribes lived as neighbors, sharing a common boundary. But in 1889–91, a U.S. surveying team erroneously drew the eastern boundary of the Crow Reservation one-fourth mile west of the 107th meridian. The Crow Tribe lost 36,000 acres of their tribal lands. This error was not discovered until the 1950's.

Throughout the intervening 60 years, patents to the minerals and allotments to these lands were issued to the Northern Cheyenne, Crow, and other holders. Almost 13,000 acres of the Crow Tribe's original land has been settled by the Northern Cheyenne Tribe.

Boundaries established by treaty constitute a solemn promise to a tribe by the U.S. Government. A promise of land to be given to the tribe in perpetuity. The land above, and the natural resources below, belong to the tribe. No one has the right to take away what is legally the Crow's. Yet an administrative error caused significant hardship to the Crow Tribe, the Northern Cheyenne Tribe, and all residents of the 107th meridian strip.

The Crow Settlement Act seeks to reconcile this injustice. By returning to the Crow Tribe the land and coal within the strip that has not gone out of Federal ownership and compensating the tribe for lands and minerals lost forever, the Federal Government is seeking to make good on their promise. It is about time.

I applaud the efforts of so many people involved in the successful conclusion of this dispute: representatives of the Crow and Northern Cheyenne Tribes, the excellent staff of the Senate Indian Affairs Committee, and the negotiators on behalf of the Department of the Interior. But no one has worked harder or perserved longer than Madame Chair Clara Nomee of the Crow Nation. Her dedication to her people and her grace under difficult circumstances is a tribute to her leadership.

As the specifics of this settlement are implemented we must all continue our concerted effort to work things out amicably and fairly. I am confident that we can do it. I am confident that finally, every Montanan who has been affected by this dispute can put this issue behind them and we can move forward to a more productive future.•

THE RYAN WHITE CARE ACT OF 1990

• Mr. McCAIN. Mr. President, I am proud to add my name as a cosponsor of S. 2489, a bill to reauthorize the Ryan White Care Act of 1990. It is important to note that the Ryan White Care Act is named for Ryan White, and the battle which he fought against AIDS. Today, the Ryan White Care Act carriers on Ryan's battle to help those

infected with HIV/AIDS to continue to fight the deadly effects of this disease. It funds programs nationwide, to both treat individuals with HIV/AIDS and educate the general public about what we can do to prevent the spread of HIV/AIDS.

As the vice chairman of the Senate Committee on Indian Affairs, I have become increasingly aware of the rapid spread of AIDS in Indian communities. As you know, during the Senate's consideration of the Ryan White Comprehensive AIDS Resources Emergency Act in 1990, I offered an amendment to ensure that native Americans would be eligible to receive HIV and AIDS health and support services. With the assistance of my colleagues from Massachusetts and Utah, Indians with HIV disease and their families are currently eligible for funding under title II, special projects of a national significance. This was a great accomplishment as Indians are among the highest at-risk populations for the HIV infection.

It is my understanding, that S. 2489 would enable special projects of a national significance to receive 3 percent of the amounts appropriated under parts A, B, and C of title XXVI of the Public Health Service Act which would result in an overall funding increase. S. 2489 would also ensure that 50 percent of the funds made available would be used for special geographic areas, such as reservation communities. Under this approach, it appears that both urban and reservation Indians will be eligible for funding.

S. 2489 should yield even greater opportunities for Indians with HIV and their families to access funding. This is a necessary step to address the projected HIV growth rate in Indian populations. In fact, since the Ryan White Act was passed, the number of reported American Indian AIDS cases has increased by approximately 351 percent. This is the largest growth of HIV in any ethnic group. What is equally alarming, is that Indian women, in their first through third tri-mester of pregnancy were four to eight times more likely to be infected with the HIV virus than other rural populations of women nationwide—and all indications are that these numbers will continue to increase in the future.

It is my hope, that S. 2489 will provide the necessary funding to assist Indian communities in fighting this deadly disease. And I thank my colleagues from Massachusetts and Utah for their work on behalf of Indians with HIV.•

CHABAD'S CHILDREN OF CHERNOBYL

• Mr. MOYNIHAN. Mr. President, I rise today in recognition of the efforts being made by Chabad's Children of Chernobyl. I am pleased to report that to date this organization has successfully rescued over 1,000 children from the ravages of the Chernobyl nuclear accident. By relocating these children to Israel, they are able to offer them nutritious diets and ongoing medical care and are providing these youngsters the opportunity to build healthy and productive lives.

Mr. President, Chabad's Children of Chernobyl is the only group committed to permanently evacuating children from the areas surrounding the worst nuclear disaster in history. And I am most proud to be an honorary cochairperson of this organization.•

TRIBUTE TO CAL TURNER, SR.

• Mr. McCONNELL. Mr. President, I rise today to commend a fellow Kentuckian, Cal Turner, Sr., for his outstanding achievement in discount merchandising. Mr. Turner has recently been inducted into the Discounting Hall of Fame, placing him among such famous retailers as Wal-Mart's Sam Walton.

Fifty-five years ago, during the Great Depression, Cal Turner, Sr. and his father, J.L., a salesman with a third grade education, began a business endeavor purchasing failed merchants' inventories and selling them for a minimal profit. For many years, the Turners lived hand-to-mouth, barely making ends meet. The buying at the bankruptcy auctions eventually led to the opening of the original Dollar Store in Springfield, KY in 1955. There, the Turners instituted the root of their success by making "dollar-day sales" an everyday procedure. Today, the Turner dynasty controls 1,940 stores in 24 States and is growing at the rate of about 300 stores a year.

In 1977, Cal Sr. relinquished the presidency of the Dollar General Corp. to his son, Cal Jr., who moved the executive offices to Nashville, TN in 1989. The administrative offices and distribution center still remain in Scottsville, KY employing 500 to 600 people. At 79, Cal Sr. continues to work at the Scottsville location 6 days a week, fulfilling the duties of chairman emeritus while at the same time, managing a farm of 1,200 head of cattle.

Although the Scottsville location continues to reap profits of nearly $3 million a year, Cal Sr. has maintained his "country ways and values." He regularly gives to many charities and the church. After losing his wife to cancer 6 years ago, he donated some of his land for development of a new hospital. He also gave $1 million to the Lindsey Wilson College in Columbia, KY 3 years ago, which was used to build a new dining hall.

Cal Turner, Sr. began his business in rural Kentucky which flourished into a successful, multistate corporation. From humble beginnings to fame and fortune, Mr. Turner has remained loyal to Kentucky and his county.

Mr. President, I ask that the article from the Courier-Journal appear at this point in the RECORD.

The article follows:

[From the Louisville Courier & Journal, Oct. 2, 1994]

THE DOLLAR GENERAL

(By C. Ray Hall)

SCOTTSVILLE, KY.—Cal Turner, the man who invented Dollar General stores, wheeled his Range Rover around the town square. As the scent of new-car English leather filled the compartment, Turner looked for a parking space near the busiest Dollar store in the country.

To his immense satisfaction, he couldn't find one.

"I like to see us a little tight," said Turner, whose mouth always seems to be crinkled into a smile. It's kind of a cumulative smile. It's kind of a cumulative smile, unerasable, fixed by 79 years of rare good fortune. (And, more recently, by fame. Six weeks ago he was inducted into the Discounting Hall of Fame, a distinction that's hard to discount when you consider it includes Wal-Mart's Sam Walton, possibly the most famous merchant of modern times.)

Turner wheeled the truck down the street that runs beside the store. There's a couple of years back, someone took a photo of him. Turner, a man who tips his hat to ladies and says, "Hi you?" projected a vision of village squiredom in the photo, except that nearing age 80, he was kneeling and plucking grass from the sidewalk.

Turner's son Steve says: "I've always maintained that his store was his presenting of his soul to the public. Nothing was to stand between him and that presentation, not even a blade of grass."

After a trip around the block, Turner nestled the Range Rover in front of the store. Yielding to the urge to show off a little, he pushed the button that raises and lowers the frame, depending on the terrain. While touring his hilly farm, he rides high. But this being pavement, a lowering was in order. The British luxury truck curtsied toward the Dollar store.

"For $50,000, you can get a lot on these things, whether you need them or not," he said, sounding more chagrined than proud. Inside the store, surrounded by $10 jeans, $5 shirts and 25-cent mousetraps, he yielded to pride, though. The subject was not a $50,000 truck but a 50-cent greeting card.

"A lot of our customers are like me," he said. "They can't write very well and they can't spell. I got so tired of going to a store and paying a dollar or more for, greeting cards,"

So, two-for-a-dollar greeting cards.

"You wouldn't believe," he said, "how many millions of these things we sell."

Certainly enough to keep the family in British luxury trucks. Turner's is a hand-me-up from his son Cal Jr., the company president and chairman who drives a Range Rover through the rugged outback of Nashville, Tenn.

The elder Turner's truck isn't exactly a trophy.

"He's never been a materialistic man, by any stretch of the imagination," said Steve. "Which makes it extremely difficult, of course, to try to buy him any sort of gift. It's not just a matter of he doesn't need it, he doesn't want it."

The Range Rover wasn't a gift, either. "Oh, he didn't give it to me," Turner said of his son, laughing gently. "He let me buy it from him." Thereby hangs a double moral that

has usually served the Turners well: Keep it in the family, and get your money's worth. (Cal Sr. is so notoriously thrifty that he once told his family that he couldn't sleep well in an expensive hotel, for worrying that he wouldn't get his money's worth. "It's hard," he said, "to sleep that hard.")

That's been the way the Turners have run things since Cal and his father, J.L., opened the forerunner of Dollar General 55 years ago this month: fretting about value and values. They fretted even more in 1968, when Dollar General went public, and Wall Street met Scottsville's Main Street. But the Turners have often resisted Wall Street's advice, partly because there's a Turner's name atop the company hierarchy.

"A hired gun might not be secure enough to manage for the long run," said Cal Jr.

CHURNING PROFITS

For the Turners, it has already been a long and improbable run. Cal. Sr. and his father, a salesman with a third-grade education and an MBA in real life, regularly worked bankruptcy auctions during the Depression, buying up store inventories, then selling them for a small profit. Cal's delight at learning the trade was tempered by the fact that it meant scavenging among the ruined dreams of older men.

"What a sobering, sad situation," he said. "You'd see a gray-headed, fine-looking man standing there. Then you didn't have any Chapter 11's. When a fellow went broke, he really went broke. And that fellow . . . he more than likely had children in college. They'd lived well all these years. And there they are selling his store. He's broke.

"That really will make you awfully careful with your money if you ever get some, so it won't happen to you.

"That has stayed with me all my life."

It took a long time to feel secure; they were running from the same demons as the broke, broken men of the Depression.

He and his father each put up $5,000 to start a wholesale company in 1939. They broke into retailing, Turner said, "because I had to have a place to sell my mistakes." As the business grew, so did the worries. Cal and J.L. Turner sweated through their own version of Saturday night fever.

"I used to call every Saturday night, maybe there'd be 15 stores, to see if I could cover the checks I had written," Cal Sr. said. "If I didn't quite make it, I'd get my father and we go down to the Nashville banker. I'd go in and tell him I have to have another $25,000. I needed it that day too. I didn't go until I needed it."

After 16 years of staying a few steps ahead of the banker, the Turners hit upon their enduring inspiration. Incited by other merchants' dollar-day sales, the Turners decided to make every day dollar day. They opened the first Dollar store in 1955, in Springfield, Ky. They stocked the stores with close-outs, irregulars and imports. Nothing sold for more than a dollar, Ultimately, when inflation forced them to break the dollar price barrier, they did it in an ingenious way.

"We ended up with shoes for a dollar a shoe," Turner said.

The inevitable happened at a Memphis, Tenn., store. "I had a one-legged fellow come in." So, he sold him a shoe for a dollar.

"I imagine we still have that other shoe in the Memphis store," cracked Steve.

This isn't to suggest that Turner held on to goods. The idea was to churn the merchandise, even at a loss, to keep it moving. Not that long ago, even the younger generation of company leaders resisted computerizing the operation. The theory was that computers just couldn't keep up, because the Turners moved so fast. It's part of corporate lore that Cal Sr. approved buying the first computer after being assured it was an "IBM accounting machine."

He's something of an accounting machine himself, getting the good news from secretary Earline Frost that "our stock is up to 26 today," or poring over computer screens and printouts for reports of a company so leanly staffed that it averages fewer than five employees per store. (The company is similarly staffed at the top. "Every executive in our company has about 125 percent of a job," said Cal Jr.)

Computer screens can tell you only so much. Cal Sr. was at the Glasgow, Ky., Wal-Mart recently, doing a little comparison shopping. He paused in the jeans section to study a sign.

"They said, 'Dollar Store price, $8. Our price $7.96.' I thought, 'I'll give 'em more than 4 cents to mention our name to their customer.'"

Which begs a question. How does Dollar General keep from getting cannibalized by giants like Wal-Mart, Kmart and Target?

"They're the elephant," says Cal Jr. "They've got enough of their own agenda and mischief to put up with that they don't need to pay attention to this little gnat."

It's a swarm of gnats: a billion-dollar company with 1,940 stores in 24 states. And the swarm is growing by about 300 stores a year. Even so, the hometown Dollar Store in Scottsville still does the most business: almost $3 million a year.

The growth spurt came during the reign of Cal Jr., who took over as president in 1977, with about 700 stores in the fold. His father, a man not given to prideful utterances, said he is more proud of what his son has done with the company than of his own accomplishments.

"He does a better job of running the company than I ever could," he said. "I couldn't run it this size."

When the younger Turner was a teenager casting about for careers, he thought little of the store trade. He resented it because it "invaded our home" and consumed so much of this father's time.

"I thought about medicine," he said, "but my dad conspired with the local doctor for me to get out of school and witness an unsightly operation, and that changed my mind."

SMALL-TOWN LIFE

The sight of blood in the operating room is nothing compared with the sight of blood in the corporate boardroom. The Turners avoided such a bloodbath when Cal Jr. and his younger brother Steve both vied for the top spot. "They couldn't both run the company," their father said. "Cal Jr. was older and plenty good." He didn't take sides, though, expecting his children could work it out. They did, in a peaceful, but not painless resolution: Steve moved on to banking and developing.

Blood and bitterness might have flowed in 1989, when Cal Jr. moved the executive office to Nashville against his father's wishes.

"Sam Walton didn't have to leave Bentonville," the father groused, playing a new variation on a familiar theme: the joy and wonder of small-town life.

"I maintain that when you're raising a family, they'll be better people and you'll be a better person in a small town because everybody knows where you went last night and what you did," he said. "I don't think any of us have as many secrets as we'd like to think we do at times; but I'm telling you, in a small town, you don't have any."

If Cal Sr. were worried that moving to the city would change his son, or the company, for the worse, those fears seem to have been allayed.

"I think I'm more of a defender of the country ways and values now that I'm in the city than I ever was when I was in the country," said Cal Jr. "I don't like to see anybody put the little person down, and I think you see it more in the city than you do in the country. And I'm inclined to crusade for the little guy."

Cal Sr. also fretted that the city might make them soft. "I don't want to have a social club," he said. "If he hires somebody who turns out to be a socialite, he gets rid of him."

In this way, Turner indicated, his son is stronger than he.

"I never could fire anybody," he said.

That's the knock on Cal Sr. He's too nice.

"I was fascinated that he was able to be successful because he's so kind, gentle and forgiving," Steve said. "He kept people working in the company that others would have fired in a minute. Of course, what that did was build some highly unusual loyalty. There were people that had been given a second, third and fourth chance that now would kill for him, because they knew out there is the rest of the world you don't get treated that way.

"It always fascinated me that somebody didn't get all of his money before he could make it."

When the executives headed 60 miles south, it still left behind a robust contingent of 500–600 employees in Scottsville, home of the administrative offices and distribution center. There, above a sprawling complex on the edge of town, the rim of a hill is solid with Dollar General truck trailers; the horizon, truly is full of Dollar signs. Though he will turn 80 next spring, Cal Sr. still reports to this happy valley of prosperity six days a week, brown-bagging his lunch.

As "chairman emeritus," Cal Sr. has a large title and little responsibility. But when you've been working 60 years, it's hard to stop.

"I don't want to get in the way," he said, "but I don't want to get out of the way either. . . ."

Maybe it has something to do with the sense of place, the thing that causes Turner to say, "I feel sorry for everybody that doesn't live in Scottsville, Ky."

With the exception of about 4,300 people, that's everybody on the planet: It's also all his children. The eldest, Laura Jo, lives in Florida. Another daughter, Betty, lives in Louisiana. The two sons spend most of their time in Nashville. Does Turner feel sorry for his children?

"In that case, I feel sorry for me that they don't live here," he said.

The company he gave so much to is now giving back. "I like to think 20–25 years ago, it needed me," he said. "Now I need it."

One reason he needs it is the mile-wide hole in his life the past six years, since his wife of nearly 52 years, Laura Katherine, died of cancer.

"There can't be anybody else. We were lifetime lovers and friends and all that goes with, perfection, I guess, in marriage."

"Gosh, they were a dedicated couple," Steve said. "She died in '88. I just knew this would be the case where one of the spouses dies and the other one lasts three or four months. Of course he loves life, and he has tremendous love for the company and what he does."

If being chairman emeritus, talisman, touchstone and institutional memory of a

billion-dollar company can't fill your life, there are other consolations. Turner owns a farm with 1,200 head of cattle, inspiring observations such as this: "I can remember a time when we were ashamed to say we were from the country. Now we're proud of it."

THE GIFT OF LIVING

Owning, it seems, is less important than giving. He gave some of his farm land for a new hospital. One supplicant seeking money for a church got a donation despite the fact she addressed her request to "Cow turner." Three years ago he gave $1 million to Lindsey Wilson College in nearby Columbia, explaining, "The president over there is a Methodist minister, and these little colleges need to make up money."

At first, Turner wanted the gift to be anonymous. But John Begley, the president, asked him to go public, convincing Turner it would inspire others to give similar gifts. It did. "Since then we've had four other million-dollar gifts," Begley said. (Turner's million went toward a dining hall.)

Turner has a tender spot for Methodist preachers. In his youth, Cal Jr. thought seriously of becoming one. "I think that scared him," Cal Jr. says of his father. (Not just because it might deny Dollar General a future chief executive, but because the elder Turner probably couldn't devise a way to dissuade him. He could send an aspiring doctor to see gory surgery, but what could he do to a prospective preacher? Take him to church, from gory to glory?)

Memories of another Methodist preacher, Gainy Bohanon, inspire a long moment of reflection from the chairman emeritus.

"I loved him dear," Turner said. "I accused him of ruining my golf game; we played golf together, and he wouldn't cheat. He wouldn't move the ball toward the hole. Gosh, that just really tore me up, because now I'm embarrassed to move it.

Turner once told the young preacher: "If I ever say anything that sounds smart or sounds all right. I want you to make a note of it, because I expect you to preach my funeral."

One of the melancholy revelations of long life is its overdose of heavy ironies. On your 50th anniversary, your wife can get into her wedding dress, only because a mortal disease is taking her away, bit by bit: a litheness bought with life itself. The minister you hope would say a few words over your grave dies before you, despite his youth.

Is anybody taking up Gainy Bohanon's charge, recording Turner's smart sayings nowadays?

"No," the chairman emeritus said, "and I've gotten where I can't say them anymore."

It's enough to give a man . . . perspective. A way of summing up that involves no mention of money from the man who gave new meaning to the word dollar.

"There are so many ways to describe being rich. Good health and friends, long life. . . . I know that God has been good to me. I see other people with loads that I know I couldn't bear. I've had a wonderful wife and four wonderful children. . . .

"How lucky can you be?"•

TRIBUTE TO DR. P. ROY VAGELOS

• Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Dr. P. Roy Vagelos, one of the Nation's preeminent scientific and business leaders, on the occasion of his retirement as chairman of Merck & Co., the world's largest pharmaceutical company. Under Dr. Vagelos' leadership, Merck introduced more new medicines than any other company. As its chief executive officer, Vagelos oversaw the growth of Merck's research budget from $425 million in 1985 to more than $1.3 billion in 1994. During this extraordinary period, Merck was named America's Most Admired Company in Fortune magazine's survey of business for an unprecedented 7 consecutive years.

Roy Vagelos is a proud son of New Jersey. Born in Westfield, as a young man he worked in his parent's luncheonette in Rahway, where he served sandwiches to workers from the nearby Merck plant. In 1951, as a 22-year-old Columbia University medical student, he went to work in Merck's labs as a research intern. Following successful careers as a researcher at the National Institutes of Health and Washington University, Vagelos came back to his Rahway roots in 1975 to serve as Merck's senior vice president for research and later president of the labs. In these roles he presided over the discoveries of many important medicines and put Merck on a path to increased investment in research and development.

In 1985, Dr. Vagelos became Merck's chief executive officer. A year later he also assumed the title of chairman. His 19 years at the helm of Merck were characterized by bold innovation, a commitment to research, and a willingness to assume risk that made Merck an industry leader. In response to growing national concerns over rising health care costs, Dr. Vagelos pledged that his company would keep price increases to the level of inflation. Seventeen other companies decided to follow Merck's lead. And then, just last year, Dr. Vagelos took the bold step of leading Merck's acquisition of Medco Containment Services, one of the Nation's leading prescription drug benefit management companies. With this move, Dr. Vagelos secured a place for Merck in the growing movement toward managed care.

Throughout his years leading Merck, Dr. Vagelos never lost his commitment or connection to Merck's research and discovery mission. Since his coming to Merck in 1975, the company has put 34 new products on the market to fight diseases of the heart, eye, and prostate, among many others. He has also placed Merck in a leadership role in the fight to find a cure for AIDS. Merck helped create the Inter-Company Collaboration for AIDS Drug Development which puts 15 pharmaceutical companies in a joint effort to find new antiviral agents and combination therapies to fight HIV infection and AIDS.

Dr. Vagelos' tenure at Merck was also characterized by a commitment to community and public service in New Jersey and throughout the world. In 1987, Dr. Vagelos pledged that Merck would provide Mectizan free of charge throughout the world to fight river blindness, a horrible disease that infects 18 million people, principally in Africa and Latin America. To date, Merck, with the help of the Carter Center in Atlanta and the World Health Organization, has made more than 29 million doses available to people in need.

In 1990, thanks to a $3.7 million grant from Merck, Dr. Vagelos was able to preside over the opening of the Children's Inn at the National Institutes of Health in Bethesda, MD. The inn is a family-centered residence that allows the desperately ill children seeking help from the NIH to live in a supportive setting with their families. In New Jersey, Dr. Vagelos serves as a cochairman of the New Jersey Performing Arts Center, a cultural center planned for the heart of Newark. A $1 million Merck donation is helping boost this critical project. Achievements such as these, at home and abroad, along with many others in the fields of environmental protection, science education, and children's health, are a lasting legacy of Dr. Vagelos' commitment to improving our world.

Throughout my years in the Senate, I have often had the advantage of calling on Dr. Vagelos' counsel on issues related to health, science, and pharmaceutical industry. He has served as a respected adviser to leaders throughout the world. Ray Gilmartin, Dr. Vagelos' successor as leader of Merck, identified one of the keys to the enormous respect he enjoys from leaders of government and industry when he said "as a physician, Dr. Vagelos never lost sight of the end user of Merck's products, the patient."

On September 28, Merck renamed its Rahway, NJ site, established in 1900 as the company's first research and manufacturing facility, the P. Roy Vagelos Research and Development Center. I can think of no more fitting tribute to this native New Jerseyan who, for nearly two decades, made this Rahway site the center of a world of healing and caring.•

EXECUTIVE-LEGISLATIVE CONSULTATIONS IN FOREIGN POLICY

• Mr. SIMON. Mr. President, there is no question that the Clinton administration has faced some stormy weather in its handling of certain foreign policy and national security problems. I serve on the Committee on Foreign Relations and I see these problems on a daily basis.

One of the underlying causes of President Clinton's foreign policy problems is rooted in a failure to adequately consult and communicate with Congress on a timely basis—particularly with the Senate Foreign Relations Committee, ably led by my good friend from Rhode Island, the distinguished Senator CLAIBORNE PELL. I

know he is deeply committed to good relations between branches, and he has labored mightily under both Republican and Democratic administrations to bring this about during his tenure as chairman of our committee.

Mr. President, somewhere along the line consultations on significant foreign policy and arms control matters has faltered. Last year, when the administration suddenly decided to alter key provisions of the ABM Treaty, no one from our committee was consulted. We were informed after a National Security Council staff member was already negotiating with the Russians in Geneva. This year, when the Pentagon and to a lesser extent the State Department were in the midst of their nuclear posture review, again the committee—which has jurisdiction over arms control matters—was neither consulted nor informed.

And just yesterday we all learned that the administration has agreed to lift missile proliferation sanctions against the Chinese. I am still studying the details, but I am uneasy that another decision of this magnitude was undertaken without any prior consultations with members of the Foreign Relations Committee.

Yesterday I requested a letter from the National Security Council urging that the administration make a stronger effort at consultations than they have to date. Today I received a response from Sandy Berger, the Deputy National Security Advisor, which I request unanimous consent to print in the RECORD at this point.

THE WHITE HOUSE,
Washington, DC, October 5, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: The Administration is committed to maintaining close consultations with the Congress on major foreign policy and national security issues, but consultations between the Executive and the Legislative branches are never perfect. In particular on the ABM Treaty demarcation discussions and the Nuclear Posture Review, consultations were not held with the Senate Foreign Relations Committee. We are working to assure that this does not occur again.

We are committed to a regular dialogue with the Committee on all foreign policy and security issues and will make special efforts to improve serious two-way communication on arms control issues.

Sincerely,

SAMUEL R. BERGER,
Deputy Assistant to the President for National Security Affairs.

Mr. SIMON. The second paragraph of Mr. Berger's letter, frankly, falls short of the mark, but I am pleased that the administration has made a renewed pledge to engage in sincere and timely consultations with the Committee on Foreign Relations before Presidential decisions are made, especially in the field of arms control and nonproliferation. I assume that is what is meant by "special efforts to improve serious two-way communication on arms control issues." For two-way communication to work, Congress has to be engaged early in the process—not after NSC staffers board planes for Geneva.●

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m., Thursday, October 6, that following the prayer, the Journal of Proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 9 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the first 15 minutes of morning business under the control of Senator GRASSLEY, and Senator BOXER be recognized for up to 10 minutes; that at 9 a.m., the Senate resume consideration of the conference report accompanying S. 349, under the limitations and provisions as previously ordered; that at 10 a.m., without intervening action, the Senate vote on the motion to invoke cloture; further that at 10:35 a.m., the Senate proceed as a body to the House to meet in a joint meeting to hear an address by the President of South Africa; that at 10:40 a.m., the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL THURSDAY, OCTOBER 6, 1994, AT 8:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:07 p.m., recessed until Thursday, October 6, 1994, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 1994:

THE JUDICIARY

DAVID FOLSOM, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE SAM B. HALL, JR., DECEASED.

THAD HEARTFIELD, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE ROBERT M. PARKER, ELEVATED.

LACY H. THORNBURG, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE ROBERT D. POTTER, RETIRED.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. RICHARD I. NEAL, [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, October 5, 1994*

The House met at 9:30 a.m.

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

We are grateful, O God, that Your word to us is a word that challenges and corrects, that gives solace and comfort in every need. We are grateful too for the words of our colleagues and friends, words that educate and encourage, that brighten and give light to each day. Remind us always, to use our words in ways that reflect the truth, that edify and point the way, that contribute to the common good and to the unity that we should express. May Your good word, O God, be with us this day and every day. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman form Louisiana [Mr. FIELDS] come forward and lead the House in the Pledge of Allegiance?

Mr. FIELDS of Louisiana 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.

GATT

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

Mr. TRAFICANT. Mr. Speaker, the GATT bill is up. Hulk Hogan cannot lift it. Albert Einstein could not understand it. And the American workers fear it. Is it any wonder under NAFTA jobs go to Mexico? Under GATT jobs will go everywhere except America. I do not blame workers.

I will say one thing, I think the Democrat party today is pushing the working people of America away, real far away. But let us tell us like it is.

If GATT is so good for America, why does China love it? If GATT is so good for America, why does Japan love it? If GATT is so good for America, tell me, colleagues, why do the American workers vehemently hate this bill? This is a Woody Allen answer to a John Wayne problem.

I say today that the Democrat party is starting to set in motion a change for the common working man to move toward the Republican side of the aisle. John Lewis, roll over in your grave.

OBSTRUCTION OF LEGISLATION

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

Mr. EWING. Mr. Speaker, the majority leader in the other body has embarked on an ornery tirade against Republicans. He hopes to label all Republicans as obstructionist.

But on issue after issue important to the American people, the Democratic majority has obstructed passage of legislation. Here are a few of the bills the Democrats have obstructed:

The line-item veto; an A-to-Z spending cut session; welfare reform; balanced budget amendment; legal reforms; a middle-class tax cut; regulatory reform; immigration reform; Whitewater hearings; and term limits.

And of course, the Democrats have obstructed reform of Congress. They have obstructed efforts to cut committees and staff and they are trying to obstruct legislation to make Congress comply with the laws they impose on others.

Mr. Speaker, let us put an end to Democratic obstructionism by electing a Republican majority for the first time in 40 years.

REPUBLICANS CAN BALANCE THE BUDGET WITHOUT TOUCHING SOCIAL SECURITY

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

Mr. HEFLEY. Mr. Speaker, in the 2 years of a Democrat-controlled Congress and a Democrat-controlled White House, we Republicans have submitted two detailed budget proposals. Neither Republican budget touched Social Security.

In fact, the Democrats raised Social Security taxes on middle-income seniors in the 1993 tax bill. Moreover, even as the Democrats were ringing a false alarm about the Contract being a threat to cut Social Security benefits, the Democrat controls Ways and Means Subcommittee on Social Security was hearing presentations about four different Democrat plans to cut Social Security benefits.

The Social Security trust fund—which is currently running a $58-billion surplus—represents a pact between American taxpayers and the Federal Government. Republicans are committed to preserving this pact with the Nation's now and future senior citizens.

DEMOCRATS FEAR THE SUCCESS OF OUR CONTRACT

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

Mr. BALLENGER. Mr. Speaker, the Republican contract with America will change the way business has been done in the House for the past 40 years.

Here is the bottom line: Republicans favor congressional votes on the balanced budget amendment, line-item veto, welfare reform, family tax cuts that are paid for with spending cuts, and term limits. Democrats oppose these provisions.

Our contract guarantees that every penny in cost will be offset with spending cuts. Democrats want to keep spending freely even if it means racking up huge Federal deficits. They have surrendered to deficit spending and now admit they cannot envision a Federal Government that balances its budget.

The American people can now easily see how a Republican-controlled House would be different from the past 40 years of Democrat control. And that is what frightens the Democrats. As the Wall Street Journal put it: "It's hard to avoid the impression that the critics fear not that the contract would fail but that it would succeed."

THE TAKING BACK OUR STREETS ACT

(Mr. GOSS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, crime is a huge problem in the American society today. When asked to name the most important problem facing our country, 22 percent, a plurality, point to crime, gangs, and the justice system. One out of five say that is what the trouble is. It is not surprising that 85 percent of the American people favor lifetime jail sentences with no chance of parole for anyone convicted of three or more violent crimes. Three or more violent crimes, and we are going to let them out?

The contract with America goes several steps further with the Taking Back Our Streets Act. Clinton's crime

bill is riddled with new social programs which greatly contribute to the $30 billion price tag, but we know that coddling young criminals does not solve the crime problem.

We propose truth-in-sentencing and real prisons. This means when a criminal goes to prison he will not be allowed to leave after he has only served a third of his sentence. The place he will be incarcerated is not going to be the Club Med for convicts.

Rather than make it more difficult for our law-abiding citizens to purchase a handgun, let us talk about taking back our streets by putting a 10-year mandatory minimum sentence for the use of a gun during a State or Federal felony. That is the way to get tough on crime. That is what we need now. The Republicans know the answer.

URGING HOUSE LEADERSHIP TO RECONSIDER SCHEDULING ON GATT LEGISLATION

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

Mr. GILMAN. Mr. Speaker, the leadership should reconsider its plan to schedule a vote on legislation to implement the Uruguay round of the General Agreement on Trade and Tariffs, or GATT.

There is much confusion and concern over the provisions of this complex agreement that will have a massive effect on the economic health of our Nation.

Most Americans support the principle of free trade, but when you read the details of this agreement it is far from clear that Americans will be on a level playing field with foreign competition.

Numerous studies raise serious questions concerning jobs and incomes that will be lost, particularly in the agriculture, textiles and apparel industries.

These questions need to be answered. Instead of rushing this legislation through the closing days of this Congress, the administration should take a lesson from the fate of the health care reform effort.

We should go slow and get it right.

DEMOCRATS CONTINUE TO FRIGHTEN ELDERLY REGARDING GOP CONTRACT WITH AMERICA

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

Mr. HOKE. Mr. Speaker, the politics of fear, intimidation, and deception continue, with my colleagues on the other side of the aisle continuing to scare elderly people into believing that somehow the Republican contract with America would cut Social Security, or otherwise impair the elderly. It is absolutely not true. Not only is it not true, but in fact, we have already done that in this Congress. We did it with the 1993 budget deal.

If we look at it, we have cuts in Social Security and Medicare from the 1993 Clinton budget. In 1994 we had cuts in Social Security of $1.93 billion; in 1995, $4.597 billion; in 1996, $5 billion; 1997, $6 billion; in 1998, $6.7 billion; a total of $24.5 billion in Social Security cuts; Medicare, a total of $56 billion.

Let me repeat that. This is the Clinton budget of 1993. Not one single Republican member of this Congress voted for that budget. It was passed by Democrats.

DEMOCRATS FUMBLE, REPUBLICANS GO ON OFFENSE ON CONTRACT WITH AMERICA

(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, last week, several on the other side tried to make football analogies regarding the contract with America. Not surprisingly these comparisons were a few yards short of a first down.

For the past 40 years, the Democrats have had the ball, they have controlled the clock, they have rammed their liberal agenda through the line despite the crowd of Americans roaring against them.

The Democrats are nervous now. After a series of Democrat fumbles and penalties, the Republicans are going on the offense.

But today, we are merely drawing up our game plan: The Republicans' contract with America. Our strategy includes applying the rules of the game to Congress, a very popular move among the crowd of Americans whose pleas have gone unanswered for too long.

When we finally get our hands on the ball, we will be ready. All those Republicans who have been forced by the Democrats to sit on the bench will finally get in the game.

PERSONAL RESPONSIBILITY AND OUR CONTRACT

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

Mr. KNOLLENBERG. Mr. Speaker, we are in the midst of a social crisis.

Illegitimacy rates are exploding. Crime rates are rising. Our cities are decaying, and millions of Americans are trapped in poverty.

Last week, more than 300 Republicans signed a historic agreement to reverse these trends. The Personal Responsibility Act is a key element of our contract with America.

Drawing upon the lessons of the last 30 years, we have pledged to reform a welfare system that deprives individuals from obtaining the American dream.

Real welfare reform means spending less and moving dependents off the dole. Our plan will instill responsibility by requiring work for benefits. We will strengthen the family by eliminating subsidies for out-of-wedlock births. And we will provide the American taxpayer with relief by cutting runaway welfare spending.

Mr. Speaker, the American people realize that we can no longer punish what is right in America to subsidize what is wrong with America.

The Republican contract with America provides real and effective welfare reform, and I am confident that on November 8, the American people will voice their support for the principles of this pact.

MORE EVIDENCE OF SLAVE LABOR IN CHINA

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

Mr. WOLF. Mr. Speaker, these artificial flowers are the latest evidence that goods made with slave labor in Chinese prison camps are making their way into the United States. The proof is in the label and the story is documented in the latest report by my friend Harry Wu. It was also the subject of a report aired on ABC news last night. I am submitting this and another report on export of slave-labor-grown green tea for the RECORD.

The labels were smuggled out of China by a courageous prisoner named Chen Pokong. I want to quote from a six-page appeal he sent to the international community:

> I am thrown into this hell because the Guangdong authorities want to crush me physically and spiritually. I strongly urge * * * the world * * * to pay close attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But I have no choice.

These flowers were purchased at a popular craft retail store in the United States. Importing slave labor goods is illegal.

Last spring President Clinton certified that the People's Republic of China is complying with the memorandum of understanding for slave labor goods signed in 1992. This new evidence makes me wonder if the administration is doing all it can to enforce it.

Mr. Speaker, this man risked his life to bring us this information. The U.S. Government has an obligation to make sure Chen Pokong is not harmed.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 301, SENSE OF CONGRESS REGARDING ENTITLEMENT SPENDING

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution (H. Con. Res. 301) expressing the sense of the Congress regarding entitlements. General debate shall be confined to the concurrent resolution and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule and shall be considered as read, and the question on adopting the amendment numbered 1 in the report of the Committee on Rules accompanying this resolution shall be considered as pending without intervening motion or debate. No other amendment shall be in order except those printed in the report of the Committee on Rules. Each other amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. At the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion or demand for division of the question.

□ 0950

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 563 is a rule providing 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Government Operations Committee.

The amendments are considered as read, are not subject to amendment, and are not subject to a demand for a division of the question.

All points of order are waived against the amendments in the report. The rule provides that the previous question shall be considered as ordered to final adoption without intervening motion or demand for a division of the question.

Mr. Speaker, House Concurrent Resolution 301 is a resolution expressing the sense of Congress that current trends in entitlement spending are not sustainable, and the 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.

Today, entitlement spending and interest on the national debt together consume more than 60 percent of Federal outlays. That is double the percentage of just 25 years ago.

The August 1994 interim report by the Bipartisan Commission on Entitlements and Tax Reform concludes that unless appropriate policy changes are made, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the Federal Government by the year 2012.

The September 1994 study on reducing entitlement spending by the Congressional Budget Office found that in 1990, nearly half of all families in this country received benefits from one or more of the 11 major entitlement programs. The value of these benefits averaged about $10,300.

The conventional wisdom is that the Nation's budget deficit cannot be controlled without enacting reforms in entitlement spending.

House Concurrent Resolution 301 will begin the debate on this pressing issue and the options that must be considered.

Members will be asked to make hard choices on such questions as means-testing benefits, age qualifications, and cost-of-living adjustments.

For many, the choices are politically difficult. But, it is a debate that this body must undertake. I urge the adoption of House Resolution 563.

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

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

Mr. Speaker, the pieces of the A-to-Z buyout continue to fall into place—one by one. By my count, we are about to check off the fourth of five demands made by the so-called deficit hawks in the majority who were promised all sorts of special floor votes if only they would withhold their signatures from the A-to-Z spending cut discharge petition. Today's serving of political cover comes in the form of a sense-of-Congress-resolution—AKA a completely nonbinding statement of principle.

As a member of the President's Commission on Entitlement and Tax Reform, I wholeheartedly support the principle of laying the groundwork for the heavy lifting of reforming entitlements. In fact, I have spent many long hours this year in Commission hearings as we proceed toward a December due date for our recommendations. I do not think the work of that Commission should be underestimated or second-guessed before we have even had a chance to fulfill our mandate. Quite frankly, I believe today's effort is at best a waste of time and at worst a thinly-veiled attempt to allow Members a freebie feel-good, do-nothing vote less than 5 weeks from election day.

Mr. Speaker, I am strongly opposed to using valuable floor time so close to the end of the session for this type of political exercise. But if we are going to proceed in this direction, the least we can do is make the process as open as possible so all Members have an equal chance to make this statement of principle mean a little bit more. At the moment what we have here is something akin to a one-man band—a bill drafted by Mr. ORTON, fulfilling a leadership pledge to Mr. ORTON, that received no committee hearing or markup, with amendments limited to those offered by Mr. ORTON. As wise as Mr. ORTON is on these matters, I firmly believe the Nation and this House could benefit from some broader input than just that of one Member.

For instance, Mr. KASICH, the ranking member of the Budget Committee came before our Rules Committee to request an open rule that would allow him to offer language calling for a balanced budget amendment to the Constitution—something Americans strongly support and the minority has been seeking for years. But this request was denied. Mr. BARCA, a member of the majority party, came to Rules seeking an amendment pertaining specifically to Medicare and means-testing. But that too was denied. And Mr. SABO, the chairman of the Budget Committee, had originally offered a proposal of his own, that never saw the light of day.

Mr. Speaker, as I said, this resolution never was heard in committee, never went through the normal legislative process, and now its prime sponsors have apparently used some left-over leverage from the A-to-Z buyoff to secure a rule that turns normal procedures on their head. Instead of allowing all Members a chance to propose amendments to the base text and then vote on passage of the final product as amended—if amended, this rule ensures a vote on the base text of the resolution first—before any other amendments are considered.

This convoluted process also precludes the minority from the customary motion to recommit with instructions. Why? Mr. ORTON explained that this is because Members want a chance to vote for the generic policy statement, but might not be able to

summon the political courage to support specific reform options, like means-testing for certain entitlements, or COLA reform, or changing the age threshold for entitlement benefits. Just how far will this House go in manipulating the rules of this House in order to protect its membership from casting the so-called tough votes? This is walking a very fine line between looking tough, but not too tough, as election day draws near. But the problem with walking a tightrope is that you can easily fall off—and I am afraid that is what the majority is about to do here today. Once Members go on record for some of these reform proposals—even though their votes today will not lead to any meaningful change—they should expect to be held accountable when the binding reform proposals start coming down the pike. Anyone who has looked at the data about entitlements and the entire Federal budget knows that day is coming sooner than we think.

Members should be advised—this chicken is going to come home to roost.

Mr. Speaker, I strongly oppose this rule. This resolution and all its attendant rhetoric may boost some Members' short-term political fortunes, but it will do little to enhance the fortunes of our children and grandchildren. And so, once again, we will be less than candid with the American people about our true commitment to change.

Mr. Speaker, I include data on consideration of House Concurrent Resolution 301 in the Committee on Rules and the comparative charts of open versus restrictive rules for the RECORD, as follows:

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS OFFERED TO RULE ON H. CON. RES. 301, ENTITLEMENTS, TUESDAY, OCTOBER 4, 1994

1. Motion Offered by Mr. Quillen for an Open Rule—Rep. Quillen moves a one-hour open rule, with debate time allocated to the chairman and ranking minority member of the Government Operations Committee. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Gordon, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat.

2. Motion Offered by Mr. Solomon on Motion to Recommit—Mr. Solomon moves to insert language to provide for one motion to recommit, with or without instructions. Rejected: 4–4. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Gordon. Not Voting: Derrick, Bonior, Hall, Wheat, Slaughter.

3. Motion Offered by Mr. Goss on Kasich Amendment—Mr. Goss moves to make in order an amendment by Rep. Kasich of Ohio expressing the sense of Congress that a Balanced Budget Constitutional amendment should be passed to impose on Congress the discipline necessary to achieve the goals of reducing entitlement growth and debt. The amendment would not be subject to amendment but debatable for 30 minutes divided between the proponent and an opponent. Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

4. Motion Offered by Mr. Dreier on Barca Amendment—Mr. Dreier moves to make in order the amendment by Rep. Barca of Wisconsin expressing the sense of Congress that Medicare premiums should be imposed on beneficiaries earning more than $100,000. The amendment would not be subject to amendment but debatable for 30 minutes divided between the proponent and an opponent. Rejected: 3–6–1. Yeas: Solomon, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Present: Quillen. Not Voting: Hall, Wheat, Slaughter.

5. Motion Offered by Mr. Derrick to Report Rule—Mr. Derrick moves to report a one-hour, modified closed rule, making in order a vote on a substitute identical to the base text prior to consideration of three amendments by Rep. Orton, and denying a motion to recommit. Adopted: 6–4. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Nays: Solomon, Quillen, Dreier, Goss. Not Voting: Hall, Wheat, Slaughter.

AMENDMENT OFFERED BY MR. QUILLEN TO RULE ON H. CON. RES. 301

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 301) expressing the sense of the Congress regarding entitlements, and the first reading of the concurrent resolution shall be dispensed with. After general debate which shall be confined to the resolution and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the resolution shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.".

* * * * *

Explanation: This amendment to the proposed rule provides for a one-hour of general debate on the entitlement resolution (H. Con. Res. 301), controlled by the Government Operations Committee, followed by an open amendment process under the five-minute rule. Since the resolution was only introduced last Friday and since Members were not given advance notice to submit amendments to the Rules Committee, this should be considered under an open amendment process.

AMENDMENT OFFERED BY MR. SOLOMON TO RULE ON MOTION TO RECOMMIT H. CON. RES. 301

In the last line, insert after the word "motion" the following: "except one motion to recommit, with or without instructions,".

* * * * *

Explanation: This would permit a motion to recommit with instructions—the only opportunity under the rule as moved for the minority to offer an amendment to the resolution.

* * * * *

AMENDMENT TO H. CON. RES. 301 OR TO THE ORTON SUBSTITUTE, OFFERED BY MR. KASICH OF OHIO

At the end of the concurrent resolution (or at the end of the amendment in the nature of a substitute made in order by this resolution, if the substitute is adopted) add the following:

"SEC. 2. It is the further sense of the Congress that, in order to resolve the imbalance in entitlement promises and resources and to reduce the debt as called for by this resolution, a Balanced Budget Constitutional Amendment should be passed by the Congress at the earliest possible date to impose on the Congress the discipline needed to achieve these goals.".

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	102	31	30	71	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31. 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National Defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps. FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A.	
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A.	
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

□ 1000

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON].

Mr. SOLOMON Mr. Speaker, I thank the gentleman from Florida for yielding me this time and join him in urging defeat of this rule.

Mr. Speaker, it is exercises like this that give the term, sense of Congress an oxymoronic taint.

Here we are in the final week of the Congress spending 4 hours or more on a so-called sense-of-Congress resolution

that says entitlement spending trends are a problem, laying debt on our kids is bad, and Congress should do something about it. Well, good morning. Tell me something new.

In the meantime, a major congressional reform bill continues to languish in the very same committee that brings us this rule. Only one of some 29 pending amendments have been disposed of in the markup on that reform bill, some 8 months after that bill was first introduced.

How long has this resolution been pending in a committee? Just 4 days. It was introduced last Friday. It was referred to the Government Operations Committee over the weekend, and then, without any opportunity for that committee to report, it was taken up in the Rules Committee on Monday and granted this rule yesterday. In short, this rule discharges the Government Operations Committee from any charge of paternity.

What are we doing? What are our priorities? Have we taken leave of our senses?

Mr. Speaker, let's not pull any punches as to what is going on here. This is all part of the so-called A–Z buyout deal in which several Democrats promised not to sign a discharge petition calling for real spending cuts, if they in turn were allowed to bring certain budgetary matters to this floor.

We've already considered most of the other items including expedited rescissions, entitlement targets, baseline budgeting, and emergency spending. But this was supposed to be the one item in the A–Z alternative plan that really cut spending, according to Mr. ORTON on June 17.

But I suspect the CBO, (had it been allowed to score this one,) would conclude that it doesn't save a dime. It does have a cost, though. It is costing the valuable time and energy of this House which could be better spent on real legislation having real benefits for this Congress and the country.

What happened to those real spending cuts in entitlements promised by the author of this resolution and by the majority leader?

Mr. Speaker, there are times when a rule should be defeated to spare the House from wasting its time on meaningless or bad legislation. This is one of those times.

Mr. Speaker, if there was ever any doubt that this is nothing more than a political exercise to give some Members cover for avoiding the real spending cuts of the A–Z plan, one need look no further than this rule. It is written to please just one person—the author of this resolution.

The rule makes in order the Orton resolution, followed by a vote on an identical Orton substitute, followed by votes on three Orton amendments. Denied by the Rules Committee were amendments by two Democrats—the chairman of the Budget Committee, Mr. SABO, relating to the Entitlement Commission's recommendations, and the second by the gentleman from Wisconsin, Mr. BARCA, relating to imposing Medicare premiums on wealthy beneficiaries.

Also denied by the Rules Committee was a sense-of-Congress amendment by Representative KASICH of Ohio. That amendment would recognize the need for a balanced budget amendment to impose on Congress the discipline needed to reduce entitlement growth and the national debt.

Moreover, the majority denied the minority our traditional right to recommit with instructions. We cannot even offer a single amendment at the end of the process in a motion to recommit with instructions. That's outrageous.

The majority leadership is content to pay its debt to one Member for a deal that was cut, and the rest of the House be damned.

Even the author of this resolution should vote against this rule since he promised back on June 17 at least 2 days of debate and the opportunity for other Members to offer amendments.

Mr. Speaker, I am sure the sponsor of this measure will understand if we pull the plug on this non-sense-of-the-House resolution now rather than 4 hours from now so that we can move on to the more important business at hand and adjourn this House sine die all the sooner.

I urge my colleagues not to dignify this little political exercise any more than it already has been. Defeat this rule.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], our Republican whip.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Florida for yielding time to me.

Mr. Speaker, I want to encourage all of my colleagues to vote no on this rule. I want to say that I believe this is a case study in three things.

Bringing this up is a case study in how the Democratic liberal leadership manipulates and manages the House. Bringing this up is a case study in why the American people are sick of Democratic control of the House after 40 years of monopoly. Bringing this up is a case study in bad policy and how you can bring a dumb idea to the floor without having any context and without having any hearings and without understanding what you are doing.

So for three reasons we should defeat it. Let me go back through them. Let us be clear that this rule and this resolution is a case study in how the liberal Democratic leadership manipulates the House. The gentleman from New Hampshire, Mr. BILL ZELIFF, working with some Democrats, developed an idea called the A-to-Z spending cuts. It involved real cuts, it involved a real law that involved really eliminating some pork barrel. Under the new open discharge petition rule which the gentleman from Oklahoma [Mr. INHOFE] developed, we were actually on the verge of getting enough votes that we could actually bring the A-to-Z spending cuts to the floor and spend a week actually cutting spending.

At that point, the liberal Democratic leadership went in overdrive, and they began to say to their Members do not sign the discharge petition for real spending cuts and we will give you a smoke screen to go home and claim you accomplished something. This bill on the floor today is in effect a reward for not having voted for and signed up on the discharge petition. It is a classic example of how the liberal Democratic leadership picks off one element of their party at a time to maintain control of the House against the will of the American people.

But now let us look at the substance of today. It is the sense of Congress that current trends in entitlement spending are not sustainable. Let me tell Members, the baby boomers are too old to be taken in by this anymore. This used to work in the early 1980's when Tony Coelho was here, and when just saying anything would work, and people actually still believed politicians. But given the Clinton administration record of not meaning what it says, and given the Democratic control of Congress for 40 years, if any Member goes back home and stands up in the next 5 weeks and says I voted for a sense of Congress, in the first place, people do not believe there is any sense in the Congress. In the second place, the idea that instead of real cuts, instead of real changes, instead of real effort what we are going to have is one more phony campaign press release disguised as a vote on the floor so that when it was a Kasich budget that was real cuts, do not vote for that. When it was the Penny-Kasich spending cuts, so that was real, do not vote for that.

□ 1010

But now do you want a press release that has no binding law? Oh, that is terrific, vote yes, but, I mean, no person who is self-respectingly serious about cutting spending ought to vote for this thing just on the principle that it is embarrassing.

But then there is the last point. Now, maybe my friends want to vote to cut Social Security. I know the White House attacked us just 2 days ago, and so we have an acid-test opportunity today, because as I understand it, this would cut the COLA's, the cost-of-living increases, for people on Social Security. There will be an amendment offered to give every Member a chance, without having hearings, without an overall strategy to cut spending, without doing anything about welfare,

without cutting out pork-barrel spending, without doing anything about all the other entitlements, there will be an effort to come in here and cut cost-of-living increases for most Americans.

Well, my Democratic friends may want to go ahead in a moment of foolishness and vote to cut Social Security. I think it is a bad idea. I think it breaks our contract with the American people. It is the one thing we Republicans said we were going to take off budget and we would not touch as part of our balanced-budget amendment. It is the one thing we said we would protect.

I know that four senior Democrats last week jumped up and said you have got to cut Social Security, including the former chairman of the Committee on Ways and Means. I know that a lot of Democrats are itching to cut Social Security. I know the Clinton administration raised taxes on Social Security recipients, retired Americans. I know there is some passion in the Democratic Party right now to punish senior citizens.

I know the Clinton health plan was going to be paid for by $400 billion in cuts in Medicare, but I do not see why any Member should get up and vote for a Social Security cut that has had no hearings, been in no committee, been reported by no subcommittee, been reported by no full committee, and sprang full-blown from the brow of one Member.

This is almost as bad as the secret White House Clinton task force on health, one Member, on their own, invented their magic solution, they convinced their leadership to make it in order for the leadership's political purposes; they now want the House to walk the plank to make them look good.

I urge a no vote on the rule. I urge a no vote on the amendments. I urge a no vote on the resolution. Let us be honest with the American people. Let us pass a constitutional amendment that will require a balanced budget, and let us pass a Kasich budget that cuts spending. Let us pass real welfare reform. Let us pass real cuts in pork. Let us pass real downsizing of the bureaucracy. But let us do it in law, not in some kind of public relations campaign.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, as long as we are talking about honesty in this body, let us be honest about what this body is willing to do and what this body is not willing to do.

I challenge anyone in this body or anyone in this country to show me how you are going to balance the budget in the long term if you say we are not going to raise taxes, if you say we are not going to cut entitlements, if you say add onto that we are going to raise defense, but even without dealing with defense, if we are not going to raise taxes and we are not going to cut entitlements, ladies and gentlemen, it cannot be done in the long term.

You can make it look good over a 5-year period of time. The Kasich budget, in fact, does reduce, but would not balance even over the 5 years, but assuming their numbers were correct on the Kasich budget over a 5-year period of time, if it did balance at the end of 5 years, it does not balance at the end of 20, 25, 30, 35 years, because even with those changes it is clear, it is undisputed, the findings of the entitlement commission are clear if we do nothing with entitlements in 25 to 35 years, entitlement spending alone consumes 100 percent of the revenue generated by this country. If we do not deal with entitlement spending, we cannot balance the budget, period. That is the fact.

Now, if you want to dispute that, I would like to hear the argument. If we agree that we have to deal with entitlements, the question is when; if not now, when?

Ladies and gentlemen, arguments are made here that the committee has not acted, that in fact the Committee on Government Operations should have looked at this and acted; by the way, the same argument by the same folks who signed a discharge petition to say Government Ops has not acted on A-to-Z, we have got to discharge that thing and bring it out here to the floor so this body can work its will, and then we turn around and say, "Oh, but we cannot bring out entitlement reform because Government Ops has not acted." Talk about a duplicitous argument.

Also, to suggest that this is nothing but a ruse, nothing but politics, talk about politics: Those people who say they want to balance the budget, who want to do something about entitlement reform, how many of them came to the floor 2 months ago and voted for the Stenholm-Orton-Penny amendment on entitlement caps which would have placed a limit on the growth of entitlements, would have said that entitlement spending could grow by the amount of growth in the inflation index, growth in the population, plus 1 percent over that; 37 brave souls voted to cap entitlements in that one, a specific law, a statute, which is being asked for, to really reform entitlements, and 37 people said yes. So we backed up and said OK, if we cannot get the people to step to the plate and vote for a real statute which reforms entitlements, then we had better take a look at what does this body want to do. Let us take the temperature of this body and let us ask them, "Do you really want to talk about entitlements, or do you not? If you want to talk about entitlements, what areas do you want to deal with? Do you want to deal with means-testing, do you want to deal with age, do you want to deal with COLA's?"

Because, folks, if you are not willing to deal with any of those, take a look at the CBO budget book on options for cutting the budget. You will find that virtually by far the vast majority and virtually all of the money that can be saved in entitlements is in those three areas.

So if we are not willing to look at any of those, I ask my colleagues, if you do not want to vote, if you do not want to do anything with entitlements, vote against the rule, because you will kill the debate.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member.

Mr. SOLOMON. Mr. Speaker, I just wanted to call it to the attention of the previous Member in the well that he voted for a balanced budget. Our task force budget was balanced and did not raise taxes, did not cut Social Security. It did reinstate some defense cuts, but we cut $700 billion, including entitlements over 5 years. We left a surplus at the end of the 5 years, a surplus at the end of 6 years. For the gentleman to say that this budget was not balanced 25 years later, well, I ask, what in the world is? None of us will, probably, be alive 25 years from now, but we have got to start someplace.

This resolution before us now does not start someplace. It is just a whitewash of the terrible deficit situation we have in this country, and that is a shame.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I would like to urge my colleagues to reject this rule.

We have heard a lot of revisionist history on the other side. They are the Republicans, the only party under President Reagan to specifically pass legislation that hurt tens of millions of Social Security recipients, and now they want to become the great protectors, because they saw that was a disaster for them.

It is hidden in their contract that they are going after Social Security again. Do not listen to the revisionism.

There are other good reasons to vote against this rule. We do not know what we are doing here. This has not had hearings. What about this provision about 200 percent of the poverty line? First of all, Social Security at this point does not accumulate those records, so the Social Security would have to go out to all of its recipients and begin income reporting from those recipients.

□ 1020

That would be a bit of a problem since they cannot keep their computers

straight now. That would cost tens of millions of dollars in person power and new computer investments.

Who would be affected? A widow with an income of $15,000 a year would have her COLA capped under this proposal. Is that something the Democratic Party wants to support? I think not.

But people do not understand that because this is a feel-good resolution. Let us go after entitlements, sort of entitlements in general.

Think of the individuals who are impacted by this. What about veterans benefits? What is going to happen to veterans benefits under this? That is not something that the people paid into individually. Are they going to fall under the strictures of this? This is something that is ill-intentioned. It is not understood, and it is something that should not be voted on here today.

Let us wait for the Entitlements Commission report and then let us begin to deliberately address this problem in ways that are effective, but let us not unintentionally put ourselves on record as going after widows with incomes of $15,000 a year, or veterans or other people.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman from Florida for yielding.

Mr. Speaker, it has been suggested here by some of the speakers that this is our one chance to deal with entitlements. That is nonsense. The fact is there are a number of things we can be doing to deal with the entitlement problem that are better solutions than this.

In fact, there is one solution to the entitlement spending problem that has been scored by CBO as being successful. This particular resolution we have before us is simply an idea that has not even been scored by CBO and cannot be scored by CBO.

But the debt buydown concept that has been included in the Contract with America has been scored by CBO. CBO says if you give the American people an opportunity to check off up to 10 percent of their tax money to go to one purpose and one purpose alone and that is to buy down the debt, then you subtract $1 in spending for every dollar that the American people set aside for debt buydown, including out of entitlement programs except for Social Security—Social Security is exempted—if you do that, CBO says if it works optimally you balance the budget in 6 years.

We have got CBO scoring on one of our proposals; where is the CBO scoring here? This is a feel-good measure. It has no effect. It is something being done in the final week of the Congress to allow Democrats to go home and talk about how wonderful it is that they dealt with the entitlement problem. They did nothing of the kind.

If they wanted to deal with the entitlement problem, they would bring forward real proposals. There are real proposals that have been introduced. Debt buydown has over 100 cosponsors in the U.S. House of Representatives. It is one of the things we could be debating here.

Why do not Democrats want to bring forward something like the debt buydown concept? Because it works. They do not really want to cut spending, there are practically no Democrats who even rank in the top 50 of the people who are against spending in the House of Representatives, according to the National Taxpayers Union.

These are people who love to spend money. They build their careers on spending money. This lets them get off the hook.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Speaker, I am not running for reelection, so I am free to tell the truth without political consequences. And I want to begin by applauding a man who is running for reelection and yet has the courage to tell the truth. His name is BILL ORTON.

Virtually everyone on both sides of the aisle in this House agrees with Mr. ORTON. We all know he is right. Many fear the consequences of voting with him because they fear that if they do, people will not vote for them. And that is the sad state of affairs in which we find ourselves as a Nation.

The truth of the matter is that we cannot do what we need to do as a Nation without restraining entitlement spending. It is that simple.

Yet there are only 37 of us who voted a few months ago to begin restraining that spending that is running away with our future as a Nation. The truth is I support Social Security, Medicare, Medicaid, and other entitlement programs. But those programs will not survive unless we begin to restrain the growth in spending and provide that only those who need it the most get the most.

The truth is I want to avoid massive tax increases on the American people as a means of balancing the budget. But the truth of the matter is that unless we do something about restraining entitlement spending, we are going to have massive tax increases on working people as a means of balancing the budget.

The truth of the matter is that we need significant investments in education, transportation, technology, defense, other domestic discretionary spending, as we call it, if we hope to have the right kind of future, a future in which we will not have to fear international trade agreements, in which we will not have to fear competition, a future in which we can compete and win.

But unless we restrain entitlement spending, the growth in entitlement spending, we will not have that kind of future. We will not have a space station, we will not have a super collider, which we have already had to kill because of our refusal to deal with entitlement spending growth.

The truth of the matter is that Republicans and Democrats alike, the vast majority of my colleagues, know that Mr. ORTON is right and yet only Mr. ORTON has had the courage to come to the floor of this House and offer this resolution. I hope his constituents in Utah will understand that BILL ORTON is a leader and BILL ORTON has the courage where others do not.

Mr. Speaker, I urge the passage of this rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HOKE], a member of the Committee on the Budget.

Mr. HOKE. I thank the gentleman from Florida for yielding this time to me.

Mr. Speaker, I rise today first of all to associate myself almost completely, almost completely with the remarks of the distinguished gentleman from Oregon [Mr. DEFAZIO]. I will get to the "almost" in a moment.

Let us review the bidding for a moment.

What has happened in the Committee on Rules? Well, what happened in the Committee on Rules was that we had one member from one district who somehow was able to get a single resolution with 3 amendments to that resolution made in order by the Committee on Rules. A number of other amendments were, remarkably enough, not made in order. In fact, they were all defeated on party line votes. Let us review what that means in the Committee on Rules for a moment, for those who have forgotten.

The Democrats in the Committee on Rules have 9 members of the committee and the Republicans have 4, that is, 9 to 4. Remember what the balance is in the House. It is about 59 percent; it is about 60 percent to 40 percent in the House.

Yet on this particular committee it is 2 to 1 plus 1; 2 times the number of Republicans plus 2, completely stacking the deck.

So what do we have here? We have got the sense of Congress resolution that says, "It is the sense of the Congress that current trends in entitlement spending are not sustainable." Well, no kidding.

You know, this is what we are going to be asked to vote about? Let me tell you about one of the amendments that was not made in order.

Section 2, and this would be added at the end of the resolution, and this is the Kasich amendment. "It is the further sense of the Congress that in order to resolve the imbalance in entitlement promises and resources and to reduce the debt as called for by this resolution, a balanced budget constitutional amendment should be passed by

the Congress at the earliest possible date to impose on the Congress the discipline needed to achieve these goals."

It was voted down. Guess what the vote was; 9 to 4 against. Not in order.

I commend the gentleman from Utah [Mr. ORTON]; he did vote in favor of a balanced budget amendment. That is great. But when we wanted to have that amendment placed on this, "Not in order. Closed rule."

Let me ask, if I might engage my distinguished friend from Oregon in a colloquy about the thing that I did not agree with with respect to his remarks. He said that in the Republican Contract with America, that there is somewhere hidden in that contract a cut for social security. He said it is hidden in the contract.

I wonder if the gentleman could cite the line and page of the contract where it is hidden.

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

Mr. HOKE. I yield to the gentleman.

Mr. DEFAZIO. I thank the gentleman for yielding.

Mr. Speaker, it is hidden by implication. You cannot raise defense, lower taxes, and balance the budget.

Mr. HOKE. Reclaiming my time, that is completely untrue. It is not in the budget, it is not hidden, it does not exist because that is not the way we are going to do it.

□ 1030

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, we are in a time where I am not sure that we should not just go home because it has gotten to be such a silly season.

I brought this hot fudge sundae down here because it reminds me of the Republican Contract. I say to my colleagues, "It's not very hard to sell a hot fudge sundae diet. Everybody wants it, but when do you realize that it didn't work, that you're gaining weight on it?" It is one more time that we are wishing and dreaming that, oh, if we could just increase defense, and cut taxes, and balance the budget; gee, that sounds wonderful. We tried it in the 1980's, and we added trillions to the debt, and now we will either add trillions to the debt or we will have to cut Social Security by at least the $157 a month, according to CBO and other people. So, one or the other happens, and I think we should not try to hoodwink the American people that way.

Fine. I mean we know entitlements have got to be dealt with, but we know we are not really going to deal with them here today. We should wait until this commission comes out in December with some really hard choices, and I think at that time what we really need is to get the backbone and the will to come back and start dealing with these issues.

I think the American people want common sense. They want to know that we are going to be fiscally sound. I think they are tired of all this political razzmatazz, and they would like a rendezvous with reality.

So, maybe we ought to go home and rendezvous with reality to our constituents. They are very savvy. They know we cannot cut taxes, increase defense, and balance the budget, and they also know eventually we have to figure out how we are going to deal with entitlements.

In Social Security more have paid more money into that than they have paid into taxes. So, to compare that type of entitlement with other kinds of entitlements is very unfair, and that is hopefully what the commission that is looking at this would look at, and hopefully then we will have some more common sense.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, there were several other points I wanted to make in the first opportunity I had to speak here. Perhaps we can now get into some of those.

I think there are some points on which most of us in this body could agree. That is that in order to have long-term economic and fiscal strength we have to get at or near balance in our budget. The way to do that, the ways to do that, are limited. We either have to radically cut spending or radically increase taxes. Those are the only two ways.

Increasing taxes is not a viable option. The country does not want it, this body does not want it; OK? So that leaves the only other option; that is, cutting spending, and I ask, "Where are you going to cut spending to arrive at that?"

Now, I, as mentioned, voted for the Kasich budget because I believe we have to make drastic cuts in spending. It did not pass. There are a number of other bills that I voted for, the balanced budget amendment and so on, that have not passed. So what we are attempting to do here is engage this body, and, by so engaging this body in a public policy debate, we can engage the country in a public policy debate. We can look at the realities of where are we spending money, where is the budget increasing over the next 5, 10, 20, and 30 years.

That is what the entitlement commission has been doing, and for those people who scoff at the resolution, this resolution is nothing more than the principal finding of the entitlement commission. It is brought to this floor for the purpose of engaging a policy debate. I say to my colleagues, "You cannot start with statutory changes to this program or that program because everyone in the body is supporting this program or that program comes in and, like my colleague from Oregon, argues vehemently, 'Well, we can't cut this because we are hitting the little widow with a $15,000 income,' and that's the point, that we are not trying to do that."

One other point, and then I would be happy to yield to the gentleman.

What we are hoping to do here is test the temperature of this body. Is there a desire to talk about the public policy issues behind entitlements, all of the entitlements? Is there a desire to really look at the realities of life expectancy in this country? When we started Social Security, life expectancy was below 60 years old. It is now above 70 years old. Yet we still have a 65-year retirement age. Do we need to deal with that over the long term? Are COLA's applied appropriately? COLA's began in the 1970's because this body came in giving substantial increases every year based on nothing, and so in an effort to try to hold down costs and save dollars this body created the COLA which put everything on automatic pilot to constantly increase at some arbitrary rate the Consumer Price Index. Is that an appropriate method for calculating COLA's? Who should get COLA's? Should the very wealthy who are earning hundreds of millions of dollars be eligible for those entitlements?

I would ask my colleagues to look at the RECORD on Monday night. I did a 1-hour special order and outlined the information that has been provided to us by the entitlement commission. The areas of the budget that is increasing, increasing the most rapidly, are entitlements. They are the non-means-tested entitlements. If we vote today that we vote against the rule, voting against the rule tells this body and this Nation we do not even want to talk about the public policy of entitlements. I say to my colleagues, "You have got to talk about the policy before you can aim in a direction of where you're even going to start looking to make these changes."

To vote against this rule is to say, "No, it's a month before I'm standing for reelection. I don't want to make any voters mad. I don't want to have anything for my opponent to use in a 30-second campaign ad against me. I simply don't want to have to talk about the issue now. We'll talk about it later."

We have been putting that off for decades. We have got to get to the point where we are willing to have a public dialog on the basic policies of entitlements and how we can start controlling those, and, if we do not start with a sense of the Congress, I promise my colleagues this:

If we pass this rule, and we pass this resolution, and we give this body a direction of where to go, we will come back with specific legislation to accomplish the desires of this body.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from Utah [Mr. ORTON] has expired.

Mr. DERRICK. Mr. Speaker, I yield an additional minute to the gentleman from Utah.

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

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman, "I know that you're sincere and what you have said is so right. In other words, you either have to raise taxes or cut spending. The American people do not want to raise taxes. You, and I and this body doesn't want to. Therefore the only way to go is cutting spending. Our argument is the fact that, when we were pushing A to Z and forgetting the merits or demerits of A to Z, you and others were promised that we would have a debate on this floor of 2 days where we could really debate this issue and then have meaningful cuts. Our problem is we're not being allowed that, and you know that."

Mr. ORTON. Mr. Speaker, I am as disappointed as the gentleman is.

Mr. SOLOMON. As disappointed as I am.

Mr. ORTON. I am as disappointed as the gentleman from New York [Mr. SOLOMON] is that we do not have 2 days to deal with specific real cuts.

Mr. SOLOMON. Right.

□ 1040

Mr. ORTON. If we can start here, if we can start here with the policy debate for a few hours and get some direction about where this body wants to head, we can take this up again in January and February of next year, if we work together.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield. Would it not be great if we could have had this meaningful dialog 2 months ago followed by meaningful cuts? That is what should have happened.

Mr. ORTON. Mr. Speaker, it should have happened. I wish it could have happened. It has not happened. So the question is, do we now just cut and run and tell the public we do not even want to talk about this a month before the election, or do we really talk about the public policy issues behind these things? Bring it out in the open and let us find the ways, give this body direction of where we can start at the beginning of next year.

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

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], chairman of the Republican Conference and senior member on the Joint Commission on Economics.

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

This is a rather pathetic moment in the life of this body. Just last week the Republicans gathered together on the steps of this Capitol, offered a contract to American that was very explicit, written in very clear and precise language, each and every one of the 10 bills that we guaranteed will be brought to the floor under an open rule where everyone would be allowed to offer their amendments, Republican and Democrat alike. It was all spelled out.

The President's chief of staff, Mr. Panetta, who watched us lay our cards on the table, clearly and openly and honestly with the American people, called that a fraud. The Democrats began to attack it on the basis of all kinds of things that are not even in the contract.

Today what does the Democrat leadership do to respond to that? They bring a sense of the Congress resolution to the floor with a closed rule that forbids other amendments from being offered, even to do nothing but talk. The Democrats in this body cannot even abide free and open debate in an academic sense. As the gentleman from Utah [Mr. ORTON] so eloquently suggested, all he wants to do here is talk about it.

My colleagues, that is all in fact we will do here.

Panetta calls our effort a fraud. The gentleman from Utah [Mr. ORTON] has an opportunity, granted to him so graciously by the Democrat leadership, to come to the well with a bill and show his good intentions, to offer a sense of Congress resolution where we could acknowledge to America that we now know everything they have known for years, that entitlement spending is running this nation into the ground, and we ought to do something about it. Big deal.

This is the Democrats' idea of action, create the perception of reality.

One other request to open the debate was made before the Democrat-controlled Committee on Rules by the gentleman from Ohio [Mr. KASICH]. He said if we are going to talk about entitlement spending, the fact that something ought to be done about it, why do we not talk also about the balanced budget amendment that 70 percent of the American people want.

Democrats said we cannot talk about that. If we had a balanced budget amendment, it might mean we would have to do something about entitlements, which today we only want to talk about. Talk about a fraud. My colleagues, if this were any place other than the U.S. Congress, it would be so apparently goofy that people would be laughing at us. They would think this was Imus in the morning.

The Democrats say you cannot get to a balanced budget without slashing and burning entitlements.

Let me tell Members, the way we get to a balanced budget is we cut the increase in spending over the next 5 years from 5.2 percent to 3.2 percent. Not a real cut in the business, no real increase in taxes and we do not touch Social Security. And they ought to be ashamed of themselves for trying to scare the seniors of this country into voting for you in another election year. That story is getting awful old, colleagues.

Mr. DERRICK. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, anyone listening to this debate would be thoroughly confused, I believe, about what it is we are trying to do here. What we are doing on the Democratic side, to be perfectly blunt about it, is keeping a promise.

We made a promise to at least one Member and maybe more that if they would agree not to sign a petition to bring entitlements to the floor to be slashed, that we could agree to publicly consider the issue. The Republicans call that just talk.

Think about this for a minute. When the Congress appears to move quickly on a matter, the Republicans gin up their talk show machines and this place is flooded with calls saying to us Democrats: "You mean you are not even going to talk about it, you are not going to debate it on the floor, you are not going to do anything about it? You are just going to vote, you are just going to vote on a secondary education act without ever talking about it."

Before we do what the Republicans like, which I truly believe is to take an ax to entitlements to lower middle income people, we thought we ought to publicly discuss it first. That is what we are doing.

Are the Republicans satisfied with that? No. No, they would rather just take the ax to it, and they demonstrated that with that contract out front. The American people know they demonstrated it with that contract out front, because when we add up the promises in the contract and we draw a line and we subtract, do Members know what falls below the line, do they know what has to take the cuts? Social Security and Medicare. It is all that is left in their contract promises. It is all that is left in the Republican cut bull's-eye.

So they are not satisfied to just come before the floor and publicly talk about this, have a rational national discussion about entitlements. They simply want to go after them, and they have wanted to go after them for half a century.

Look at the records, my colleagues. Look and see how they voted on the critical amendments that designed Social Security as we know it today. Republicans voted more than 75 percent those decades ago against Social Security and against those critical amendments that went into the design of today's Social Security. And since then,

they have been on record almost every time against Social Security.

Look and see how they voted on Medicare, when it was first designed. They voted overwhelmingly against it. And since then, they have been on record almost every single time as being against Medicare.

Now, Democrats have said we recognize that entitlement growth is a problem in America so let us talk about that problem. Democrats recognize, as do the American people and as do our colleagues on the right, including our colleagues on the far right, we all recognize together that there is a problem with entitlements in this country, a growing problem. President Clinton and Senator KERRY and the gentlewoman from Pennsylvania, Ms. MARGOLIES-MEZVINSKY have established a commission to have a dialog with the American people so that somehow we can come to grips with our constituents regarding what we do about this coming financial crisis in America, a crisis placed on us in large part because of unintended consequences due to entitlements and the growth of that entitlement spending.

□ 1050

Mr. Speaker, we need that dialog. We need that discussion. What we do not need in America is the way our Republican colleagues would deal with this, which is to bring up a bill, slash entitlements, and tell the American people "tough." That is not the way to deal with it. Perhaps a discussion like this is the way to deal with it, even though they call it just talk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair would remind members of the gallery that they are guests of the House, and any manifestations for or against the proceedings of the floor are contrary to House rules.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. COX], a member of the committee.

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

My colleague just pointed out that rank-and-file Members of Congress complain when the Democratic majority rushes things to the floor, schedules votes, and permits no debate. We also complain, as we are complaining today, when we schedule only debate and no votes. What we actually want to see is action: a deliberative process, real debate, followed by real action.

As I was leaving the airport men's room the other day I saw on the hot air hand dryer, as I was walking out, the work of a populist graffiti artist who had written just above the button "Press here for a message from your Congressman."

Today the choice is between hot air and action. Why are we, in the last hours of the session, debating a nonbinding, sense-of-the-Congress resolution? It is not for lack of substantive vehicles to cut spending. My own budget process reform act, with nearly 200 sponsors in this Congress, deals directly with the problem of entitlement spending. We cannot get it to the floor for a vote.

Mr. Speaker, the commonsense budget reform act deals directly with real spending cuts. H.R. 3801, the overall legislative reform bill proposed by the bipartisan Joint Committee on the Organization of Congress, could be here on the floor, but the Democratic leadership prevents it; most importantly of all, Mr. Speaker, the A-to-Z bill, which would provide 56 hours under an open rule to debate and then vote upon legislative spending cuts.

However, Mr. Speaker, this procedure today, which I am strongly opposing, has been specifically designed to prevent legislative action on spending cuts and to prevent, specifically, A to Z.

I read from a statement by the gentleman from Utah, BILL ORTON, dated June 17, 1994:

> I am very pleased to announce that after weeks of work within the Democratic Caucus, we have developed an alternative to A-to-Z spending cuts. There is a very basic concern that it is almost impossible for individual Members to actually cut spending. The result of this frustration is a large number of Members cosponsoring the A-to-Z bill.

However, he says this approach will prevent A to Z.

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

Mr. Speaker, I would like to point out that I guess we would have titled this debate "Tell me something I don't know." This is a sense of Congress that says something we know.

I would ask my friends on the other side of the aisle, do they not have any confidence whatsoever in the Entitlement Commission, which was a bipartisan Entitlement Commission which has been put together by our President to study this and make resolutions within the next 3 months, which is an ongoing process? I think that shows a real loss of faith. I resent it, because I am on the Commission.

Mr. Speaker, I want to read from a letter from the gentleman from Pennsylvania [Mr. CLINGER]:

> While facially inoffensive, H. Con. Res. 301 does nothing to address the entitlement spending trends which it criticizes. In fact, the resolution does little more than quote from the real work of the ongoing Bipartisan Commission on Entitlement and Tax Reform. Because this measure is devoid of substance and offers little more than a parliamentary parlor game to provide cover for those unwilling to face true spending reforms, I urge the Rules Committee to deny it a rule and prevent this last minute charade from reaching the House floor.

That says it all, Mr. Speaker.

Mr. DERRICK. Mr. Speaker, I have one speaker, and I reserve the right to close.

Mr. GOSS. Mr. Speaker, I understand we have 1 minute remaining on our side, and the distinguished gentleman from South Carolina [Mr. DERRICK], has only his closing remarks, is that correct?

Mr. DERRICK. That is correct, Mr. Speaker.

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

Mr. Speaker, I would briefly say this debate cannot be too encouraging for those watching it out in the country. We hear all this talk about balancing the budget and about doing something about excessive spending on the Federal level. However, if we cannot even get a resolution to the floor to talk about it, how could anyone have any confidence that we are going to do anything about it?

Mr. Speaker, I include for the RECORD the letter I referred to earlier, which was addressed to the chairman of the Committee on Rules by the gentleman from Pennsylvania [Mr. CLINGER].

The letter referred to is as follows:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, October 3, 1994.

Hon. JOHN JOSEPH MOAKLEY,
Chairman, Committee on Rules,
Washington, DC

DEAR MR. CHAIRMAN: It is my understanding that the Rules Committee will meet this afternoon at four o'clock to consider a rule on H. Con. Res. 301, Expressing the Sense of the Congress Regarding Entitlements. I strongly urge that no rule be granted.

Introduced just last Friday, H. Con. Res. 301 was reportedly referred to the Government Operations Committee, although we have yet to receive it. Still, it appears that without formal receipt or notice of waiver, Government Operations has once again been dischared of its jurisdiction over the federal budget process.

While facially inoffensive, H. Con. Res. 301 does nothing to address the entitlement spending trends which it criticizes. In fact the resolution does little more than quote from the real work of the ongong Bipartisan Commission on Entitlement and Tax Reform. Because this measure is devoid of substance and offers little more than a parliamentary parlor game to provide cover for those unwilling to face true spending reforms, I urge the Rules Committee to deny it a rule and prevent this last minute charade from reaching the House floor.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Ranking Minority Member.

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

Mr. Speaker, I would briefly say this debate cannot be too encouraging for those watching it out in the country. We hear all this talk about balancing the budget and about doing something about excessive spending on the Federal level. However, if we cannot even get a resolution to the floor to talk about it, how could anyone have any confidence that we are going to do anything about it?

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

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The Chair advises Members that this is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 339, not voting 12, as follows:

[Roll No. 483]

YEAS—83

Bacchus (FL)
Barca
Berman
Bonior
Browder
Bryant
Clement
Collins (IL)
Conyers
Cooper
Coppersmith
Coyne
Darden
Deal
Derrick
Deutsch
Dixon
Dooley
Edwards (CA)
Fazio
Foglietta
Frank (MA)
Frost
Gephardt
Gibbons
Hamilton
Hansen
Hastings
Hoagland
Hoyer
Hutto
Jacobs
Johnston
Kanjorski
Kennedy
Kleczka
Klink
LaFalce
Lambert
LaRocco
Lloyd
Long
Mann
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McDermott
Meehan
Miller (CA)
Mineta
Minge
Moakley
Montgomery
Moran
Murphy
Neal (NC)
Oberstar
Olver
Orton
Parker
Payne (VA)
Pelosi
Penny
Pickle
Reynolds
Rostenkowski
Sabo
Sangmeister
Sawyer
Shepherd
Stark
Stenholm
Swift
Tanner
Taylor (MS)
Torres
Valentine
Vento
Visclosky
Watt
Waxman
Williams

NAYS—339

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hancock
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lowey
Lucas
Machtley
Maloney
Manton
Manzullo
Markey
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mink
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Nadler
Neal (MA)
Nussle
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stokes
Strickland
Studds
Stump
Stupak
Swett
Synar
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Unsoeld
Upton
Velazquez
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Barcia
Clayton
Ford (MI)
Gallo
Hamburg
McNulty
Sharp
Slattery
Sundquist
Tucker
Washington
Whitten

□ 1118

Messrs. CUNNINGHAM, DINGELL, FLAKE, OWENS, CLAY, HALL of Ohio, ROEMER, GONZALEZ, and THOMAS of Wyoming, Miss COLLINS of Michigan, Ms. WOOLSEY, Ms. FURSE, Mrs. KENNELLY, and Mr. FIELDS of Louisiana changed their vote from "yea" to "nay."

Messrs. BRYANT, DEUTSCH, STARK, and FOGLIETTA, and Ms. SHEPHERD changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on the vote for House Resolution 563, the rule for providing for consideration of House Concurrent Resolution 301 that expresses the sense of Congress regarding entitlement spending, I was misrecorded as having voted "aye" for the resolution.

PERSONAL EXPLANATION

Mr. BARCIA of Michigan. Mr. Speaker, I rise to indicate that had I been present this morning for the vote on House Resolution 563, I would have cast a "no" vote. However, I was unavoidably detained and could not make it to the floor in time for the vote.

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. 810. An act for the relief of Elizabeth Hill;

H.R. 2902. An act 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;

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes;

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day";

H.J. Res. 398. Joint resolution to establish the fourth Sunday of July as "Parents' Day";

H.J. Res. 401. Joint resolution designating the month of March 1995 and March 1996 as "Irish-American Heritage Month"; and

H.J. Res. 415. Joint resolution designating the week beginning October 16, 1994, as "National Penny Charity Week."

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

H.R. 4709. An act to make certain technical corrections, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 4217) "An Act to reform the Federal crop insurance program, and for other purposes."

The message also announced that the Senate agrees to the amendment of the

House to the bill (S. 2406) entitled "An Act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes."

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

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes;

S. 927. An act for the relief of Wade Bomar, and for other purposes;

S. 1216. An act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States;

S. 2341. An act to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reauthorization proceedings before the United States Patent and Trademark Office, and for other purposes;

S. 2457. An act for the relief of Benchmark Rail Group, Inc;

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa;

S. 2500. An act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes; and

S. Con. Res. 77 Concurrent Resolution Expressing the sense of Congress regarding the United States position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization.

□ 1120

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE JOINT RESOLUTION 416, LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that:

At any time hereafter the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of House Joint Resolution 416;

The first reading of the joint resolution be dispensed with;

All points of order against the joint resolution and against its consideration be waived;

General debate be confined to the joint resolution and not exceed 4 hours, equally divided and controlled by the chairman and ranking minority member of the Committee of Foreign Affairs, or their designees;

After general debate the Committee of the Whole rise without motion; and

No further consideration of the joint resolution be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Connecticut?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just say to the gentleman who is propounding the unanimous-consent request that I believe what he is asking for is that we not have to go to the Committee on Rules to bring a rule to the floor which would allow for 4 hours of general debate on the Haiti issue.

However, there will be a Committee on Rules meeting this afternoon at 1 o'clock at which time we will take up a rule which will provide for other alternatives to the bill that will be debated here during this 4 hours this afternoon.

Is that the understanding of the gentleman from the Committee on Foreign Affairs?

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

Mr. SOLOMON. Further reserving the right to object, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, yes, that is my understanding.

Mr. SOLOMON. Further reserving the right to object, I just wanted to clarify it for the membership, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

TECHNICAL CORRECTION OF OMNIBUS BUDGET RECONCILIATION ACT OF 1993 REGARDING SHARING OF TIMBER SALE RECEIPTS

Mr. DICKS. Mr. Speaker, with the consent of the Republican and Democratic leadership and with the approval of the affected committees, I ask unanimous consent to call up the bill (H.R. 5161) to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management as a technical correction, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Ms. DUNN of Washington. Mr. Speaker, reserving the right to object, I wonder if I might ask the gentleman from Washington [Mr. DICKS] to explain the bill, please.

Mr. DICKS. Mr. Speaker, will the gentlewoman yield?

Ms. DUNN. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, this bill simply allows for necessary technical corrections on a provision in the Omnibus Reconciliation Act of 1993, in chapter 4 entitled "Timber Sales," and specifically sections 13982 and 13983 of the Act, which allow for payments to timber counties in the Northwest through Forest Service and BLM receipts.

There is no budget impact to the technical corrections measure, and the original provision in the Omnibus Reconciliation Act is budget neutral, since it is covered through recaptured revenues from foregoing the Foreign Sales Corporation subsidy to Northwest timber companies.

The Treasury Department has identified this technical correction as necessary in order to fully implement the provisions affecting timber counties, and to carry out the intent of Congress to have these counties receive these payments.

This is simply a maintenance provision necessary for clarity in implementation.

Ms. DUNN. Further reserving the right to object, Mr. Speaker, I thank the gentleman from Washington.

I would like to say that I support this legislation. It is long overdue. The counties affected will be helped greatly by this legislation, and I certainly urge support.

Mr. DICKS. Mr. Speaker, will the gentlewoman yield further?

Ms. DUNN. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I appreciate very much the outstanding leadership of the gentlewoman from Washington on this issue, and the cooperation of the gentleman from California [Mr. HERGER], the gentleman from Oregon [Mr. SMITH], and all of the members of the Northwest delegation on both sides of the aisle.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5161

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

SECTION 1. TECHNICAL CORRECTION REGARDING SHARING OF TIMBER SALE RECEIPTS.

(A) FOREST SERVICE.—Section 13982(b)(1) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 681; 16 U.S.C. 500 note) is amended by inserting "out of any money in the Treasury not otherwise appropriated," before "for the benefit of counties".

(b) BUREAU OF LAND MANAGEMENT.—Section 13983(b)(1) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 682; 43 U.S.C. 1181f note) is amended by inserting ", out of any money in the Treasury not otherwise appropriated," after "shall make payments".

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

AMERICAN HERITAGE AREAS ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours (excluding time consumed by recorded votes and proceedings incidental thereto). Each section shall be considered as read. No amendment to the bill shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the beginning of consideration of the bill. Any amendment to the bill caused to be printed in the Record by Representative Vento of Minnesota may amend portions of the bill not yet read for amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

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

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

Mr. SOLOMON. Mr. Speaker, I will just announce that it is not our intention to ask for a vote on this rule, so that if Members would have other business to attend to, there probably will not be another vote for a good hour or so on the floor.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York for that information.

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

Mr. Speaker, House Resolution 562 is an open rule providing for the consideration of H.R. 5044, a bill to establish the American Heritage Areas Partnership Program Act of 1994.

The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Natural Resources Committee. The rule provides that each section shall be considered as read. Only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill will be in order and debate on consideration of the bill for amendment is limited to 3 hours. The rule provides that any amendment printed in the RECORD by Representative VENTO may amend portions of the bill not yet read for amendment. Finally, the rule provides one motion to recommit.

Mr. Speaker, recently a motion was offered to suspend the rules and pass the bill (H.R. 5044). Although supported by a large majority, the motion failed the required two-thirds vote. I believe there was general agreement to the concept of the bill although there was some controversy. The resolution recommended by the Rules Committee will adequately protect the right of any Member to address their concerns by amendment.

Mr. Speaker, H.R. 5044 establishes the American Heritage Areas Partnership Program, provides for individual American Heritage Area designation pursuant to that program, directs the National Park Service to study specific areas for inclusion in the program, and makes modifications to several laws that designated certain heritage corridors or areas in the 1980's.

H.R. 5044 also sets forth the minimum criteria for recognition of a management group to administer a heritage area and for developing a management plan. The bill sets limits on the amount of Federal financial assistance any one area may receive and requires State and local governments to provide matching funds for that Federal assistance.

Mr. Speaker, there are currently four congressionally established heritage areas. They have shown that with a small amount of Federal financial and technical assistance, State and local governments along with participating private groups can develop partnerships to manage a variety of historical, cultural, and recreational resources in a way that can be of benefit to all the people living in those areas. The American Heritage Areas Partnership Program is a good, workable program which requires only a small amount of Federal involvement. The Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, which was established in 1990, is a prime example of how well this cooperative arrangement for cultural and historical preservation works.

Mr. Speaker, I urge adoption of the rule and the bill and I reserve the balance of my time.

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Mr. SOLOMON. Mr. Speaker, I thank the chairman of the Committee on Rules for graciously yielding us half of his time.

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

I join the gentleman from Massachusetts in urging support for this rule, and thank him for his fairness in holding consideration of the bill over until today so that Members had the opportunity to put their amendments in order.

Mr. Speaker, we have before us a modified open rule providing for 1 hour of general debate with a time limit of 3 hours on consideration of amendments.

Those amendments which were printed in the CONGRESSIONAL RECORD prior to the consideration of the bill shall be in order.

While I have some serious concerns about this legislation, I urge support for the rule.

Mr. Speaker, currently the National Park System is facing a 37-year backlog in construction, renovation, and maintenance.

I am sure there are Members listening right now, who have situations similar to mine, where park projects have already been initiated in their districts and these projects need Federal dollars for their completion. In my district alone, sites like the Vanderbilt Mansion and the Saratoga Battlefield have been waiting years for much-needed Federal assistance for their completion.

And yet, here we are diverting tens of millions of dollars to new areas. Where is the sense in that?

Do we not owe it to the American taxpayer to finish projects before we start new ones?

The National Park System can ill-afford to take on any additional financial burdens at this time, let alone those provided for in this bill.

Mr. Speaker, this bill was debated on the floor the other day under suspension, so most Members should be familiar with its contents.

In this final week of the session, time is of the essence. Therefore, the process should go forward with the adoption of this rule.

Mr. Speaker, I submit the following matter relating to open and closed rules for the RECORD.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	102	31	30	71	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15, R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4, R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A.	
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A.	
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Louisiana [Mr. TAUZIN].

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

Let me thank the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for both yielding time to me and for the rule. This rule is entirely appropriate in that it allows under open debate introduction of the amendments that most concerned us when this bill came up under suspension. The amendment that we will offer today dealing with landowner property rights issues, that is.

For those of the Members who are sitting at their desks watching the television monitors, I will try to give a brief explanation of what is ahead when we begin voting on this bill under this open rule that I hope we will approve shortly.

No. 1, we will be offering now an en bloc amendment by agreement with the authors that will include several changes in the bill.

The first and most important change will be a change that allows the landowners in the affected areas to consent to be covered by this act, to in fact have their property subjected to the regulations that this act would bring to their property pursuant to these heritage and cultural areas.

In short, the landowner consent features very similar to the landowner consent arguments that were made on the biological survey bill will make it clear that the landowners have freedom of choice, to either come under its provisions or not. This will protect, if you will, the right of landowners to be secure against regulations that might take away the use or value of their property without their consent.

I would urge Members to pay particular attention to that part of the en bloc amendment. Mr. REGULA, I am told, will be offering an amendment to delete that portion of the en bloc amendment.

Let me make it clear that is the most important part of the en bloc amendment, the landowner consent feature.

If that is deleted from the amendment, the en bloc amendment will no longer have the kind of protection for private property rights that the bill ought to have. So I would be urging Members to vote against the Regula amendment to the Tauzin en bloc amendment.

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

Mr. TAUZIN. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say—and I will have more to say about property rights of individual Americans—if that amendment were to be successful, if that is knocked out from the gentleman from Louisiana's en bloc, amendment. I am going to guarantee the membership right now there is a Senator over in the other body who will put a hold on this bill and it will never see the light of day.

I just wanted to say that.

Mr. TAUZIN. I thank the gentleman for his comment. Let me make it clear, I would like to see this bill passed, I would like it to see the light of day. I want the Members who have heritage areas, who want protection and Federal help, to get it.

□ 1140

But I want to make sure when this bill goes over to the Senate that it has the adequate protection of property rights that this House has agreed to put on other bills like the Desert Protection Act. If that amendment to guarantee landowners the right of consent to be covered is taken out by the Regula amendment, we will be offering a second amendment at that point.

Let me try to wrap this up. If, if the Tauzin amendment is defeated, or if the gentleman from Ohio [Mr. REGULA] succeeds in gutting out the landowner consent provisions of the Tauzin amendment, we will then offer a second amendment. That second amendment will provide administrative relief to landowners so that, if that property and its value or its use are substantially diminished by the effect of this act without their consent, that the act will then provide that those landowners are entitled to compensation for their property loss just as we have passed that provision on the Desert Protection Act.

Let me say it again. Our first option is landowner consent. This ought to be a consensual program. This ought to be one where the property owners affected by it are partners in this act, not just government telling them what is going to happen. They ought to be full partners in deciding whether to participate fully in these heritage corridors that could be as wide as six counties wide and as long as the Mississippi River. Landowners ought to have the right to say that they want to be or not, that they do not want to be, a part of this kind of land use regulation. But if this House should agree with the gentleman from Ohio [Mr. REGULA] to take out that landowner consent or to defeat the Tauzin amendment, we will be offering a second amendment to guarantee landowners who were brought under this program without their consent, that they will be guaranteed full compensation for the significant loss of property use or value that will flow from these regulations.

Let me sum it up. I am not opposed to heritage acts. I am not opposed to heritage corridors or cultural protection. I think those are all laudable goals, just as wetlands protection and endangered species protection, many other laudable goals in this country. But when these good, laudable goals that are good for all of us in society require some small landowner to reduce his property as a result, the fifth amendment of the Constitution provides a remedy. It says he must be compensated and the compensation must be just. We either must give these landowners the consensual right to join or not join, or if they are forced to join against their consent, we must accord them the right of compensation under the fifth amendment.

I am not talking about a property right. Property does not own rights. I am talking about a civil right to own property in America. That is what these votes will be all about, and I say to my colleagues, if you believe as I do, you'll vote for the Tauzin en bloc amendment and against the Regula amendment that will gut it. If for any reason that amendment fails or the Regula amendment passes, we will be offering the compensation amendment to guarantee property owner rights under the fifth amendment of the Constitution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume and will say that in just one moment I am going to yield to a very valuable Member of this body. But let me just for a minute tell my colleagues why I have become so exercised about legislation that would lead to the usurpation of the rights of property owners in America.

As my colleagues know, I represent an area of New York State that is one of the most beautiful areas in the world. As a matter of fact, today, it is the most beautiful area in the world

because this is the peak day in the Adirondacks when the colors change. Unlike most mountain ranges that are mostly fir trees and pine trees, we have over 100 different species up in the Adirondacks, and they are prevalent throughout the entire range. When the colors change, Mr. Speaker, they are the most beautiful colors, golds, and oranges, and reds, and yellows. I invite all of my colleagues to come up there. No Member can go right now because we are in session, but next year come on up to see the most beautiful area in the world.

But let me tell my colleagues something about that area. There are 6,000,000 acres up there, and the State of New York owns part of that land. But most of it is owned by just plain ordinary people such as myself and my colleagues. And guess what? We have something called the Adirondacks Park Agency, and there is something called regional zoning that was put on top of all of the other local zonings up in these small towns. We do not have any businesses, industries, up there. We have unemployment that runs 9, 10, 11, 12 percent, and in the wintertime up to 20 percent in some of these counties, so the people are really hard-pressed up there. But they have literally been zoned out of the reasonable use of their land. So not only are we talking about national park land where the people do not have rights, but about people who own their own land and really cannot use it as they see fit because they have not been compensated for the taking of their rights to develop it as they see fit.

Now the other thing that I am so concerned about, Mr. Speaker, is headlines like these. In New York State, we have something called the Conservation Department, and it is like the EPA, the Federal EPA. They have such stiff regulations on every issue that the Environment Protection Agency at the Federal level gives up its own authority and says, "You're tougher than we are, so you go ahead and lay down all these laws." Well, they have laid down law so much that New York is the highest-taxed State in the Nation, and more than that, Mr. Speaker, we are the most overregulated State in the Nation.

What does that bring about? Look at this headline. It says, "IBM Deepens Job Cuts. Kingston, Poughkeepsie to lose jobs." Over on the other side of the page it says that 4,000 workers are to lose their jobs in East Fishkill. Now that is down in the southern part of the Hudson Valley, the lower part of the district that I have the privilege of representing.

Then go on over here, and here is another headline. "GE to Cut 1,200 Jobs." This is on top of the 1,800 that they cut just last year. That is 3,000 more jobs that are gone out of our State.

"Four Hundred Jobs Going to Mexico. Mallinckrodt to Leave Argyle and go to Juarez, Mexico."

Here is another one. "Scott Paper Planning 300 Layoffs." Three hundred jobs down the drain.

Here is one just yesterday about leather manufacturers in Gloversville and Johnstown, NY, laying off hundreds of workers.

Mr. Speaker, as my colleagues know, this goes on and on. So when we see people like the gentleman from Louisiana [Mr. TAUZIN] and myself stand up here and be concerned about property rights, it is for these reasons. I do not want to have to require a business that wants to locate in one of these heritage areas to go through the Secretary of the Interior to get permits to put up a plant. I want him to go to the local government body and get permits to put up that plant, and that is what the gentleman from Louisiana is talking about. That is all that I am taking about, and that is why we have such concerns about this legislation. If it can be amended properly so that we can live up to its laudable goals without taking away the rights of property owners, then I will vote for this legislation.

Mr. TAUZIN. Mr. Speaker, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Louisiana, my friend.

Mr. TAUZIN. Mr. Speaker, there is one thing in this bill that I failed to mention that our amendment will correct that I think deserves mentioning, and that is that this bill picks up some language from the 404 wetlands regulatory program. It is called the no practicable alternative language. I say to the gentleman, "What it means, Mr. SOLOMON, is that just as in wetlands laws this Heritage Act could impose an obligation on Federal agencies not to do the normal things Federal agencies do like flood control projects, assistance and development projects, or housing projects, not to do those things if there is a practicable alternative to do them somewhere else. That's the language that's in this bill."

Our amendment, in addition to correcting the property rights amendment, will also delete that language so we do not have a situation where in the guise of heritage protection people will be told, as they are in the wetlands laws right now, that they cannot use their own property to create jobs, or to form or build their homes, because there is a practicable alternative in two counties down or in Juarez, Mexico. We want to make sure, in effect, that that same language in the wetlands laws is not carried over in this law, and I would urge my colleagues to make sure that that Tauzin amendment is adopted because we clarify that job-killing provision of this Heritage Act.

□ 1150

Mr. SOLOMON. Mr. Speaker, on behalf of business and industry and the farmers in the Hudson Valley, Members can be sure I will be supporting that amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], a very, very distinguished Member of this body and one who is really valuable to all of us in looking out for our interests.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding time to me and I welcome his vote, along with the accolades.

All I want to say to the Members is, listen carefully when we get to the debate so we do not get confused by some of the rhetoric that does not square with the facts.

First of all, I am as sensitive to private property rights as anybody. I live on a farm in a rural area that is unzoned and I am very much aware of how important property rights are.

In this bill, every effort has been made to protect those property rights. It does not allow for any taking by the Federal Government or the local government. It does not allow for a change in zoning by the Federal Government or the local government. It does not allow any encroachment on private property rights.

What this bill does is help people help themselves. That is why in my area, we have Boy Scouts and Kiwanis Clubs and garden clubs and all kinds of volunteer groups that want to put together this historic corridor. They are not going to take anybody's land. They are going to simply clean up the towpath, cut the brush. They are already cutting brush. They are going to try to make bicycle and hiking trails eventually, as a legacy for the generations to come, because in time as more and more urbanization takes place, these open spaces will be ever more valuable.

Here is an opportunity for the Federal Government to lend a helping hand in terms of money, albeit a very small amount of the National Park Service or the Department of the Interior budget, to lend the communities a helping hand which will generate thousands of hours of volunteers being involved in preserving something for today, tomorrow and 100 years or more from now. I think to deny these people the privilege of doing something to enhance the beauty and the historic values of their community would be very unfair.

I might say that the substitute that the gentleman from Louisiana was talking about, we support a number of things that he is proposing, because we do not want to encroach on anybody's property rights. Let me reemphasize, there is no taking, no zoning changes provided, we in no way disturb private property.

The gentleman from New York talked about industry, the loss of industry. Let me say that the Cleveland Growth Association, this is made up of industries and people in the Cuyahoga County area, which is the northern terminus of the Ohio and Erie corridor, has a pamphlet promoting the great things about Cleveland, the north coast, they call it. And one of the features in here is History in the Making.

And they talk about how valuable this corridor would be in attracting industry, in making the quality of life better in northern Ohio and, therefore, saying to industries that would contemplate relocating that this is a great place to put their business because it is a great place for people to live. We have the Cuyahoga Valley National Recreation Area that was authorized by this body and is supported annually with appropriations. Part of the Ohio and Erie corridor goes through the recreation area.

What a great chance we have today to give these 10 communities that are involved in these corridors a helping hand, to say, we will give you a little Federal money. You raise a lot of money locally.

I know our local garden clubs already contributed $100. The Kiwanis has contributed $100 toward getting a matching fund to do this.

But more importantly than the money will be the fact that people will be involved, that those Scout troops and 4H clubs will be out there cleaning the trail and getting a sense of the value of open spaces. Most of it is already public land.

As I mentioned, Cuyahoga Valley, the canal lands are owned by public entities. The rivers, of course, are public. The cities own the areas within the cities. So private property rights are well preserved.

Let us not take on in this bill a separate issue, this whole thing of private property rights is a separate issue that ought to be addressed by this body in another way in establishing perhaps what are the criteria for Federal action, but let us not use this bill as a vehicle for that, because this bill is designed to create these locally initiated and locally managed corridors.

They have been successful. We have three or four of them in the United States now. People like them. In, I think it is, Blackstone they want to expand it because people love it.

Let me say one other thing. Most people of the Eastern States, particularly, do not get a chance to go to the great national parks, the Yosemites and the Grand Canyons and the Yellowstones. But a corridor they can visit every day. They can take the family out for a walk.

We are talking about family values all the time. We are talking about partnerships between Federal and local communities. Here is an ideal vehicle to enhance family values. This family that goes out and cleans a trail and uses that trail on a perhaps daily or weekly basis, it is an opportunity to demonstrate that the Federal Government wants to be a partner with local communities, that we want the Federal Government to be a very valuable presence in helping people help themselves.

I say again, let us not get confused on this broad issue of private property rights. Again, I emphasize, I am as sensitive to that as the gentleman from Louisiana, because I have to live it.

Let us talk about what this does for people. I think that is the value of this bill.

I hope all of our Members will listen carefully to the debate when we get to that so that they make their judgments based on the facts.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule and I support the efforts of the gentleman from Ohio [Mr. REGULA], Stark County, my neighbor. I give him credit for much of the work he has done on this in helping the State of Ohio immensely. I am a very big supporter of the gentleman from Louisiana [Mr. TAUZIN], and I hope that we can work this out, because I think they are two of the better Members. I hope that we can. This is a good bill.

I will not take a whole lot of time. I am hoping that the Democrat Party is listening and they do not bring the GATT rule to the floor of this House. I hope that we pass this rule and we do not, in fact, take up the GATT rule today and give Members more time. And Democrats better run a head count before the Democrat Party loses some Members.

I am hoping that the gentleman from California [Mr. MATSUI] and the gentleman from Massachusetts [Mr. MOAKLEY] will talk with the Speaker.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I have a letter here from John J. Motley III, vice president of Federal governmental relations for the National Federation of Independent Business. The letter is addressed to my good friend, the gentleman from Louisiana [Mr. TAUZIN].

It says, "On behalf of the more than 600,000 members of the National Federation of Independent Business, I want to express our strong support for your landowner consent amendment to H.R. 5044, the American Heritage Areas Act of 1994. We commend your effort to protect this fundamental right of private property owners." And the letter goes on from there.

Let me say, as I said in my opening remarks, I am going to support the motion to bring this bill to the floor.

Mr. Speaker, I include for the RECORD the letter to which I referred.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, October 3, 1994.

Hon. BILL TAUZIN,
2330 Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN TAUZIN: On behalf of the more that 600,000 members of the National Federation of Independent Business (NFIB), I want to express our strong support for your landowner consent amendment to H.R. 5044, the American Heritage Areas Act of 1994.

We commend your effort to protect this fundamental right of private property owners, by requiring that a property owner provide their written consent before their property is included in the Heritage Management Area or placed on the inventory list of those properties to be "preserved, restored, managed, developed, or maintained." We also agree strongly that the federal government should not be able to dictate to local entities how to manage these Heritage areas.

Small business owners and landowners have growing concerns about the ever-increasing government intrusion in the name of protecting the environment or other public interests. While small business owners certainly support the preservation of our nation's heritage, they also strongly feel the need to preserve our constitutional private property rights.

This amendment will serve as an important precedent for the protection of private property rights as small business owners and landowners alike need some degree of control and certainty over what takes place on their property. Your amendment will help retain a vital element in ensuring this certainty.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

□ 1200

Mr. Speaker, I have strong reservations about it. We will see what happens during the amendment process.

Mr. Speaker, I yield to my good friend, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I realize the other side is going to close. I want to make one preemptive strike here.

My friend, the gentleman from Ohio [Mr. REGULA], pointed out that he did not think this bill affected any local zoning ordinances. I want to read to you from a report issued by Mr. Dennis Galvin, associate director of Augusta Canal National Heritage Corridor.

This is his statement: "More specifically," this is what they were required to do under their plan, "More specifically, as called for in the plan, there needs to be adoption of the plan by the City of Augusta, two counties involved, by the State, commitment from all levels of government, and evidence of commitment to modify zoning regulations."

That is what we are talking about. We are talking about major big greenways, and the authority and the commitment to modify land use zoning regulations, so do not let them kid you, that this is not a property rights issue. It is a big one. This will be a big property rights vote when we get to it. I

urge Members to pay close attention to the debate when it does come.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee.

Mr. VENTO. Mr. Speaker, I want to first of all thank the chairman and support the rule. It is a fair rule. It gives the opportunity for the opponents of the Heritage Partnership Act, and there are opponents of it, to offer amendments which will basically gut the bill.

The reason that I sought suspension votes and failed nine short on this is because there is no way to reconcile the type of proposals being made here in the name of property rights with the establishment or designation of these heritage area partnership proposals.

Mr. Speaker, I would remind my colleagues that there are about 20 different measures in this bill that affect a large number of Members. Not one Member sponsoring or advocating this is asking for these types of property rights amendments. This is either, in terms of the property rights, a big misunderstanding, or an effort to superimpose one on it and hijack this bill for a different purpose, to make a different point.

I object to that. We are trying to get something done. We are trying to make some positive progress in terms of a partnership act here, where the Federal Government can for once cooperate in partnership with the local governments. What are we getting pushed at us? What are we getting pushed at us? Where is the end of this nonsense?

This Congress doesn't want to set in place what it is that a local government can do in zoning and what they cannot do. But, that is what this is all about. We do not have enough to do around here, we are going to become the local zoning boards in terms of property rights and how people are treated from a zoning point of view.

I think in this bill, Mr. Speaker, I avoid establishing new political subdivisions, and try to give the responsibilities to the State and local governments. It has worked successfully in the heritage areas that we have designated in the past. We've got four of these. This is a model that works.

There is a lot of reform in this bill, there are a lot of initiatives. There is not new money. This money is authorized already under the National Historic Preservation Act. This is a new way of trying to do something to stretch the limited Federal dollars and respond to the needs of people in this body.

Mr. Speaker, if these property rights amendments that are being proposed were to be enacted, they would render this bill moot. It would not work. There is not a local government, there is not a State government, which would accept these types of definitions in terms of limiting.

This would be an individual making a decision here, and there would be anarchy in local government. You would have no control over, basically, the zoning responsibilities that are inherently and appropriately, I think, local, nor is there a place where we can demonstrate where there is a compensation panel that is set up nationwide.

Mr. Speaker, make no mistake about it, if these amendments, if the Regula amendment, which we are bending over backwards here for, we make numerous disclaimers in this bill to avoid interfering with local government. They can enter and use and exercise the powers that they have. The Federal Government can exercise and use the powers.

However, if we want to diminish, eliminate and cut them off at the knees and kill these bills, that is what the Tauzin amendment will do. We will have a good debate on that. The point is we ought to understand what the effects of those amendments are.

This bill is not going to go forward, in my judgment, on that basis. It will not do anything, it will be moot, it will be rendered useless. It may make a point for those that want to score one more point in terms of saying how much they are for property rights, but they will defeat the purpose of this bill and there would be no use in moving forward.

Mr. Speaker, I urge the adoption of the rule. I urge a proper consideration of the amendments. We will be offering some en bloc amendments. I appreciate the cooperation from the gentleman from Louisiana [Mr. TAUZIN] in offering the en bloc amendments, but I disagree with them, and would vigorously oppose amendments.

Mr. Speaker, I want to make clear what the procedure is. The procedure is the consideration of the bill, the en bloc amendments as the bill was prepared on suspension. Then we will have a Tauzin amendment which I will not object to being offered en bloc.

In fact, I appreciate the cooperation the gentleman has shown with regard to limiting the debate time. Then, in concert with the gentleman from Ohio [Mr. REGULA], another sponsor of the bill, we will offer an amendment which will modify the Tauzin amendment. I think it will go as far as we can go in addressing some of the concerns and still make the bill a meaningful bill.

Mr. Speaker, at the conclusion of that we will consider other amendments that have been made in order under the rule that have been printed in the RECORD, and hopefully we will go on to pass this bill. This is a very good bill, it is a good initiative.

As far as the demands that are being made in the Senate as to how we can conduct ourselves and what we can do, it seems to me the one-Senator veto program is working pretty well over there. But, I would like to put this bill on their door and see if we have an opportunity to pass really what has been a significant amount of work.

Mr. Speaker, we have been working on this bill for years. I have been personally working on it very hard for the last 5 months. I think the Members in this body that have elements in this bill very much would appreciate a positive vote, and other Members resisting the opportunity today to pull down this particular bill. It is a very important bill to those Members.

Resist this property rights amendment, resist it here. We do not affect property rights. We should not try to solve that particular problem on this bill.

Mr. Speaker, I urge the Members to support the bill, and I thank the chairman of the committee for yielding time to me.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5044.

□ 1206

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5044), to establish the American Heritage Areas Partnership Program, and for other purposes, with Mr. MENENDEZ in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the bill. This bill establishes the American Heritage Areas Partnership Program. It provides for individual American heritage area designations pursuant to the program that directs the National Park Service to study specific areas for inclusion.

This bill, while providing a generic or an overall legislative mandate and program, also, of course, designates a number of areas. The basic provisions

of the bill in terms of setting forth the generic proposed law concerning the American Heritage Areas Partnership Program incorporate the provisions of H.R. 3707, which I introduced in November 1993.

That bill had hearings, went through the committee, was marked up in the committee, was the subject of a major compromise between members of the minority and majority in the committee, and has bipartisan support.

Mr. Chairman, furthermore, all the provisions in the bill that relate to the American heritage designations have been the subject of hearings in the committee, have been processed by the committee. They had not all been marked up, but are generally agreed to by most members.

Mr. Speaker, there are some very, very important provisions in this dealing with Vancouver, dealing with Wheeling, WV, for example. Some of them, in fact, Mr. Speaker, have received funding from the Committee on Appropriations, but without an overall authorization bill or without a policy to guide these measures.

Mr. Speaker, I want to especially commend my colleague, the gentleman from New York [Mr. HINCHEY] for his efforts with regard to the heritage area legislation. After introducing his own version he has graciously agreed to work with me to draft and craft the proposal that is now before us. As my colleagues know, we have advocated for some time the establishment of a more effective process to recognize these important resources.

In fact, Mr. Speaker, this is a true partnership act. I think the word "partnership" often gets overworked with regard to what it means, but here is a case where we really have local governments, State governments, forming a compact, making commitments in concert and in agreement with the Federal Government, with the Department of the Interior. So here we have a real partnership.

Today we have, as the Members know, landmarks that are identified and recognized by the Department of the Interior. We have historic districts that undergo State and Federal recognition, but there are not dollars flowing to them. Here we have an opportunity for Congress to actually designate the areas.

People are going to show us maps today that suggest there are all kinds of areas that could be heritage areas. That is true, but Congress has to designate any such area. No area can become a heritage area unless Congress designates it.

□ 1210

Then, too, the amount of support is limited. It is matched by local governments, it comes out of existing authorization, so it is not new spending or new authorization, and there is a limit to the length of time or the amount of money the Federal Government can be in a heritage area. In 10 years, we are out of there. Then they are on their own and we all get the benefit of that conservation.

Mr. Chairman, H.R. 5044, the omnibus heritage areas legislation, establishes the American Heritage Areas Partnership Program, provides for individual American heritage areas designations pursuant to that program, directs the National Park Service to study certain specific areas for inclusion in the program, and makes modifications to several laws that designated certain heritage corridors or areas in the 1980's. This legislation represents a consensus among the administration, a bipartisan group of members of the Committee on Natural Resources and other interested parties, that innovative ways must be found to extend national preservation efforts in a new cost-effective manner.

H.R. 5044 was considered under suspension of the rules last week, and a significant majority of House Members supported its enactment, but the bill failed to get the two-thirds necessary for passage. Unfortunately, misinformation about the bill has created confusion about the effect of this legislation, and I welcome this further debate and the opportunity to set the record straight on this legislation.

AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

H.R. 5044 incorporates the provisions of H.R. 3707, which I introduced in November 1993, and which establishes the American Heritage Areas Partnership Program within the Department of the Interior. The bill was reported favorably to the House by the Committee on Natural Resources on May 25, 1994, and has the strong support of the administration and Members on both sides of the aisle who are committed to developing this partnership between the Federal Government and State and local officials to assure the preservation and conservation of some of our most valuable resources.

These provisions have continued to evolve through discussions with the minority, with the administration, and with other interested parties, and I believe the version we are bringing to the floor today is a better bill because of this input.

I would like to commend my colleague on the committee, Mr. HINCHEY, for his efforts with regard to heritage area legislation. After introducing his own version, he has graciously agreed to work with me on my draft and has provided substantial insight into the process from his own experience tin dealing with this type of legislation as a State legislator in New York. I appreciate his input.

As my colleagues know, I have advocated for some time the establishment of a more effective process by which to recognize the important resources contained in so-called heritage areas while limiting Federal involvement in their development and operation. Our Nation contains many geographically and thematically unified areas, which include significant resources worthy of preservation and conservation. In many cases, these areas are connected by greenways, trails, or natural corridors which could be the focus of innovative management ideas. Such areas are important nationally, and are best managed in a true Federal partnership with State and local government and private entities.

In fact, the strong State, local, and private support these areas receive, and their diverse resources, indicate that national involvement, while welcome and necessary, should be limited. The professional expertise of the National Park Service can be useful in identifying and providing assistance for defining, establishing, and managing these important areas. However, the diversity of their resources, the ownership patterns, and the variety of uses and activities taking place, suggest that a true Federal partnership, wherein the National Government provides recognition and limited financial and technical assistance, and other entities, through the State and local governments, manage and fund the largest share of the necessary preservation and interpretation, is the most appropriate method of preserving these areas.

Proposals for heritage areas or corridors have significantly increased in the past several years; there are currently four such areas affiliated with the National Park Service. Budgetary reality suggests that limited funds will be available to accommodate existing units of the National Park System, and less will be available for establishing new national park units or proposed heritage areas. The American Heritage Areas Program under consideration today would extend national preservation efforts in a new cost effective manner and would assure that new heritage areas or corridors will have been properly reviewed.

The text of the bill we are considering today incorporates the consensus I have reached with various parties on these issues. The bill defines an American Heritage Area and lists the criteria for designation. Designation will require an act of Congress after an entity requesting designation has submitted a feasibility study and compact approved by the Secretary. Proposed areas may qualify for limited technical and financial assistance before designation, and after established, heritage areas may receive technical and financial assistance for the purpose of developing and implementing a comprehensive management plan. The bill also provides for the withdrawal of designation if the Secretary determines that the area no longer meets the criteria.

The legislation states minimum criteria for recognition of a management entity to administer an individual heritage area, prohibits the use of Federal funds received through this act for the acquisition of property, and limits a management entity's eligibility to receive Federal funds for 10 years, with an additional 5 authorized if the Secretary approves. Other Federal agencies are required to coordinate their activities within a designated heritage area to the extent possible.

Authorization for specified activities within an area are limited as follows:

A maximum of $100,000 for feasibility studies, $150,000 for compacts, $150,000 for management plans, and $250,000 for early actions. All of the preceding must received a 25-percent match, and the total annual funding for all such assistance is limited to $10 million.

Management entities may receive up to $250,000 annually, but must provide a 50-percent match for Federal funding for this purpose.

Technical assistance provided by the National Park Service is limited to $150,000 annually for each American Heritage Area. Such assistance is defined as guidance, advice, help, or aid, other than financial aid. Services procured from the private sector by a management entity using funds provided under the American Heritage Areas Partnership Program are not considered technical assistance. Only that assistance provided by the employees of the Department of the Interior will be counted as technical assistance for the purposes of this program.

For grants to assist in implementing management plans, the bill provides $25 million annually, with no one area eligible to receive more than 10 percent of the annual appropriation for this purpose, and with the conditions that the area must provide a 50-percent match, and that no area may receive more than $10 million for this purpose in total.

H.R. 5044 authorizes the program for 25 years, and states that this act does not affect existing authorities for established heritage areas.

Questions were raised during our discussions on heritage areas about certain provisions, and I would like to take this opportunity to set the record straight on a few issues.

This is not a Federal land grab. These areas will be established as the result of local initiative; heritage area designation will require initial nomination by local groups and a demonstration of strong commitment by local and State entities. Furthermore, the bill expressly forbids the use of Federal funds to acquire property. Finally, section 110 underscores the fact that nothing in this act shall be construed to enlarge, diminish, or modify any current authority under Federal, State, and local law to regulate land use. Land use plans for a designated area may be adopted and implemented by local governments or those entities authorized by State law to exercise such authorities concerning private property use. While State and local governments may choose to adopt land use plans and regulations in support of American heritage areas, nothing in this bill requires such action, nor does this bill grant such authority to management entities. Zoning regulations are not affected by this act and remain under the jurisdiction of State and local governments. No new authorities, including the authority to impose or enforce new Federal regulations, are included or anticipated.

The bill does direct other Federal entities to consult with the Secretary and to coordinate their activities within an American heritage area to the extent practicable. Such agencies are to conduct activities within a designated American heritage area consistent with the management plan unless the Federal entity determines that there is no practicable alternative.

This requirement does not subordinate other Federal agencies to the Secretary of the Interior. The affected Federal entities may take such actions as they deem necessary regardless of the Secretary's approval. This provision merely requires appropriate coordination to eliminate wasteful duplication of efforts and to minimize the impacts of actions which may adversely affect the resources contained in the American heritage area. This language was suggested by OMB, which coordinated discussions with other Federal agencies, and is supported by the administration.

Finally, the funding levels prescribed by the bill were those suggested by the administration. This is a program designed to minimize the Federal Government's direct involvement in American heritage areas. Matches are required for each category of Federal funding, and there are conditions placed upon the future uses of projects completed with Federal funds. There is an overall cap on spending for each American heritage area, and Federal funding is limited to 10 years for each area, with a 5-year renewal subject to certain conditions.

As Members know, there have been many requests for funding through the appropriations process, and we are seeing more and more Members seeking park designation for such areas which are not really appropriate for inclusion in the National Park System. This program, and the level of funding associated with it, are designed to encourage this limited approach instead of continuing the earmarks and park designations now consuming so much of the National Park Service budget. I believe the funding contained in this bill provides an appropriate incentive for areas which seek Federal funding while limiting Federal involvement in these initiatives.

Mr. Speaker, Americans are increasingly interested in conserving and preserving natural areas and cultural symbols. There is also an increased understanding that resource preservation and economic viability are not mutually exclusive but compatible and mutually enhancing. Obviously, the National Government can neither own nor manage each property or area worthy of preservation. In these active communities containing a variety of resources, multiple management and funding sources would be the most appropriate method of preserving and interpreting the nationally important resources and themes.

I believe H.R. 5044 provides national encouragement for protecting these assets without instituting a massive new Federal bureaucracy or providing significant Federal funding. The Federal Government will neither own nor manage the resources assembled in these areas. These are dynamic, thriving communities, which with the assistance of the National Park Service will maintain an appropriate balance between preservation and growth.

INDIVIDUAL DESIGNATIONS

While H.R. 5044 establishes an American Heritage Areas Partnership Program, and specifically a process by which heritage areas could be nominated and designated American heritage areas, we are providing for the designation in this bill of certain areas as American heritage areas.

Many local groups have already begun working to complete studies and nominations pending the enactment of generic heritage area legislation. Some of these attempts have been underway for some time and there have been concerns expressed by supporters that delays may endanger the resources contained in the proposed areas and disrupt the coalitions formed to assist these projects. To avoid uncertainty and unnecessary delays, I have agreed to consider several of these proposals. These proposals have all been heard by the Subcommittee on National Parks, Forests and Public Lands and have been tailored to the provisions of the generic legislation to the extent possible.

AMERICAN COAL HERITAGE AREA

The section designating the American Coal Heritage Area includes provisions of two bills: H.R. 3988, The West Virginia National Coal Heritage Act of 1994 introduced by Representative RAHALL on March 9, 1994, and H.R. 4692, the Appalachian Coal Heritage Act of 1994 introduced by Representative BOUCHER on June 30, 1994. These bills concern contiguous coal mining communities in southern West Virginia and in southwestern Virginia, including Pocahontas, Virginia, and Bramwell WV, towns on either side of the State line that grew up around the Pocahontas Coal Mine. The Subcommittee on National Parks, Forests, and Public Lands held a hearing on the Rahall and Boucher measures on July 28, 1994.

The Pocahontas Coal Mine opened in 1882, changing forever the corner of Appalachia at the Virginia/West Virginia State line. Local architecture reflects the migration to this area of Hungarian, German, and Welsh workers, along with others, near the turn of the century.

The West Virginia mining conflicts of the first decades of this century pitted workers and their families against not only mine owners but also against the U.S. Army, providing a significant, if dark, chapter in the history of the labor movement and Appalachia. The best known of these incidents are the battle of Matewan and the battle of Blair Mountain.

Section 201 of H.R. 5044 authorizes the establishment of the American Coal Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of Title I.

AUGUSTA CANAL AMERICAN HERITAGE AREA

The section designating the Augusta Canal American Heritage Area incorporates many of the provisions of H.R. 2949, introduced by Representative JOHNSON of Georgia on August 6, 1993. The Subcommittee on National Parks, Forests, and Public Lands held a hearing on H.R. 2949 on June 28, 1994.

The Augusta Canal in Augusta, GA, was constructed in 1845 to transport cotton from its source to downtown Augusta, prompting the construction of several textile mills in the city, and the subsequent rise of the area as a center of cotton manufacturing in the South. In 1875, the canal was expanded, bringing new economic and social vitality to the city. The canal, a national historic landmark, remains intact along with much of its associated historic, cultural, and natural setting in the adjacent industrial area, an example of 19th century Southern industrial development.

The Augusta Canal Authority, established by the General Assembly of Georgia in 1989, has prepared the Augusta Canal master plan with funding from the State of Georgia, the city of Augusta, Columbia County, and the U.S. Departments of Transportation and Interior. The plan identifies actions to preserve and interpret the canal and related resources, while also proposing strategies to extend the influence of the canal and its setting to enhance the natural and urban environment of Augusta.

Section 202 of H.R. 5044 authorizes the establishment of the Augusta Canal American

Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Augusta Canal Authority is identified as an appropriate management entity, and the area will be managed pursuant to the provisions of title I.

CANE RIVER AMERICAN HERITAGE AREA

The section designating the Cane River American Heritage Area incorporates many of the provisions of S. 1980, introduced by Senator JOHNSTON on March 24, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on S. 1980 on July 28, 1994.

The Town of Natchitoches, LA, is the oldest permanent settlement within the Louisiana Purchase territory, and was the site of the western-most fort of the French Empire, Fort St. Jean Baptiste. In 1767, this part of the French Empire was ceded to Spain. The subsequent conversion of the frontier economy to an agricultural economy led to the development of a plantation economy based on slave labor. In 1803, this area was ceded back to France, and shortly thereafter the Louisiana Purchase gave jurisdiction over the area to the United States.

The early years of French and Spanish domination, and the relative isolation of the area, left a lasting legacy in Natchitoches Parish. One aspect of this multi-cultural history was the development and nurturing of a unique culture on Isle Brevelle, the Cane River creoles of color, a distinct community which exists today. Nearby Cloutierville retains its French small village flavor, and the life and folkways of the town were the basis for many of the fictional writings of Kate Chopin, who lived there between 1879 and 1884.

A congressionally directed National Park Service special resource study completed in 1993 found several resources within the Cane River study area nationally significant, and recommended an approach which would combine National Park Service management of certain specified properties with a heritage partnership framework for the larger area. Section 203 of H.R. 5044 authorizes the establishment of the Cane River American Heritage Area upon publication of a notice in the Federal Register that the Secretary has approved the compact. The Secretary is authorized to designate a coalition of listed representatives as the management entity for the area, which will be managed pursuant to title I.

ESSEX AMERICAN HERITAGE AREA

The section designating the Essex American Heritage Area incorporates many of the provisions of H.R. 1685, introduced by Representative TORKILDSEN on April 2, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 1685 on June 28, 1994.

Essex County in Massachusetts contains historic, cultural, and natural resources reflecting the themes associated with Salem Maritime National Historic Site, including the history of early settlement, maritime trade, and textile and leather industries. In 1987, the city of Salem, MA, contracted for the development of a "heritage park" plan to link the Salem Maritime National Historic Site more closely with the surrounding communities. The resulting Salem partnership, including representatives from the National Park Service, local government, and the private sector produced an action plan to promote rehabilitation and expansion of the Salem Maritime National Historic Site and improvements in the city's other historic resources and visitor services.

In 1990, the National Park Service produced a study of alternatives ranging from rehabilitation of Salem Maritime NHS to a county-wide system of historic sites with several adjunct visitor centers and county-wide interpretive themes. The Essex Heritage Ad Hoc Commission, consisting of mayors of the towns in Essex County, representatives of private interests, and residents, was formed, and along with the Salem Partnership is proceeding with implementation of the countywide preservation and promotion aspects pending legislation authorizing the Essex American Heritage Area.

Section 204 of H.R. 5044 authorizes the establishment of the Essex American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

Because the proposed Essex American Heritage Area contains two National Park System units, Saugus Iron Works National Historic Site and Salem Maritime National Historic Site, it is expected that park operations will be closely coordinated. In particular, Salem Maritime National Historic Site will plan an important role in visitor orientation and interpretation of the related themes in the surrounding heritage area.

HUDSON RIVER VALLEY AMERICAN HERITAGE AREA

The section designating the Hudson River Valley American Heritage Area incorporates many of the provisions of H.R. 4720, introduced by Representative HINCHEY on June 30, 1994. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 4720 on July 28, 1994.

The Hudson River Valley embraces natural, historic, cultural, and recreation resources between Troy, NY and the border of New York City representing themes of settlement and migration, transportation, and commerce. The Hudson River Valley Greenway, created by the State of New York, creates a framework for voluntary regional cooperation in the 10 counties of New York's Hudson River Valley, emphasizing both environmental protection and economic development. The State of New York has established a structure in which the communities in the Hudson River Valley may join together to preserve, conserve, and manage these resources, and to link them through trails. The National importance of the resources contained in the valley, as well as the scope of the greenway project indicate that Federal participation in development and preserving the resources could be appropriate.

Section 205 of H.R. 5044 authorizes the establishment of the Hudson River Valley American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Hudson River Valley Greenway Communities Council and the Greenway Conservancy are identified as appropriate management entities, and the area will be managed pursuant to the provisions of title I.

OHIO & ERIE CANAL AMERICAN HERITAGE AREA

The section designating the Ohio & Erie Canal American Heritage Area incorporates many of the provisions of H.R. 3593, introduced by Representative REGULA on November 20, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3593 on April 26, 1994.

In fiscal year 1991, Congress appropriated funds for a National Park Service study of the Ohio & Erie Canal corridor. That study, released in September 1993, found the area suitable for designation as an affiliated area of the National Park System. Its purpose would be to preserve the canal, the first inland waterway link between the Great Lakes and the Gulf of Mexico, and to Chronicle the evolution of transportation systems in America.

Section 206 of H.R. 5044 authorizes the establishment of the Ohio & Erie Canal American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Secretary is authorized to recognize a coalition of specified representatives as the management entity, and the area will be managed pursuant to the provisions of title I.

SHENANDOAH VALLEY BATTLEFIELDS AMERICAN HERITAGE AREA

This section authorizes the establishment of a Shenandoah Valley Battlefields American Heritage Area, which incorporates some of the provisions of H.R. 746, the Shenandoah Valley National Battlefields Partnership Act of 1993, introduced February 2, 1993 by Congressman WOLF, and its companion, S. 1033, which was passed by the Senate on June 8, 1994.

The Shenandoah Valley of Virginia was the site of 326 armed conflicts during the Civil War, 15 of which were battles of major significance. The valley's position enhanced its strategic significance in the war; it is defined at its northern end by the first range of the Allegheny Mountains, separated from the Virginia Piedmont by the Blue Ridge Mountains and divided in the middle by the large and complex ridge of Massanutten Mountain.

Two significant Civil War campaigns took place in the Shenandoah Valley. In 1862 Stonewall Jackson brought 17,000 confederate troops into the valley and, using his detailed knowledge of the valley's topography, rivers and road, bested three Union armies of twice the manpower, forcing the Union to divert troops from the confederate capital at Richmond, which had been at risk from the growing Union presence outside of town.

In 1864, Union General Sheridan attacked from the north, devastating the confederate troops commanded by Jubal Early, and burning the valley's farms and mills along the way, disrupted the food supply. The campaign concluded with a decisive Union victory at Cedar Creek that served to build public confidence in the White House in the month before Lincoln's reelection.

In 1990, Congress authorized a National Park Service study of the Civil War battlefields of the Shenandoah Valley. The report identifying the resources was issued in September 1992. In September 1993, the National Park Service issued a followup report recommending the creation of a heritage area to protect and interpret these resources.

Section 207 of H.R. 5044 authorizes the establishment of the Shenandoah Valley Battlefield American Heritage Area upon publication

in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

STEEL INDUSTRY AMERICAN HERITAGE AREA

This section authorizes the establishment of the Steel Industry American Heritage Area in southwestern Pennsylvania centered around the city of Pittsburgh. It contains elements of H.R. 3144, the Steel Industry Heritage Project, introduced by Representative COYNE on September 28, 1993.

Southwestern Pennsylvania was a center of activity during the Industrial Revolution and the steel industry of that region played a key role in the establishment in the 1920's of the preeminence of the United States in mass production industries. It also gave occasion for a new chapter in the history of the labor movement, spawning such labor organizations as the Congress of Industrial Workers and the United Steel Workers of America. It attracted immigrants whose culture became a part of the region's heritage, and shaped settlement patterns across six counties, including the city of Pittsburgh.

In 1988, as a part of the Southwestern Pennsylvania industrial Heritage Preservation Commission's enabling legislation (PL 100–698), Congress authorized the Commission to conduct a study of the Greater Allegheny and Washington Counties/Mon Valley area, in coordination with the Pittsburgh Area Steel Industry Heritage Task Force. The study, which was completed in March 1993, recommends the establishment of a steel heritage area, to be carried out under cooperative management.

Section 208 of H.R. 5044 authorities the establishment of the Steel Industry American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

VANCOUVER AMERICAN HERITAGE AREA

This section authorizes the establishment of the Vancouver American Heritage Area in Washington State, incorporating aspects of H.R. 4607, the Vancouver national Heritage Area Partnership Act of 1994, introduced on June 21, 1994, by Congresswoman UNSOELD.

Vancouver, Washington's location on the Columbia River has played a part in several chapters of U.S. history. Fort Vancouver, established in 1825, was the regional headquarters of the Hudson's Bay Co. Vancouver Barracks has served the U.S. Army from the mid-1800's. Officer's Row, an avenue of historic homes, housed top military leaders for over 100 years. Pearson airpark, now a general aviation airport, played a role in the development of aviation.

Congress passed a law in 1948 to establish the Fort Vancouver National Monument, and in 1961 redesignated it the Fort Vancouver National Historic Site. Because nearly all of the fort's structures were destroyed within 6 years of its abandonment by the Hudson's Bay Co. in 1860, the site comprises reconstructed structures based on archeological data.

Next to Fort Vancouver is Pearson Airpark, including an aircraft museum. In 1972 the National Park Service paid over $500,000 to acquire from the city of Vancouver a portion of the runway and other land serving Pearson Airpark. The general management plan for the fort provides for the acquired lands to eventually be open space with plantings compatible with the fort. Use of this land for airport operation has been an ongoing matter of concern and discussion and is one of the aspect the bill seeks to address.

In November 1990, Congress established the Vancouver Historical Study Commission to study the feasibility of establishing a historical reserve to preserve and protect the area's special resources (P.L. 101–523). The study was completed in April 1993, and found the establishment of a partnership to preserve Vancouver's resources both feasible and suitable.

Section 209 of H.R. 5044 authorizes the establishment of the Vancouver American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The areas will be managed pursuant to the provisions of title I. In addition, the bill provides for the phasing out of general aviation at Pearson Airpark by 2022.

WHEELING AMERICAN HERITAGE AREA

The section designating the Wheeling American Heritage Area incorporates many of the provisions of H.R. 2843, introduced by Representative MOLLOHAN on August 3, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2843 November 16, 1993.

Wheeling, WV became a center for transportation and industry in the first half of the 19th century. Serving as the western terminus of the National Road in the early 1800's as well as one of the few major inland ports, Wheeling was home to developing industries such as coal, iron and steel, tobacco, glass, china, title, and boat building. The resources remaining in Wheeling illustrate and interpret transportation and industrial themes in America's development.

Since enactment of Public Law 100–121, the fiscal year 1990 Interior and related Agencies Appropriations Act, which appropriated funds for a study, the National Park Service has been working with the city of Wheeling and the State of West Virginia to evaluate the city's resources and develop a plan for the preservation, promotion, interpretation, and development of these resources. In August 1992, all parties approved a plan which calls for the establishment of the Wheeling National Heritage Area.

Section 210 of H.R. 5044 authorizes the establishment of the Wheeling American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I, and funding for the Wheeling American Heritage Area will be limited to $5 million for capital projects, $1 million for planning, and $500,000 for technical assistance. Both capital projects and planning require a 50-percent match for Federal funds.

OHIO RIVER STUDY

The section directing a study of the Ohio River corridor incorporates many of the provisions of H.R. 2095, introduced by Representative HAMILTON on May 12, 1993.

The Ohio River flows through six States from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River and comprises a chain of commercial, industrial, historical, archaeological, natural, recreational, scenic, wildlife, urban, rural, cultural, and economic areas. Section 301 of title III directs the Secretary of the Interior to complete within 2 years a study of the feasibility and suitability of designating this section of the Ohio River as an American Heritage Area.

FOX AND LOWER WISCONSIN RIVER STUDY

The section directing a study of the Fox and Lower Wisconsin River corridor incorporates many of the provisions of S. 344, introduced by Senator KOHL on February 4, 1993, and approved by the Senate on March 17, 1993.

The Fox-Wisconsin Waterway, the discovery route of Marquette and Joliet, connects the Great Lakes and the Mississippi River, was critical to the opening of the Northwest Territory and served as a major artery in bringing commerce to the interior of the United States and in providing a vital communication link for early explorers, missionaries, and fur traders. Section 302 or title III directs the Secretary of the Interior to complete within 2 years a study of the feasibility and suitability of designating the Fox and Lower Wisconsin River corridors as an American Heritage area.

SOUTH CAROLINA CORRIDOR STUDY

The section directing the National Park Service to cooperate in a study of the South Carolina corridor incorporates many of the provisions of H.R. 4330, introduced by Representative DERRICK on May 3, 1994.

More than 250 miles in length, a corridor stretching from Charleston, SC, to Oconee County in the upcountry possesses a diversity of significant natural, historic, and cultural resources related to past and current commerce, transportation, mining, cattle, pottery, and national defense industries in the region providing significant ecological, natural, tourism, recreational, timber, management, educational, and economic benefits. Section 303 of title III directs the Secretary to cooperate with the South Carolina Department of Parks, Recreation, and Tourism in preparing a study on the feasibility and suitability of designating the South Carolina corridor as an American Heritage Area.

NORTHERN FRONTIER STUDY

The section directing a study of the struggle for American independence within the northern frontier incorporates many of the provisions of H.R. 79, introduced by Representative BOEHLERT on January 5, 1993.

The Northern Frontier, comprising the Mohawk Valley in the State of New York and the country of the Six Nations—Iroquis Confederacy—was extremely valuable to both sides of the American Revolutionary War, as well as for the establishment of the Northern Indian Department there. Section 304 of title III directs the Secretary to complete within 2 years a study of the suitability and feasibility of designating the Northern Frontier as an American Heritage Area.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

The title amending the Blackstone River Valley National Heritage Corridor establishment incorporates many of the provisions of H.R. 2633, introduced by Representative NEAL

of Massachusetts on July 14, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2633 on April 26, 1994.

The Blackstone River Valley National Heritage Corridor was established by Public Law 99–647 in 1986 to preserve and interpret the nationally significant resources of the corridor associated with the American industrial revolution. The corridor consists of the 46-mile segment of the Blackstone River running from Worcester, MA to Providence, RI, and includes 20 communities in two States. The 19-member Blackstone River Valley National Heritage Corridor Commission was established by Public Law 99–647 to develop and implement a plan for preserving and interpreting the corridor's resources. The Blackstone River Valley cultural heritage and land management plan was approved by the Secretary of the Interior in June 1990, and the Commission is slated to terminate in 1996. The establishing act authorized $250,000 annually for the Commission with the Federal contribution not to exceed 50 percent of the costs of the Commission's operation.

Public Law 101–441, enacted in 1990, authorized the Secretary to provide limited financial assistance for qualified projects within the corridor. The Federal contribution for such projects was limited to 50 percent, and the Secretary was required to give consideration to projects providing a greater leverage of Federal funds. Public Law 101–441 also authorized $350,000 annually for the Commission's operations and $1 million annually for fiscal years 1991–93 for the financial assistance authorized by the act.

Title IV of H.R. 5044 revises the boundaries of the Blackstone River Valley National heritage corridor to include five additional communuities—Worcester and Leicester in Massachusetts, and Burrillville, Gocester, and Smithfield in Rhode Island, and specifies the revision of the cultural heritage and land management plan accordingly. The bill extends the Commission for an additional 7 years, and increases the authorization for funding for the Commission's operation to $500,000 annually. This title also authorizes an additional $5 million for development and interpretive materials and programs in the corridor.

BRAMWELL NATIONAL HISTORIC DISTRICT

The section directing the establishment of the Bramwell National Historic District accomplishes many of the purposes of H.R 793, the Bramwell National Historical Park Act of 1993, introduced by Representative RAHALL on February 3, 1993, in recognition of the importance of preserving, restoring, and interpreting the historical, cultural and architectural values of the town of Bramwell, WV.

SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA

The provisions regarding the Southwestern Pennsylvania Heritage Area modify the original 1988 law dealing with this area to provide more accountability and control on the use of Federal funds in the area, as Federal participation in the project draws to a close over the next several years. These changes will allow work on the project to continue but limits the overall scope and involvement of the Federal Government to the minimum necessary to complete the work underway in the area.

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

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

Mr. Chairman, this is not the first time we have looked at this particular piece of legislation. As many Members know, it was defeated on suspension just a few days ago. Since that time, there have been some modifications to the bill which many people have found objectionable. I am sure we can overcome many of those today as we move forward with this.

It is an interesting piece of legislation because it is a way that we work into parks that we have not done in the past. We find ourselves now coming up with a new provision, a new designation for what a park would be. These are scattered from one coast to the other and many Members are very interested in them. I think the gentleman from Ohio said it well when he talked about many people cannot go out to the Yellowstone and the Zion and the Bryce and the Grand Canyon but they can walk into these heritage areas. They can feel it, they can see it, they can have an experience with their family that they have not had in the past.

The gentleman from Minnesota [Mr. VENTO], the chairman, has worked very diligently to work out something that would come about for many of us. We have lowered the amount of money so it would not be financially such a burden. We have changed some of the areas around so that it will fit.

Private property is always a hang-up for us in this particular area. No one feels stronger about it than I do. I come from the West where people come in on wetland issues and endangered species issues and many of our people lost their shirts. They have owned it for 4 and 5 generations and someone comes along. I worked with the gentleman from Louisiana [Mr. TAUZIN] during the California Desert protection bill on coming up with a reasonable piece of legislation, and I think everybody in this House realizes that we will have to face that uncomfortable position of facing what we are going to do on endangered species and what we are going to do on wetlands, and I urge that this body bring this up next time that we can discuss those things.

Today basically I think we have a good piece of legislation, one we should agree on. We should get it out and try this experience of working on a heritage area that the people of America can enjoy.

Mr. Chairman, I would be remiss if I did not say I do harbor in my heart the feeling of where are we going to get the money to take care of these things. Hopefully as the gentleman from Ohio pointed out, much of this will be done by people themselves who will cut the brush and work it out and make these things work, because the Federal Government is robbing the money on our national parks and we do not have that money at this time. Therefore, I commend my friend from Minnesota. I hope we can get this bill through at this particular time. I do not know anyone who has worked harder on it and we have had more hours of discussion, some of it very strong, some of it working out compromises. Let us hope today we can resolve this bill. I would urge my colleagues on both sides of the aisle to support this piece of legislation.

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

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. HINCHEY], who has been my coworker in terms of this matter. I commend him. I thank him for his help and appreciate his good work.

Mr. HINCHEY. Mr. Chairman, first of all, I want to express my appreciation to the gentleman from Minnesota [Mr. VENTO], the chairman, for the hard work he has done on this very important piece of legislation, a piece of legislation which is critical to the preservation of our national historical heritage. Let me try to explain here in a couple of minutes what we are trying to do with the American Heritage Partnership Act.

What we are trying to do is to conserve and protect places that are meaningful and valuable to our country and to our country's people. I hope that all who are present today, even those who are speaking against this bill, recognize that there are such places, and that they deserve our attention. Congress has been acting to protect them since Yellowstone National Park was established in 1872.

But we are not trying to establish a new chain of national parks in this bill. Far from it. We are trying to establish a new model for conservation and protection. The Federal Government would not own land. It would not manage land. It would not control land. Instead it would work in cooperation with property owners and with local communities who want to protect the special places where they live. If they do not want any of that help, it will not be forced upon them. But if they do want it, and I believe almost all of them will, it will be available. What we are proposing in short is a cooperative relationship.

It is sad to see the cooperation characterized as an attack on property owners, since almost all private property owners depend on cooperative relationships every day to protect their property. We depend on the cooperation of our neighbors, and we depend on the cooperation of our local governments. Many property owners depend on the cooperation of the Federal Government, too. I was quite surprised to hear that some people who say they want to protect property rights objected to the bill on grounds that it

might put an obstacle in the path of other Federal agencies that want to run a road through someone's private property or put a military installation or waste depot near it. We are trying to help prevent unwanted Federal intrusions.

This bill will protect the rights of property owners against unwanted Federal activities. I am a property owner myself and my property is located in one of the heritage areas this bill would designate. If I thought for a second this bill would take away my rights as a property owner or any of my neighbors' rights, I would not be supporting it. But I know that it does not take away those rights. It enhances those rights. It enhances those rights because it would help protect some of the places that make my community a special place. It will invite my neighbors to join in that effort, so that we can decide what deserves and needs to be protected.

If you are skeptical about how such efforts can protect property rights, read the real estate ads. When they say "located in historic district" or "backs up to parkland," they mean it as a plus.

That is not to say that this bill is about real estate values, because it is not. But it is about what we jointly value in the land, its beauty and its history. Although I believe it will promote the private economy, and I have the support of many private owners in the Hudson Valley who back me up on that, its chief purpose is to protect our common inheritance, our common national heritage.

I understand that the gentleman from Alaska [Mr. YOUNG], our colleague, may raise the issue today of the rights of some people who are not necessarily private property owners, people who often use the land of private property owners for recreation. I am speaking specifically of hunters, fishers and trappers. I welcome the opportunity to say that I want to protect their rights, too. This bill as written would have no effect on their rights, but I would be glad to join the gentleman from Alaska [Mr. YOUNG] in clarifying that point. I hope that today's defenders of private property rights will not argue that they, the hunters and the fishermen, should lose their access to private property. We do not want that to happen. We want to protect it. We do not intend that.

Mr. Chairman, this is a bill that is designed to promote and enhance the national heritage by promoting it and enhancing it in discrete places around the country. It is a very important piece of legislation, and I hope that all of us will join together in defeating the amendments and passing the bill.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. SMITH], a very important Member of our committee.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it is interesting how people can read legislation and come up with almost opposite points of view. I think that is the case here.

We have heard a lot from the chairman about trying to deflect this question of private property rights in this bill, saying, "Well, if we protect private property rights, we ruin the bill." Yet on the other hand we have heard people say, "This does not apply to private property rights." I guess the obvious question would come, then: If it does not affect private property rights, why not accept the Tauzin amendment? Yet if you accept the Tauzin amendment, the chairman says it will kill the bill. This is very confusing to me.

I would suggest for safety's sake, if you are interested in private property rights, accept the Tauzin amendment and, therefore, you have done so. Whether or not one individual's private property right is affected or is not, I have heard that one person has private property in a heritage area; it is not affecting his. Yet the rest of us in the United States are quite concerned about this issue, and if we are concerned, let us put a little safety factor in here. Let us say private property rights are protected and then go ahead.

Nobody is suggesting here that we eliminate the rights of counties and of cities and jurisdictions to set aside heritage areas. Nobody is suggesting that.

□ 1220

We do know, however, that we have overexposed ourselves in the National Park Service. In the last 2 years the Natural Resources Committee, on which I serve, has offered up over $2 billion of new parks. We are $9 billion behind in financing parks. And by the way, every dollar we take for heritage areas we take out of the National Park Service budget.

The chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], has arrears of over $13 million on parks. He is going to drag money for heritage areas, a new program for America, and subject his parks to continuing underprovision, underfinancing, as is everybody in America who has a national park. Remember, this is an end run on the National Park Service program.

I have heard that this is going to be no mandate to counties. My goodness, the Federal Government is only helping us here, helping us out. How often have we heard the Federal Government is helping without controlling? The Secretary of the Interior controls this bill. Read it. Read it.

By the way, if it is such a great deal for counties, why does the National Association of Counties oppose this bill? Because they do not like unfunded mandates. This is another unfunded mandate upon counties of America. They oppose it.

Listen to who else opposes it: the home builders, realtors, small business, farmers, cattlemen. They all support the Tauzin amendment; all oppose this bill as written.

I suggest, folks, that we oppose this bill unless the Tauzin amendment and my amendment passes a little later on.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL] who is one of the advocates of the Blackstone River Corridor which is being expanded in this measure.

Mr. NEAL of Massachusetts. Mr. Chairman I rise in strong support of H.R. 5044, the American Heritage Areas Act of 1994. Through its partnership program, this legislation provides a unique opportunity to preserve and protect important historical and cultural sites of national significance.

This legislation does not in any way threaten private property rights. Inclusion in a heritage area is voluntary. Moreover, the Secretary has no authority to modify or add to existing State and local land use regulations.

Local communities and businesses, along with historic and environmental groups, work together with the National Park Service through a commission to manage, develop, and preserve the unique characteristics of a heritage area. The legislation requires A 1:1 match of Federal dollars with non-Federal dollars.

A fine example of how successfully the Heritage Program works is the Blackstone River Valley National Heritage Corridor, part of which is located in my district in Massachusetts.

The Blackstone River runs 46 miles from Worcester to Providence and is considered the birthplace of the American Industrial Revolution. To appreciate the importance of this event, you have to understand that in the 1790's, even after we had won the Revolutionary War, America was still dependent on England for clothing. In 1793, Samuel Slater built the first mill that successfully used waterpower from the Blackstone River to spin cotton. This revolutionary method of using water power spread quickly throughout the valley and the rest of New England, changing our economy and society forever. If you go there today, you can feel our Nation changing from the pre-Revolutionary War farming-based economy to the industrial society that is still the basis of our Nation.

The Blackstone Corridor is a model for heritage areas. Its success is due to the solid support and enthusiasm it receives from local groups. For every Federal dollar spent on the Blackstone Corridor, 3 non-Federal dollars are attracted.

Despite its remarkable accomplishments there remains much to be done

in the Blackstone Corridor to secure its future as an integral part of our American history.

Time and economics have moved the economic engine of America elsewhere. But the Blackstone Valley today provides a unique and irreplaceable way for generations of Americans to see how it all began. To let this resource slip away would be a great tragedy.

The American Heritage Areas Act provides a cost-effective and proven way to promote historical preservation and environmental conservation of nationally significant sites. Without this legislation, these sites could be irreparably destroyed and their importance to our American history and culture lost forever.

I strongly urge you to support this legislation, H.R. 5044.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], a gentleman who has worked so very diligently on this bill.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman for yielding me the time and commend both the chairman of the committee and the ranking member for their work in getting this bill to the floor.

Mr. Chairman, I rise in strong support of H.R. 5044, the American Heritage Areas Partnership Act of 1994.

This bill establishes a framework by which heritage areas throughout the country can be created and designated. One area being considered for designation today, the Essex County Heritage District in Massachusetts, is truly unique in its wealth of historical sites and structures. As one of the earliest landing sites of European colonists, Essex County contributed to and witnessed much of our Nation's history. Throughout America's early development, towns throughout the county played important roles in early settlement, the establishment of the United States as a maritime power, and the emergence of the Industrial Revolution, especially in the textile and leather industries.

Essex County also has the highest concentration of first period homes in our country. The sheer number of historical buildings in this region, along with the historical significance of these structures, offers a unique opportunity to educate future generations about how this Nation was settled and developed.

Designation of the Essex Heritage District will help in the coordination of two national park historic sites, 23 national historic landmarks, and numerous other resources listed on the National Register of Historic Places, all located in this area. Enthusiastic local support for this designation has helped drive this legislation to the floor. The people of Essex County want this bill and want to be involved.

As a strong and consistent supporter of the rights of people to own private property, I would not support this bill if its passage would result in a land grab by the Federal Government. I support the strong language included in the bill to protect the rights of private land owners. I also support many of the reasonable amendments being offered today designed to clarify any perceived problems arising from this legislation.

This bill does not constitute a property rights crisis. It is locally driven, locally managed, and filled with private property protections. I strongly urge my colleagues to support H.R. 5044 because of its importance for the protection of valuable and irreplaceable historical resources throughout the country. America has an important story to tell. Allow us to tell it.

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

Mr. TORKILDSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman makes a very important point, and that is that this bill forbids the Federal Government from spending any dollars on the land or having any ownership. Any grants will be controlled by the local level and the local zoning authorities that exist. It is a very, very important point. The management entities are set up as a result of local governments coming together to exercise their lawful powers.

Mr. TORKILDSEN. I thank the chairman for mentioning that, and thank him for clarifying that language so that we would keep this as a local control issue without the Federal Government taking property.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time. Again I want to reiterate my support for the general purposes of this bill, but my support conditioned upon the passage of very vitally necessary property rights amendments to the bill that I will offer along with the gentleman from Minnesota [Mr. GRAMS], in just a little while. The amendments we will offer are supported by the National Association of Realtors, the National Association of Home Builders, the National Federation of Independent Businesses, the National Cattlemens Association, the Farm Bureau, and the National Wetlands Coalition.

□ 1230

Why have these six major groups come forward to say, "We support the Tauzin-Grams voluntary landowner consent amendment and oppose the Regula amendment that will take that amendment out of our en bloc amendment?" Why have they come forward?

Well, I think the statement of one of my good friends made earlier today on the floor makes the point for me. Our good friend from New York talked about hunters and fishermen, hunters and fishermen. You will not find a bigger hunter in this Chamber than the gentleman in the well. I love to hunt. Most of my people do. But I cannot conceive of allowing someone to come hunt on my property without my consent. Landowner consent is critical.

Can you imagine people showing up on your property with guns and rifles without your consent?

Someone said this bill is voluntary. It is not voluntary until you pass the Tauzin amendment without the Regula amendment.

Do you want to make it voluntary? Do you want it to be voluntary? You support the Tauzin en bloc amendments. Because we will make it voluntary on landowners.

You see, we are playing with words a little bit here. It is voluntary on government, yes, to impose these regulations. It is voluntary on government, yes, to subject your land to these new regulations. It is voluntary on government to say there will be a greenway, a path, a trail, a bike trail on your property without your consent. But it is not voluntary on your part.

I am going to give you one of the best reasons to vote for the Tauzin amendment, even if you are not yet persuaded, as I hope you are, just thinking about hunters on your property without your consent. If you are not yet persuaded, and you want to protect your local governments from lawsuits, you had better support the Tauzin amendment. The bill we are talking about is a bill about greenways and pathways and bike trails. That is right.

Go check the Supreme Court decision just this year on Dolan versus the City of Tigard and find out that city was sued successfully because the government in that city imposed an obligation on a landowner to create a bike path and a greenway without that landowner's consent and without compensation. Do you know what happened in that case? The Supreme Court said the fifth amendment protection against taking property for public purposes without just compensation applied as surely and as strongly as free speech did in America, and it ordered that city to pay that family damages for what they did in those regulations. If you do not want hunters on your property without your consent, you had better pass the Tauzin amendment to guarantee landowner consent. If you want to protect property rights in America, you need to make sure landowners consent to these new regulations.

If you do not want to guarantee landowner consent, I will offer you a second choice, and that will be a compensation amendment, the same kind we passed in the Desert Protection Act.

I want to draw one final distinction for you. I want you to notice we did not offer a compensation amendment on the Headwaters Forest Act. Do you

know why? Because the authors there agreed to landowner consent in the takings; in that bill, landowners' consent, no compensation required. In this bill, if you pass landowner consent, we protect property rights. If you do not, we will have to provide for compensation, or the cities and counties will be sued. Mark my word and the word of the Supreme Court.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise to express my strong concern with this legislation, primarily about property rights.

But there is another concept that has been talked about here recently. The two gentlemen from Massachusetts talked about what is being done in their State and talked about the farm he visited.

It is possible to have set these aside by using local government, by using State government, by using private. Everything in the world does not have to be run by the Federal Government.

I am especially concerned about the potential in this bill to infringe on the rights of private property owners across the country. This measure places a Federal boundary around millions of acres of private property and allows the Secretary to dictate how these areas will be managed. Currently the Federal Government owns about 30 percent of the land in these United States.

This legislation would expand that and provide the potential for an additional Federal control. It is time for Congress to stop attacking the rights of property owners, to step up and say no to the Federal Government bureaucrats who want more and more land across this country, no to the Federal Government intrusion on the lives of the American people.

I urge every Member of this House to support the Tauzin amendment and work to protect property rights across the country.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER], a strong proponent of the legislation.

Mr. SAWYER. Mr. Chairman, I rise today to thank Chairman VENTO for his fine work, and to urge the House to give its strong support to the American Heritage Areas Partnership Program.

This legislation provides the framework and management tools to bring together the full range of public and private-sector resources that projects of this kind require. Preserving areas of national significance can and should be partnership initiatives—bringing Federal, State, and local resources together with the resources and perspectives of the private sector.

This measure is particularly significant for Ohio and for my hometown of Akron. It establishes the Ohio and Erie Canal Heritage Area. This legislation will help preserve and enhance the legacy of the canal that, in large part, shaped Ohio's society and economy. This historic corridor will unite an 87-mile stretch of land and waterway—stretching from Zoar in Tuscarawas County to Cleveland at the mouth of the Cuyahoga River. As many Ohioans know, the State of Ohio owes a large part of its population pattern, its economic diversity, and its social cohesion to the economic energies unleashed by the Ohio and Erie Canal.

Just as the canal corridor provides common ground that unites Ohioans with their history, this project has united civic groups throughout Ohio. Groups that sometimes find themselves in conflict on other issues—advocates of economic development, environmental protection, and historic preservation—have come together to advocate the preservation of the Ohio and Erie Canal Heritage Area. Such preservation-minded groups as Progress Through Preservation and the Ohio Historical Society, along with environmental organizations like the Sierra Club, are united in this effort with such economic-development advocates as the Akron Regional Development Board and the Greater Cleveland Growth Association.

But support does not end there. This effort enjoys the strong backing of the business community, including such businesses as B.F. Goodrich, Roadway Services, and General Tire. This support will enhance and augment the already substantial State and local investments already made in the corridor and tie them together with the Cuyahoga National Recreation Area through which it flows.

I know it is rare that a single initiative can capture the active support from preservation and civic groups and individuals and corporations throughout an entire region. However, I also know that in Ohio the canal project has done just that.

Mr. Speaker, the Ohio and Erie Canal Heritage Area enjoys the overwhelming support of Ohio delegation. I am especially grateful to my colleague from Stark County, Representative RALPH REGULA, with whom I have worked closely to advance this project. The cooperation shown by northeast Ohio's civic groups and civic leaders in advancing this project is a testament to the versatility and energies that helped shape Ohio's history.

Mr. Speaker, I again commend Chairman VENTO for his hard work on this legislation and for recognizing the importance of these kinds of partnership initiatives that can, as Ohio has shown, bring together the finest resources that our diverse and committed communities have to offer.

I urge my colleagues to join me in supporting this important measure.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise, once again, in strong support of the American Heritage Areas Partnership Program Act, which includes, among other things, the reauthorization of the Blackstone River Valley National Heritage corridor.

As one of the very few Members of this House that represents one of these heritage areas, I want to just reiterate to my colleagues that these areas are a good idea, and a very wise use of Federal dollars.

I also want my colleagues to know that we have gone to great lengths in crafting this legislation to insure that Members' concerns over issues such as private property rights were addressed here. And they have been, in my opinion.

This bill has broad bipartisan support, as was demonstrated last week when this same bill garnered 272 votes. Unfortunately, that was just short of the two-thirds required.

Today, we have the opportunity to explore, more deeply, some of the issues that Members are concerned about, and the chance to make this an even better bill in some ways.

I simply ask my colleagues to do right by the taxpayers of this country, and take advantage of one of the very few good deals that has come along. I have said it before, the heritage area concept is a great bang for the buck, and I hope that we will have the good sense to move forward with this bill today.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Pittsburgh, PA [Mr. COYNE].

□ 1240

Mr. COYNE. Mr. Chairman, I rise today in strong support of H.R. 5044, the American Heritage Areas Partnership Act and the en bloc amendment offered by Chairman VENTO.

H.R. 5044 is a bipartisan effort to help preserve our Nation's heritage. This legislation also provides a strict criteria for judging the historical significance of projects worthy of support by the U.S. National Park Service.

H.R. 5044 includes authorization for the Steel Industry American Heritage Area which is a locally controlled effort to document and conserve the industrial and cultural heritage of southwestern Pennsylvania. The focus of this work is the Pittsburgh industrial district which emerged in the 19th century as a distinct industrial center for the production of iron and steel.

For generations of Americans, the word "Pittsburgh" has evoked images of steel mills belching smoke and producing the basic ingredient of America's industrial might. Names like Carnegie and Frick became household names because of their role in shaping

American corporate capitalism. Events like the Homestead strike also mark crucial moments in our Nation's history. The development of new industrial techniques in southwestern Pennsylvania's steel and steel-related industries resulted in Pittsburgh being known around the world as the center of U.S. industrial might.

H.R. 5044 as amended by the gentleman from Minnesota [Mr. VENTO] would support the ongoing effort to tell the story of America's growth as an industrial superpower to future generations. The amendment offered by Mr. VENTO does this in a fiscally responsible manner and serves to protect all private property concerns in the area.

Mr. Chairman, I urge my colleagues to support the amendment offered by Mr. VENTO.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to H.R. 5044.

By allowing the Secretary of the Interior to impose land-use restrictions on private property within these designated heritage areas without providing any compensation to the affected property owners, this bill will lead to more abuses in the historic preservation process.

I cannot understand why we are giving more control to a department where one of its own historic preservation officials said:

> * * * the greatest threats to historic properties, natural resources, scenic values, and national parks come not from Federal agencies but from private parties, doing private things on private lands.

In my own congressional district, this way of thinking is being used over the overwhelming opposition of surrounding counties to declare an entire mountain a historic district. Based on claims that it is of religious significance to American Indian tribes, the keeper of the National Register of Historic Places has decided to designate 235 square miles and over 1,000 private parcels of land as a historic district.

The area in question, better known as Mount Shasta, contains no physical evidence of the activities that are being designated as historic. The reason for the designation, I believe, is primarily to halt economic development in the community.

Mr. Chairman, this bill is just another Trojan horse to restrict more of our private property rights. Vote "no" on this bill and on any amendments that further weaken private property rights. Finally, I urge your "aye" vote on the Tauzin-Grams amendment which provides private property assurances.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. JOHNSON].

Mr. JOHNSON of Georgia. Mr. Chairman, I too want to offer my congratulations and my gratitude to the chairman for his work in brining this to the floor.

You know, this has been a subject that has been discussed primarily from the standpoint of Federal control versus local control versus individual property rights. I think that is an important issue here.

I look at it from a little different standpoint, however. This is a management plan for my district that has been requested where a group of people locally are coming to Washington seeking help for the Augusta Canal. They want help in restoring a very important national resource. We are not going down there. Washington is not going down to Augusta, GA, and saying, "We want to help you." They are coming here asking for help, and they have got the plan originated and they will be managing it.

What some people in this body want to do is to tell them they cannot do that, that the way they have been operating their zoning and land use for years has to be changed. That is what the amendment is going to say.

This project, the Augusta Canal, has been generated for years by my constituents who studied the canal's historic value, developed a management plan, and then came to me to request that canal be designated a national heritage corridor.

In 15 minutes last week Washington told them "no," that they know better than what these people want.

It has been pointed out in the Augusta plan there is reference to the possibility that zoning regulations would be modified. Well, let me point out that the Augusta Canal Authority, which is a local entity, has no authority to change the zoning regulations. The Federal Government has no authority to change the zoning regulations, local land use regulations. It is all done entirely under the procedure that has been there for years and years.

What we are trying to do in some of these amendments is to change that, to exempt out certain pieces of property that will not be covered in the way it has been done before.

What I want to say is that if we follow one of the amendments, if the Tauzin amendment is adopted, what you are going to do is to change the history of land use and allow people to opt out of land use regulation locally. That is not the intent of this bill.

This is not a Federal land grab. This is an effort to help preserve national historic resources that are locally initiated and locally managed. Do not impose another Federal unfunded mandate on local Governments by adopting this amendment that is going to be offered.

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

Mr. JOHNSON of Georgia. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has put it very well. The Tauzin amendment is like throwing an anchor to a drowning man. They are having trouble getting their act together in Augusta. And if you try this out, there will be anarchy on the part of every individual landowner, who I might say will use that as a basis to justify some compensation or payment to themselves.

This would completely pull out the rug from the purposes and intent of this bill.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, it is exciting to think about the possible good that will be accomplished by passage of the American heritage areas partnership program. We can protect our heritage and at the same time protect private property rights.

Let me just give you an example of what happened in the district that I am privileged to represent.

Back in 1991, because of the budgetary problems, the State of New York was forced to close some important monuments and parks that have great significance and historical value in the central New York area. But the people responded. They would not accept it; neither would I.

We worked together by forming committees, such as the Northern Frontier Project, the Oriskany Battlefield Committee, and the Friends of Baron von Steuben.

On their own time these dedicated volunteers, with their own money, maintained these sites. But obviously that cannot keep going on into perpetuity.

They did not stop there. They researched and sought more information about the sites and its relationship to the people. We have right now sort of an all-volunteer effort in the central New York area that is doing some magnificent thinking, reaching out to us, saying, "Please, offer some help."

□ 1250

Mr. Chairman, this bill is just the ticket. In central New York this is a people's project. They do it in their own time and with their own flavor. This authorization for heritage areas will help them bring their work and projects to completion, ascertain suitability for participation as a heritage area and provide technical assistance and management options for protecting their resources, sharing their legacy and promoting the local economy.

I am really glad that the gentleman from Minnesota [Mr. VENTO], the chairman, and the vice chairman, the gentleman from Utah [Mr. HANSEN] sought a rule on this bill so we can have this full and open discussion. I think it is a

good bill, a modest bill, a bill that helps local people and communities help themselves, and what more worthy objective of our efforts here in Washington?

And I look at the bill, and I say to myself, "Look what it does. It authorizes matching assistance for locally initiated and managed American heritage areas." Let me stress that, locally initiated and managed American heritage areas, and it limits Federal funding for each proposal, does not write a blank check. It gives a modest contribution and then puts a ceiling on it, and it says, "Let's go from there," and it protects private property rights by authorizing no Federal land purchases and no federally mandated zoning rules, and I think that is important and bears repeating. It authorizes no Federal land purchases and no federally mandated zoning rules, and it draws its preservation fund.

Mr. Chairman, I think about the important work that so many people in central New York are engaged in promoting the heritage of that great area which played such a significant role in the development of this Nation, and I think that day in and day out they are working hard with their own time, their own resources, and they say, as my colleagues know, there has to be a limit, we just cannot keep going on like this without some assistance from Washington, and I look at this program, and I say, "We have matched their needs perfectly in a very modest way, and it deserves our enthusiastic support."

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN] for yielding this time to me.

First let me say that there is no law keeping the local or State governments from doing any of the things called for in this bill. As strapped for funds as our State and local governments are, almost all of them are in much better shape than is our Federal Government which is over $4.5 trillion in debt and still losing hundreds and millions of dollars more each day.

Mr. Chairman, the House made a good decision last week in rejecting the American Heritage Areas Partnership Program Act under suspension of the rules. It was a good decision because this 100-plus-page bill has not been subjected to the normal legislative process. It is here under a process which requires us to suspend our own rules. Only in the last few days of the session would an effort be made to avoid the normal markup in committee and bring such a highly controversial bill to the floor. Since there is no Senate companion to this bill, Mr. Chairman, there appears to be little chance of its enactment, and we should not pass it either since we need to amend it to make it the best that it can be.

I would like to recount for my colleagues a little of the history of this bill. The American Heritage Areas Partnership Program Act was initially introduced on November 22, 1993. That measure was a generic bill which established the American heritage program, but designated no new heritage areas.

On May 25, 1994, over 4 months ago, the earlier bill, H.R. 3707, which was cosponsored by only three Members, was ordered reported from the Committee on Natural Resources. By then the controversy over private property impacts from this bill was already mounting.

Recognizing that the bill was in serious jeopardy, H.R. 3707 was tabled, and a new bill, this bill, combining the original text of H.R. 3707, was combined with about 15 site-specific studies or designations around the country. H.R. 5044, this bill, was then offered under suspension of the rules with 29 cosponsors.

Each of these cosponsors and each of the persons who spoke in favor of this measure during previous flood consideration is associated with one of those heritage areas which, if designated, would authorize a $10 million Federal expenditure. I am not saying that these projects are unjustified, although some do appear to have more merit than others, but simply wish to point out to Members that there is no ground swell of support for this program, only for the individual projects.

I am also curious why, if there is such strong local support for these designations, why do we need a new Federal entitlement program that will cost tens of millions of dollars annually. Local governments could do these things. The amendments, which will be offered today, will focus on the generic aspects of this bill, not the site-specific programs.

With regard to the major issue of impacts on private property, it is hard to believe the claim that this bill will not impact private property values or land use. Are Members aware that a Federal boundary will be drawn around each heritage area? Are Members aware that the Secretary of the Interior will have to approve a land use plan for each heritage area? Are Members aware that the Secretary of the Interior will have a virtual veto authority over every other Federal action within each heritage area? Have Members seen the tens of millions of acres which have already been targeted for inclusion in this heritage area program?

In other words, Mr. Chairman, this bill provides for the Secretary to approve a land use plan which could specify that agricultural lands would be forced to forever remain devoted to agricultural use even if that was not the wisest and the best use and even if it drives up the price of land so average citizens will have a more difficult time buying or building homes. Certain historic buildings will be preserved in perpetuity even if only a small minority of the people want it that way. Such decisions by the Secretary of the Interior could have significant impacts on property values in the heritage area.

Some people get rich off this bill, Mr. Chairman, but at the expense of others. I hope the Members will support the Tauzin-Grams private property amendment. This amendment is supported by groups such as the National Association of Realtors, the National Federation of Independent Businesses, the Home Builders, the National Cattleman's Association, and many others.

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

Mr. DUNCAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to commend the gentleman on an excellent statement and, second to correct the record, our amendment will not change local zoning laws. It will not affect them at all. It simply says that in these heritage areas there will be landowner consent required.

Mr. DUNCAN. Mr. Chairman, let me just end up by saying this. There is greater resentment toward the Federal Government today than at any time in history. According to a Washington Post focus group a couple of years ago, Mr. Chairman, 94 percent of the people agree with the statement that the Federal Government is too big and costs too much. They do not want us passing bills that will increase the cost, and size, and power of the Federal Government. They do not want us to pass bills like this. I urge its defeat.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of H.R. 5044, legislation to provide for the long-term preservation and interpretation of significant historical resources across the Nation. I would like to commend the chairman of the subcommittee for his continuous efforts to bring this bill to the floor today.

I am particularly pleased that section 209 of the bill incorporates much of my legislation to establish a heritage area in Vancouver, WA, and I would say to some of the people across the aisle that it is supported by the Chamber of Commerce, supported by the downtown business groups, supported by the citizen groups. It has broad support in the area.

Vancouver, which is located just across the Columbia River from Portland, OR, was at the center of the settlement and development of the northwest during the 19th and early 20th centuries. In a single 360-acre area are five historic assets that chronicle the history of the northwest from the region's exploration by Lewis and Clark between 1805 and 1806 to the rise of American aviation in its golden age—

between the First and Second World Wars.

For the past 3 years I have been working with the mayor of Vancouver, the Park Service, and many others to establish a Federal-State-local partnership to preserve, restore, and coordinate the management of the historic area in Vancouver. Working together this partnership crafted a proposal, which is reflected in my bill and section 209 of H.R. 5044, to manage the assets, protect the historic resources, and encourage visitors to come to Vancouver to learn about the compelling history of the Pacific Northwest.

In 1990 Congress adopted my legislation to establish a Commission to analyze various management options for these historic properties. The Commission was composed of representatives of the major entities interested in the area, including the National Park Service, the Army Corps of Engineers, the city of Vancouver, and the State of Washington. The Commission completed its work in April 1993, by recommending that a partnership be established to ensure effective, coordinated, management of the area. The members of the Commission agreed that management of the area needed to be coordinated by a federally established management framework based on partnership between the interested government entities.

To implement the recommendations of the Commission I introduced H.R. 4607 to protect all of the key areas and the equally significant historic periods and events they represent. Most importantly, by unifying and coordinating the management of all these historical assets, the bill proposes a partnership to develop the full educational, recreational, and historical potential of the area.

Mr. Chairman, it is no secret that resolution of the Pearson Airpark controversy—what the appropriate role of the airport should be after 2002—is crucial to an overall cooperative management agreement for the area. While there is now an appreciation that Person's aviation history is of national significance and should be preserved, there has been disagreement over whether it should remain an operating general aviation airport.

My own view is that it would be unconscionable to eliminate the aviation history represented by Pearson Airpark and its young but flourishing aviation museum. I am also convinced that some general aviation activity at Pearson is necessary to help underwrite the costs of maintaining the airfield, which is essential to the historic aviation mission. Both my legislation and the bill before us today follow the recommendation of the Commission that general aviation continue through the years 2022. Beyond that time it would take an act of Congress to allow general aviation to continue—a decision left to another generation

Mr. Chairman, H.R. 5044 is about partnership. It's about local groups coming together to protect American heritage. It's about the Federal Government working cost-effectively with State and local groups. But, most importantly it's about protecting our Nation's history so that it can be enjoyed and appreciated by future generations. For those of us in southwest Washington, this legislation is a rare opportunity to preserve our past and make Vancouver the premier showcase of northwest history.

I say to my colleagues, If the partners don't agree, you don't have anything. It's fully protected in that regard within this legislation. Most important for those of us in southwest Washington, this legislation is a rare opportunity to preserve our past and make Vancouver the premier showcase of Northwest history.

□ 1300

I urge my colleagues' support of this legislation.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I want to thank the gentleman for yielding time to me. I rise in strong opposition to H.R. 5044. I want to let my colleagues know that I too have a heritage corridor study in my district. Contrary to what this bills proponents are saying, counties do not support this.

Let me read a letter from Houston County, MN:

> While Houston County recognizes the constitutional structure of American government and the necessary federal role therein, any federal role in expanding its jurisdiction within the boundaries of Houston County would be unconstitutional, unnecessary, and counter-productive. Government closest to the people is the most accountable to those people it serves. Thomas Jefferson, father of The Constitution, understood this concept and the Houston County Board of Commissioners agree with him.

Mr. Chairman, this bill, as currently drafted, does not protect private property rights and erodes the sovereignty of local governments. I urge my colleagues to vote against any gutting amendments to the Tauzin-Grams landowner's consent amendment.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I commend the chairman of the committee and the ranking member for their work on this.

What I have heard today reminds me of the less-than-distinguished citizen of the little town that died. At the funeral they were waxing eloquent, the eulogizers, and finally the wife said, "Sonny, go up there and see if that is really your Pa in the casket."

That is what we have here. I have been listening to all these statements about this bill, and I do not think it is the same bill that we are talking about today. I do not recognize it. Because it does not provide for a taking of private property. It does not allow encroachment on local zoning. It does not give the Federal Government any power in involving itself in private property rights.

I have here just some of the letters we have received. Many of these are private property owners who live in the vicinity who say how worthwhile it is to save the historic and the recreational and the ecological values that this corridor would do. These are the people that would be affected. These are the private property owners, and they write supporting it. I do not have one negative letter. These are the people who care about this.

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

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. I want to point out I do not want his bill to end up in a casket either, whatever it looks like. If we do not want it to end up there, why not support an amendment that says to all those property owners who do consent, "You will be joined by every other property owner, because consent will be required." What is wrong with that?

Mr. REGULA. The substitute we will be offering would provide if there is any taking or any need, that the people would have to consent. But what you are proposing in your amendment is everybody in the neighborhood has to consent. There could be hundreds of thousands of individual property owners. If we would follow the Tauzin amendment, there would be no Interstate Highway System, there would be no Yellowstone, there would be no Yosemite, because you could not get all the people around to agree. How far do you go?

Mr. TAUZIN. If the gentleman will yield further, there would be highways, there would be Yosemite, there would be parks and public lands, because the Constitution requires payment of the landowner in those cases. The landowner that does not consent gets paid.

We are suggesting if you are not going to pay them, should you not at least get their consent to be part of this?

Mr. REGULA. If they are involved, yes. We will address that when your amendment comes up.

I have here every board of county commissioners involved strongly supporting it, mayors, little towns, big cities, strongly supporting it, every major newspaper in the area strongly supporting it. The major business groups, the Cleveland Growth Association, up and down the line, strongly supporting it and opposing the Tauzin amendment.

This is a case of people wanting to do this. They are simply saying give us the tools, give us a helping hand, so we can preserve these great values.

I received a letter from a fourth grader in South Euclid, near Cleveland, not in my district:

Dear Mr. Regula, my name is Caren J. Maiden. I am asking you very nicely to vote yes for the Ohio & Erie Canal National Heritage Corridor Act. I hope you will think long and hard on this decision. Just think, the other fourth grades that come in the future might not ever learn about the Ohio Canal National Heritage Corridor Act. I wanted at least 30 classes to learn about the Ohio & Erie Canal. P.S., I know what I am talking about.

And she certainly did. All kinds of other groups have written in strong support.

The problem with the Tauzin amendment is it is a killer amendment, because mechanically it cannot be done. It cannot be achieved. These volunteer groups, the Kiwanis, the Boy Scouts, the Rotary, the 4-H Clubs, they cannot be involved in chasing all up and down the corridor, where there are literally thousands of possible property owners. If it is a case of this property actually being utilized for the corridor, that is a different matter, and that will be addressed by our substitute.

Let me say to the 273 Members, we keep hearing that this bill is defeated. That was because of procedure. Two hundred and seventy-three Members, an overwhelming majority of this body, voted for the bill when it was up on suspension. I urge every one of those of you who did vote for this bill to vote again, because we are going to clarify even more precisely the private property rights by our substitute to the Tauzin amendment.

So listen carefully on the debate on these amendments, so that we make sure that we are all talking about the same bill and not having a red herring put out there in an attempt to defeat it.

Mr. VENTO. Mr. Chairman, I yield myself two additional minutes.

Mr. Chairman, I want to commend the gentleman from Ohio [Mr. REGULA], for his excellent statement and want to point out to the Members page 30 of the bill, because we are going to be hearing a lot about the effect on land use regulation. The point here is that the Congress should not get involved in dictating what the local land use restrictions would be in this particular instance, because we are not buying the land. We should not superimpose a decision on how a county or a State government or local government should deal with land use regulations or zoning. That is in effect what some of our colleagues are asking us to do in terms of the amendments today. It is ironic, because I think very often the limits that local government places on the various zoning in fact enhances the land. It provides for a rational use, where it is residential, where it is light industrial, where it is something that might need to be cared for. It is the very hand of the local government on the land which is the essence of the role that they play, but some would usurp that and say that is the job of Congress.

This bill in fact points out on page 30 the lack of effect on authority of governments:

Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided by current law or regulation.

That is a pretty affirmative, positive statement. It addresses the concerns.

Furthermore, it says:

Lack of Zoning or Land Use Powers of Entity.—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area.

This is something that is uniquely local. We ought to let the local governments do their job. They are asking us to do something positive, and at the same time you say we are going to give you a little bit of Federal help but make it impossible for you to do this. Imagine thousands of residential and other landowners in the Ohio Canal. Who would keep track of this, whether they approved it or disapproved it? It is a nightmare. No local government would accept this. They would reject the bill. It would be moot.

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Mr. HANSEN. Mr. Chairman, may I inquire how much time is left on both sides?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has 1½ minutes remaining, and the gentleman from Minnesota [Mr. VENTO] has 3 minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Mr. SMITH].

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] is recognized for 1½ minutes.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding time to me.

The fact is, if Members begin to read this bill, they find out that what has been said is not exactly direct to the bill.

I refer my colleagues also to page 30 which says, in effect, that these management entities must consult with the Secretary; i.e., Secretary of Interior; must cooperate with the Secretary; i.e., the Secretary of Interior, must conduct and support such activities that the Secretary agrees with and determine that there is no practical alternative. They must go along.

Now, if that is not Federal control, I do not know how else we could state it.

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

Mr. SMITH of Oregon. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me.

Let me add, contrary to what we have just heard, the bill also contains language that says that the top priority of the implementing entity is directed at adopting land use policies consistent with the management plans adopted and supervised by, guess who, the Secretary of the Interior.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for that contribution.

I wanted to make directly the point that this is a Federal mandate, a Federal land use plan, supported and directed by the Secretary of Interior. As we talk about these corridors, what better protection could we have to allow a person who gets caught in the corridor of a heritage area, as the gentleman has already discussed, what is to stop folks from walking through my property? Do I not have a right to protect my own private property?

Members will, by supporting the Tauzin amendment.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

I want to point out to my colleague from Oregon that the Regula amendment will address this. It is a further en bloc amendment that we have agreed to with the minority, and other Members and sponsors of the bill, in order to deal with some of the concerns that he has just expressed.

The point is that nothing in this bill affects the fifth amendment of the Constitution. That is inviolate. Those protections remain. Nothing in this bill affects local governments and State governments regarding hunting and fishing. We will make that clear. We have no intention of interfering, or mandating, for that matter, that these areas be open or closed to hunting or fishing. That is uniquely a local function.

So I think the point is that we are finding a lot of issues being raised here. Most of them are not germane. The real point is the effort here, of course, and by all these groups that we have heard about, is to undo. They are opposed to the bill. They are finding another excuse to argue property rights. This is simply an attempt to hijack this bill for a different purpose. I would urge the Members to defeat and to deal with the reasonable amendment that will be offered by my colleague from Ohio.

Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. HINCHEY].

The CHAIRMAN. The gentleman from New York [Mr. HINCHEY] is recognized for 2 minutes.

Mr. HINCHEY. Mr. Chairman, I just wanted to respond to the gory red herring that was dragged up on the floor here a few moments ago by my good friend and colleague from the State of Louisiana. He raised the spector of hunters and fishermen traveling over

everybody's property in a reckless fashion. Of course, there is nothing in this bill that would cause that to happen in any way whatsoever, under existing law, and certainly does not exist anywhere in this bill. Everything that happens as a result of this particular legislation on any property whatsoever would require the consent of the property owner. There is no additional regulations that are taken by the Federal Government.

It recognizes the responsibility of land use planning at the most local level of government, the village, the town, the city. Those areas remain solely in control of local zoning practices.

The Supreme Court decision that was mentioned, I think is very important for us to focus upon. Because that recognizes the inherent ability of the courts to understand private property rights and to protect them. Those rights exist currently. The courts have said so. They are protecting them. And this bill is precisely consistent with the protection of those individual property rights in accordance with that Supreme Court decision.

This is a modest bill. It is a mild bill. It simply allows people to work together in a cooperative way to enhance the quality of the areas in which they live and at the same time promote our common national heritage.

I hope that we will be successful in defeating these amendments which are designed really to gut the bill and to get on with the final passage of this bill which is in the best interest of the people in the areas here and of all the people across the country.

Mr. RIDGE. Mr. Chairman, I am pleased to rise in support of H.R. 5044, the American Heritage Areas Partnership Program Act of 1994. While I voted against this bill when it was considered under the suspension of the rules, I did so to ensure that the bill was considered openly and to make certain that necessary amendments were able to be offered today and voted on by the full House.

This legislation sets forth criteria in which partnerships consisting of local governments, State governments, and private, nonprofit organizations can access Federal funding to designate certain areas of land as American Heritage corridors.

I support this concept because it takes a different approach than the normal top-down, big-government "land grabs" most private property owners have come to know and hate. The American Heritage Areas Partnerships Act provides funding to only those projects which have been grown in the community from the ground up. The matching funds provided by the Federal Government can be accessed only after the community and local and State officials have come together and made the commitment to designate an area as one of historical value to the community's heritage.

One such project is moving forward in western Pennsylvania. It is called the Steel Heritage Center and it spans the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland. While this particular project is not inside my congressional district, I am nevertheless pleased that the community has come together to have it designated as an American Heritage Area. The fact is that Munhall, PA, the town in which I was born and lived the early years of my life, is located in the Steel Heritage Center area.

The region being designated is well known for its heritage in making steel and helping make this country great. The people of the region, whether laborers in the steel mills or those in the community who supported the local mills, were of the highest caliber. They reflected credit upon themselves and their community. This region continues to display the same tradition of hard work and skill which workers exhibited in years past.

Lastly, I am also pleased that the legislation clearly states that no provisions in the bill shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulations. I have always worked on behalf of the rights of private property owners and I am pleased that the bill's crafters considered their rights as they moved forward with this legislation.

Mr. Chairman, I would like to again say that I am pleased to rise in support of this legislation.

Mr. BREWSTER. Mr. Chairman, I rise today to speak in favor of the Young-Brewster amendment to the American Heritage Areas Partnership Act. Today, I speak as the Democratic cochairman of the Congressional Sportsmen's Caucus. The Sportsmen's Caucus is comprised of over 190 Members of the House with common beliefs such as: Preserving and promoting the traditional rights of American citizens to hunt, fish, and pursue other outdoor activities; Insuring that America's Sportsmen have reasonable access to federally managed public lands to enjoy these outdoor pursuits; and supporting efforts to enhance multiple use wildlife and habitat management.

The Young-Brewster amendment reflects these beliefs. Clarifying the rights of State fish and wildlife agencies to manage fish and wildlife on lands designated as heritage areas including regulating hunting and fishing. Simply put, our amendment preserves the right to continue hunting in areas designated as American Heritage Areas. An example of why this amendment is needed is a proposed heritage area running the entire length of the Mississippi River—an extremely important waterfowl hunting and management area.

Allowing hunting to continue to occur in heritage areas, such as the proposed Mississippi River Heritage Area, will have unending positive effects on the preservation of several species native to that area. As you may know Mr. Speaker, of the five designated flyways, the Mississippi Flyway is the home to an overwhelming majority of the Nation's waterfowl.

As many Members in this chamber know, our Nation's waterfowl population is at the highest level in recent years. The resurrection of this resource can be directly attributed to the dollars spent by American waterfowl hunters. Millions of dollars have been collected from hunters through the Federal and State Duck Stamp Programs, the Pittman-Robertson Trust Fund, and voluntary contributions through programs such as Ducks Unlimited.

Federal duck stamp sales for the Mississippi Flyway represents 43 percent of the total Federal duck stamp sales. The Mississippi Flyway also accounts for 45 percent of the total waterfowl harvest in the United States. If we allow large areas of our country such as this to become off limits to hunting, we will lose large percentages of the money collected from hunters. Allowing this to happen will only serve to hurt our successful conservation efforts.

As my colleague from Alaska previously stated, past practices of the National Park Service regarding the designation of new lands as being under its jurisdiction, dictates that Congress must clarify that the National Park Service recognize hunting as a discretionary activity.

I urge my colleagues to support the Young-Brewster amendment.

Mr. REED. Mr. Speaker, I rise once again in support of H.R. 5044, legislation which establishes an American Heritage Area Partnership Program within the Department of the Interior.

The bill establishes a new method of designating and managing nationally important heritage areas. Specifically, H.R. 5044 creates a partnership with State and local governments, as well as private entities, to preserve these historical regions by allowing communities to develop and implement operation and management plans. This new partnership will go a long way in preserving valuable historical areas while limiting the Federal Government's role and future financial obligations.

I am especially pleased that this legislation includes reauthorization for the Blackstone River Valley National Heritage Corridor. The bill also adds three new towns, Glocester, Smithfield, and Burriville into the corridor. Most importantly, the bill extends the Blackstone Valley commission for 7 additional years. This will allow the commission to continue enhancing the distinctive character and nationally significant resources of the corridor.

The Blackstone River Valley National Heritage Corridor is the largest national park in New England, and is widely recognized as the birthplace of the American Industrial Revolution. It was here, at Slater Mill, where the first successful water-powered cotton spinning mill was used in 1790. This rich area best exemplifies the entire history of the American Industrial Revolution and the complex economic and social relationships of the people who lived and worked there.

The Blackstone Valley Heritage Corridor has become an example of how surrounding communities can work together toward a common theme of protecting and promoting their area. This rich and historic national resource needs to be protected so that the history of the Industrial Revolution can be preserved for all generations.

Mr. Chairman, I strongly urge Members to vote for passage of this bill.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered under the 5-minute rule by section, and pursuant to the rule each section shall be considered as read.

The bill shall be considered for amendment under the 5-minute rule for

a period of not to exceed 3 hours, excluding time consumed by recorded votes and proceedings incidental thereto.

No amendment to the bill shall be in order unless printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule 23 before consideration of the bill.

Any amendment printed in the RECORD by the gentleman from Minnesota [Mr. VENTO] may amend portions of the bill not yet read for amendment.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 5044

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 "American Heritage Areas 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.
Sec. 2. Definitions.

TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Statement of purpose.
Sec. 104. Definitions.
Sec. 105. American Heritage Areas Partnership Program.
Sec. 106. Feasibility studies, compacts, management plans, and early actions.
Sec. 107. Management entities.
Sec. 108. Withdrawal of designation.
Sec. 109. Duties and authorities of Federal agencies.
Sec. 110. Lack of effect on land use regulation.
Sec. 111. Authorization of appropriations.
Sec. 112. Expiration of authorities.
Sec. 113. Report.
Sec. 114. Savings provision.

TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS

Sec. 201. American Coal Heritage Area.
Sec. 202. Augusta Canal American Heritage Area.
Sec. 203. Cane River American Heritage Area.
Sec. 204. Essex American Heritage Area.
Sec. 205. Hudson River Valley American Heritage Area.
Sec. 206. Ohio & Erie Canal American Heritage Area.
Sec. 207. Shenandoah Valley Battlefields American Heritage Area.
Sec. 208. Steel Industry American Heritage Area.
Sec. 209. Vancouver American Heritage Area.
Sec. 210. Wheeling American Heritage Area.

TITLE III—STUDIES REGARDING POTENTIAL AMERICAN HERITAGE AREAS

Sec. 301. Ohio River Corridor.
Sec. 302. Fox and Lower Wisconsin River Corridors.
Sec. 303. South Carolina Corridor.
Sec. 304. Northern Frontier.

TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS

Sec. 401. Boundaries, commission, and revision of plan.
Sec. 402. Implementation of plan.
Sec. 403. Authorization of appropriations.

TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT

Sec. 501. Bramwell National Historic District.

TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA AMENDMENTS

Sec. 601. Short title.
Sec. 602. Designation of Southwestern Pennsylvania American Heritage Area.
Sec. 603. Powers of the commission.
Sec. 604. Federal participation.
Sec. 605. Congressional oversight.
Sec. 606. Authorization of appropriations.
Sec. 607. Path of progress.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "compact" means a compact described in section 106(a)(2).

(2) The term "Secretary" means the Secretary of the Interior.

TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "American Heritage Areas Partnership Program Act of 1994".

SEC. 102. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) certain areas of the United States represent the diversity of the national character through the interaction of natural processes, distinctive landscapes, cultural traditions, and economic and social forces that have combined to create a particular pattern of human settlement and activity;

(2) in these areas, natural, historic, or cultural resources, or some combination thereof, combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography;

(3) these areas represent the national experience through the physical features that remain and the traditions that have evolved in the areas;

(4) continued use and adaptive reuses of the natural and cultural fabric within these areas by people whose traditions helped to shape the landscapes enhance the significance of the areas;

(5) despite existing Federal programs and existing efforts by States and localities, the natural, historic, and cultural resources and recreational opportunities in these areas are often at risk; and

(6) the complexity and character of these areas distinguish them and call for a distinctive system of recognition, protection, and partnership management.

SEC. 103. STATEMENT OF PURPOSE.

The purposes of this title are—

(1) to recognize that the natural, historic, and cultural resources and recreational opportunities of the United States represent and are important to the great and diverse character of the Nation, and that these resources and opportunities must be guarded, preserved, and wisely managed so they may be passed on to future generations;

(2) to recognize that combinations of such resources and opportunities, as they are geographically assembled and thematically related, form areas that provide unique frameworks for understanding the historical, cultural, and natural development of the community and its surroundings;

(3) to preserve such assemblages that are worthy of national recognition, designation, and assistance, and to encourage linking such resources within such areas through greenways, corridors, and trails;

(4) to encourage appropriate partnerships among Federal agencies, State and local governments, nonprofit organizations, and the private sector, or combinations thereof, to preserve, conserve, and manage those resources and opportunities, accommodate economic viability, and enhance the quality of life for the present and future generations of the Nation;

(5) to authorize Federal financial and technical assistance to State and local governments and private nonprofit organizations, or combinations thereof, to study and promote the potential for conserving and interpreting these areas; and

(6) to prescribe the process by which, and the standards according to which, prospective American Heritage Areas may be assessed for eligibility and included in the American Heritage Areas Partnership Program established by this title.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) AMERICAN HERITAGE AREA.—The term "American Heritage Area" means an area so designated under this title.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), 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) TECHNICAL ASSISTANCE.—The term "technical assistance" means any guidance, advice, help, or aid, other than financial aid.

(4) UNIT OF GOVERNMENT.—The term "unit of government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 105. AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—In order to preserve nationally distinctive natural, historic, and cultural resources, and to provide opportunities for conservation, education, and recreation through recognition of and assistance to areas containing such resources, there is hereby established within the Department of the Interior an American Heritage Areas Partnership Program, which shall consist of American Heritage Areas designated under subsection (d).

(b) GENERAL AUTHORITY OF SECRETARY.—In accordance with the purposes of this title, the Secretary is authorized—

(1) to evaluate, in accordance with the criteria established in subsection (c), areas nominated under this title for designation as American Heritage Areas;

(2) to advise State and local governments, nonprofit organizations, and other appropriate entities regarding suitable methods of recognizing and preserving thematically and geographically linked natural, historic, and cultural resources and recreational opportunities; and

(3) to consider any American Heritage Area, designated under this or any other Act,

for nomination to the World Heritage List if the Secretary determines that such area meets the qualifications for such nomination.

(c) CRITERIA.—To be eligible for designation as an American Heritage Area, an area shall meet each of the following criteria:

(1) ASSEMBLAGE OF RESOURCES.—The area shall be an assemblage of natural, historic, or cultural resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, preservation, interpretation, and continuing use; and

(B) are best managed as such an assemblage, through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities.

(2) TRADITIONS, CUSTOMS, BELIEFS, OR FOLKLIFE.—The area shall reflect traditions, customs, beliefs, or folklife, or some combination thereof, that are a valuable part of the story of the Nation.

(3) CONSERVATION OF NATURAL, CULTURAL, OR HISTORIC FEATURES.—The area shall provide outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) RECREATIONAL AND EDUCATIONAL OPPORTUNITIES.—The area shall provide outstanding recreational and educational opportunities.

(5) THEMES AND INTEGRITY OF RESOURCES.—The area shall have an identifiable theme or themes, and resources important to the identified theme or themes shall retain integrity capable of supporting interpretation.

(6) SUPPORT.—Residents, nonprofit organizations, other private entities, and governments within the proposed area shall demonstrate support for designation of the area and for management of the area as appropriate for such designation.

(7) AGREEMENTS.—The principal organization and units of government supporting the designation shall be willing to commit to agreements to work in partnership to implement the management plan of the area.

(8) CONSISTENCY WITH ECONOMIC VIABILITY.—The proposal shall be consistent with continued economic viability in the affected communities.

(d) CONDITIONS FOR DESIGNATION.—An area may be designated as an American Heritage Area only by an Act of Congress or by the means provided in title II. Except as otherwise provided in title II, the Congress may designate an area as an American Heritage Area only after each of the following conditions is met:

(1) SUBMISSION OF STUDY AND COMPACT TO SECRETARY.—An entity requesting American Heritage Area designation for the area submits to the Secretary a feasibility study and compact meeting the requirements of section 106(a). The comments of the Governor of each State in which the proposed American Heritage Area lies, or a statement by the entity that such Governor has failed to comment within a reasonable time after receiving the study and compact, accompanies such submittal to the Secretary.

(2) APPROVAL AND SUBMISSION BY SECRETARY.—The Secretary approves, pursuant to section 106(b), the feasibility study and compact referred to in paragraph (1) and submits the study and compact to the Congress together with any comments that the Secretary deems appropriate regarding a preferred action.

(e) RELATION TO NATIONAL REGISTER OF HISTORIC PLACES.—The act of designation of an American Heritage Area shall not be deemed to signify that such American Heritage Area is included on, or eligible for inclusion on, the National Register of Historic Places, as established in accordance with section 101 of the National Historic Preservation Act (16 U.S.C. 470a). Designation of an American Heritage Area shall not preclude the American Heritage Area or any district, site, building, structure, or object located within the American Heritage Area from subsequently being nominated to, or determined eligible for inclusion on, the National Register.

SEC. 106. FEASIBILITY STUDIES, COMPACTS, MANAGEMENT PLANS, AND EARLY ACTIONS.

(a) CONTENTS AND REQUIREMENTS.—

(1) FEASIBILITY STUDIES.—Each feasibility study submitted under this title shall include sufficient information to determine whether an area has the potential to meet the criteria referred to in section 105(c). Such information shall include, but need not be limited to, each of the following:

(A) A description of the natural, historic, and cultural resources and recreational opportunities presented by the area, including an assessment of the quality and degree of integrity of, the availability of public access to, and the themes represented by such resources and opportunities.

(B) An assessment of the interest of potential partners, including units of government, nonprofit organizations, and other private entities.

(C) A description of tentative boundaries for an American Heritage Area proposed to be established in the area.

(D) Identification of a possible management entity for an American Heritage Area proposed to be established in the area.

(2) COMPACTS.—(A) A compact submitted under this title shall include information relating to the objectives and management of an area proposed for designation as an American Heritage Area. Such information shall include, but need not be limited to, each of the following:

(i) A delineation of the boundaries of the proposed American Heritage Area.

(ii) A discussion of the goals and objectives of the proposed American Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners referred to in clause (iv).

(iii) An identification and description of the management entity that will administer the proposed American Heritage Area.

(iv) A list of the initial partners to be involved in developing and implementing the management plan referred to in paragraph (3) for the proposed American Heritage Area, and a statement of the financial commitment of the partners.

(v) A description of the role of the State or States in which the proposed American Heritage Area is located.

(B)(i) The compact shall be prepared with public participation.

(ii) Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed American Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

(3) MANAGEMENT PLANS.—A management plan submitted under this title for an American Heritage Area shall present comprehensive recommendations for the conservation, funding, management, and development of the area. The plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations in the area. It shall include a description of the actions recommended to be taken, to protect the resources of the area, by units of government and private organizations. It shall specify existing and potential sources of funding for the protection, management, and development of the area. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the American Heritage Area, including a list of property in the area that should be preserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the area.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to protect the historical, cultural, and natural resources and the recreational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity specified in the compact referred to in paragraph (2) and specific commitments, for the first 5 years of operation of the plan, by the partners identified in the compact.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the American Heritage Area.

(4) EARLY ACTIONS.—After designation of an American Heritage Area but prior to approval of the management plan for that area, the Secretary may provide technical and financial assistance for early actions that are important to the theme of the area and that protect resources that would be in imminent danger of irreversible damage without such early actions.

(b) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governors of each State in which the relevant American Heritage Area, or proposed area, is located, shall approve or disapprove every compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan. Prior to approving the compact or plan, the Secretary shall consult with the Advisory Council on Historic Preservation in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(2) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves a compact or management plan submitted under this title, the Secretary shall advise the submitter, in writing, of the reasons for the disapproval and shall make recommendations for revisions of the compact or plan. The Secretary shall approve or disapprove a proposed revision to such a compact or plan within 90 days after the date on which the revision is submitted to the Secretary.

(3) AMENDMENTS TO MANAGEMENT PLANS.—The Secretary shall review substantial amendments to management plans for American Heritage Areas. Funds appropriated pursuant to this title may not be expended to implement such amendments until the Secretary approves the amendments.

SEC. 107. MANAGEMENT ENTITIES.

(a) IN GENERAL.—

(1) RECEIPT OF FEDERAL FUNDS.—Management entities that are designated in compacts approved under section 106(b) for American Heritage Areas are authorized to receive Federal funds in support of cooperative partnerships to prepare and implement the management plans regarding the American Heritage Areas and to otherwise perform the functions contemplated in this title.

(2) ELIGIBILITY.—To be eligible for designation as the management entity of an American Heritage Area, a unit of government or private nonprofit organization must possess the legal ability to—

(A) receive Federal funds for use in preparing and implementing the management plan for the area;

(B) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan;

(C) account for all Federal funds so received or disbursed; and

(D) sign agreements with the Federal Government.

(b) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of an American Heritage Area may, for purposes of preparing and implementing the management plan for the area, use Federal funds made available under this title—

(1) to make grants and loans to States, political subdivisions thereof, private organizations, and other persons;

(2) to enter into cooperative agreements with Federal agencies; and

(3) to hire and compensate staff.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity for an American Heritage Area shall do each of the following:

(1) MANAGEMENT PLAN.—The management entity shall develop, and submit to the Secretary for approval, a management plan described in section 106(a)(3) within 3 years after the date of the designation of the area as an American Heritage Area.

(2) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and management plan referred to in section 106(a), including—

(A) assisting units of government, regional planning organizations, and nonprofit organizations—

(i) in preserving the American Heritage Area;

(ii) in establishing and maintaining interpretive exhibits in the area;

(iii) in developing recreational opportunities in the area;

(iv) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(v) in the restoration of historic buildings that are located within the boundaries of the area and relate to the themes of the area; and

(vi) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the area;

(B) consistent with the goals of the management plan referred to in section 106(a)(3), encouraging economic viability in the affected communities by appropriate means; and

(C) encouraging local governments to adopt land-use policies consistent with the management of the area and the goals of the management plan referred to in section 106(a)(3).

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in developing and implementing the management plan referred to in section 106(a)(3), consider the interests of diverse governmental, business, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly regarding the implementation of the management plan referred to in section 106(a)(3).

(5) SUBMISSION OF CHANGES IN PLAN.—The management entity shall submit any substantial changes to the management plan referred to in section 106(a)(3) (including any increase of more than 20 percent in the cost estimates for implementation of the management plan) to the Secretary for the approval of the Secretary.

(6) ANNUAL REPORT.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 107(b)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(7) COOPERATION WITH AUDITS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 107(b)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(8) LIABILITY FOR LOANS.—The management entity shall be liable to the Federal Government for any loans that the management entity makes under section 107(b)(1).

(d) DISQUALIFICATION FOR FEDERAL FUNDING.—If a management plan regarding an American Heritage Area is not submitted to the Secretary as required under subsection (c)(1) within the time specified in such subsection, the American Heritage Area shall cease to be eligible for Federal funding under this title until such a plan regarding the American Heritage Area is submitted to the Secretary.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—A management entity for an American Heritage Area may not use Federal funds received under this title to acquire real property or interest in real property. No provision of this title shall prohibit any management entity from using Federal funds from other sources for their permitted purposes.

(f) DURATION OF ELIGIBILITY FOR FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—A management entity for an American Heritage Area shall be eligible to receive funds appropriated pursuant to this title for a 10-year period beginning on the day on which the American Heritage Area is designated, except as provided in paragraph (2).

(2) EXTENSION OF ELIGIBILITY.—The eligibility of a management entity for funding under this title may be extended, by the Secretary, for a period of not more than a 5 years after the 10-year period referred to in paragraph (1), if—

(A) the management entity determines that the extension is necessary in order to carry out the purposes of this title and notifies the Secretary of such determination not later than 180 days prior to the end of the 10-year period referred to in paragraph (1);

(B) the management entity, not later than 180 days prior to the end of the 10-year period referred to in paragraph (1), presents to the Secretary a plan of its activities for the period of the extension, including provisions for becoming independent of the funds made available pursuant to this title; and

(C) the Secretary, after consulting with the Governor of each State in which the American Heritage Area is located, approves such extension of eligibility.

(3) LACK OF EFFECT OF EXTENSION ON FUNDING LIMITATIONS.—An extension provided under this subsection shall not be construed as waiving any limitation on funds provided pursuant to this title.

SEC. 108. WITHDRAWAL OF DESIGNATION.

(a) IN GENERAL.—The American Heritage Area designation of an area shall continue unless—

(1) the Secretary determines that—

(A) the American Heritage Area no longer meets the criteria referred to in section 105(c);

(B) the parties to the compact approved in relation to the area under section 106(b) are not in compliance with the terms of the compact;

(C) the management entity of the area has not made reasonable and appropriate progress in developing or implementing the management plan approved for the area under section 106(b); or

(D) the use, condition, or development of the area is incompatible with the criteria referred to in section 105(c) or with the compact approved in relation to the area under section 106(b); and

(2) after making a determination referred to in paragraph (1), the Secretary submits to the Congress notification that the American Heritage Area designation of the area should be withdrawn.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding an American Heritage Area, the Secretary or a designee shall hold a public hearing within the area.

(c) TIME OF WITHDRAWAL OF DESIGNATION.—

(1) IN GENERAL.—The withdrawal of the American Heritage Area designation of an area shall become final 90 legislative days after the Secretary submits to the Congress the notification referred to in subsection (a)(2) regarding the area.

(2) LEGISLATIVE DAY.—For purposes of this subsection, the term "legislative day" means any calendar day on which both Houses of the Congress are in session.

SEC. 109. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF SECRETARY.—

(1) GRANTS.—The Secretary may make matching grants to provide assistance regarding feasibility studies and compacts described in section 106(a) and, upon request of the management entity for the relevant American Heritage Area, regarding management plans and early actions described in section 106(a) and capital projects and improvements undertaken pursuant to such management plans. The Secretary may make grants under this section to units of government, and, in consultation with affected units of government, to private nonprofit organizations. In awarding grants, the Secretary shall be guided by the criteria for

eligibility for designation referred in section 105(c).

(2) TECHNICAL ASSISTANCE.—(A) The Secretary may provide technical assistance to units of government and private nonprofit organizations regarding feasibility studies and compacts described in section 106(a) and, upon request of the management entity for the relevant American Heritage Area, regarding management plans and early actions described in section 106(a) and capital projects and improvements undertaken pursuant to such management plans. In providing the technical assistance, the Secretary shall be guided by the criteria for eligibility for designation referred to in section 105(c).

(B) The Secretary may elect to provide all or part of the technical assistance authorized by this subsection through cooperative agreements with units of government and private nonprofit organizations whose missions and resources can contribute substantially to the purposes of this title.

(3) OTHER ASSISTANCE.—Nothing in this title shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

(4) PRIORITIES FOR ASSISTANCE.—In assisting an American Heritage Area, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, and cultural resources which support the themes of the American Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the American Heritage Area.

(5) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide which American Heritage Areas shall be awarded technical and financial assistance and the amount of the assistance. Such decisions shall be based on the relative degree to which each American Heritage Area effectively fulfills the objectives contained in the management plan for the area, achieves the purposes of this title, and fulfills the criteria referred to in section 105(c) and shall give consideration to projects which provide a greater leverage of Federal funds.

(6) NON-FEDERALLY OWNED PROPERTY.—The Secretary is authorized to spend Federal funds directly on nonfederally owned property to further the purposes of this title, giving priority to assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(7) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress regarding the American Heritage Areas Partnership Program. Each report shall include—

(A) the number, amount, and recipients of any grants provided by the Secretary under this title and the nature of any technical assistance or early action provided under this title;

(B) a description of the status and condition of, and Federal funding provided under this Act to, each American Heritage Area;

(C) a description of the areas nominated for the American Heritage Partnership Program;

(D) the recommendations of the Secretary regarding areas to be designated by the Congress as American Heritage Areas; and

(E) the status of the implementation of all contractual agreements entered into by the Secretary under this title.

(8) OVERSIGHT OF HERITAGE AREAS WITH EXPIRED ELIGIBILITY.—The Secretary shall investigate, study, and continually monitor the welfare of all American Heritage Areas whose eligibility for Federal funding under this title has expired and shall report to the Congress periodically regarding the condition of such American Heritage Areas.

(9) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of components of the American Heritage Areas Partnership Program.

(10) PROMULGATION OF REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.

(b) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities directly affecting an American Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement and conducting or supporting such activities, shall, to the maximum extent practicable—

(1) consult with the Secretary and the management entity for the American Heritage Area with respect to such activities;

(2) cooperate with the Secretary and the management entity in the carrying out of the duties of the Secretary and the management entity under this title, and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the management plan for the American Heritage Area unless the Federal entity or unit of government, after consultation with the Secretary and the management entity, determines that there is no practicable alternative.

SEC. 110. LACK OF EFFECT ON LAND USE REGULATION.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY.—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area.

(c) MANAGEMENT PLAN AVAILABILITY TO LOCAL GOVERNMENTS.—Any management plan referred to in section 106(a) and submitted to the Secretary by the management entity for an American Heritage Area shall be made available to the local governments having jurisdiction over land use regulations affecting the American Heritage Area for the use of the local governments in updating their growth management plans and in the event that such governments desire to amend current land use legislation as they may deem appropriate and in accordance with their legal authority.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FEASIBILITY STUDIES, COMPACTS, MANAGEMENT PLANS, AND EARLY ACTIONS.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for grants and technical assistance pursuant to section 109(a) and the administration of such grants and assistance, annually not more than $10,000,000, to remain available until expended, with the following conditions:

(1) PERCENT OF COST.—No grant under this title for a feasibility study, compact, management plan, or early action may exceed 75 percent of the cost, to the grantee, for such study, compact, plan, or early action.

(2) STUDIES.—The total amount of Federal funding under this title for feasibility studies for a proposed American Heritage Area may not exceed $100,000.

(3) COMPACTS.—The total amount of Federal funding under this title for compacts for a proposed American Heritage Area may not exceed $150,000.

(4) EARLY ACTION GRANTS.—The total amount of Federal funding under this title for early action grants for an American Heritage Area may not exceed $250,000.

(5) MANAGEMENT PLANS.—The total amount of Federal funding under this title for management plans for an American Heritage Area may not exceed $150,000.

(b) MANAGEMENT ENTITY OPERATIONS.—

(1) OPERATING COSTS.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for each management entity of an American Heritage Area, not more than $250,000 annually for the operating costs of such management entity pursuant to section 107.

(2) COST SHARE.—The Federal contribution under this title to the operations of any management entity of an American Heritage Area shall not exceed 50 percent of the annual operating costs of the entity.

(c) PLAN IMPLEMENTATION.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for grants and technical assistance for the implementation of management plans for designated American Heritage Areas and the administration of such grants and assistance, not more than $25,000,000 annually, to remain available until expended, with the following conditions:

(1) PERCENT OF COST.—No grant under this title for implementation of a management plan may exceed 50 percent of the cost to the grantee of the implementation.

(2) PERCENT OF FUNDING FOR EACH AREA.—Not more than 10 percent of the annual appropriation for this subsection shall be made available, in any 1 year, to each American Heritage Area.

(3) TOTAL FUNDING FOR EACH AREA.—Not more than a total of $10,000,000 may be made available under this subsection to each American Heritage Area.

(4) AGREEMENTS.—Any payment made 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 the greater of—

(A) reimbursement of all funds made available for such project; and

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

(d) LIMITATION ON AMOUNTS FOR TECHNICAL ASSISTANCE.—The amount of Federal funding made available under this section for technical assistance for an American Heritage Area for a fiscal year may not exceed $150,000.

SEC. 112. EXPIRATION OF AUTHORITIES.

The authorities contained in this title shall expire on September 30 of the 25th fiscal year beginning after the date of the enactment of this title.

SEC. 113. REPORT.

The Secretary shall submit to the Congress, every 5 years while the authorities contained in this title remain in force, a report on the status and accomplishments of

the American Heritage Areas Partnership Program as a whole.

SEC. 114. SAVINGS PROVISION.

Nothing in this title shall be construed to expand or diminish any authorities contained in any law designating an individual National Heritage Area or Corridor before the date of the enactment of this title.

TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS

SEC. 201. AMERICAN COAL HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the rise of American industry in the late 19th and 20th centuries led to tremendous growth in the Appalachian coal fields, creating an area of national historic significance in terms of its contributions to the industrial revolution, architecture, culture, and diversity;

(2) within the Appalachian coal belt, the coal mined in southern West Virginia and in southwestern Virginia produced some of the purest and most sought-after coal in the Nation, and the region associated with this coal contains a rich cultural heritage;

(3) the influx of labor needed to mine coal in this region created a diverse community of African Americans from the south, recent immigrants from southern and southeastern Europe, Americans from northern mining areas, and native Appalachians;

(4) it is in the national interest to preserve and protect physical remnants of the late 19th and early 20th century rise of American industry for the education and benefit of present and future generations; and

(5) there is a need to provide assistance to the preservation and promotion of the vestiges of the coal heritage of Appalachia that have outstanding cultural, historic, and architectural value.

(b) STATEMENT OF PURPOSE.—The purposes of this section are to preserve and interpret, for the educational and inspirational benefit of present and future generations, certain lands and structures with unique and significant historical and cultural values associated with the coal mining heritage of southern West Virginia and southwestern Virginia.

(c) DESIGNATION.—

(1) IN GENERAL.—Upon publication by the Secretary in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the American Coal Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(2) COMPACT.—The Secretary may not require, as a condition of approving a compact submitted pursuant to this section regarding the Heritage Area, that both the State of West Virginia and the Commonwealth of Virginia sign the compact.

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Coal Industry National Heritage Area", numbered CMNHA-80,008, 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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 202. AUGUSTA CANAL AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Augusta Canal National Historic Landmark in the State of Georgia, listed on the National Register of Historic Places, is one of the last unspoiled and undeveloped areas in the State of Georgia, has remained largely intact, and has excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreage in open space;

(2) the beautiful rural landscapes, scenic vistas and excellent water quality of the Augusta Canal contain significant undeveloped recreational opportunities for people throughout the United States;

(3) the existing mill sites and other structures throughout the Augusta Canal were instrumental in the development of the cotton textile industry in the south;

(4) several significant sites associated with Native Americans, the American Revolution, and African-Americans are located within the area; and

(5) the Augusta Canal Authority would be an appropriate management entity for an American Heritage Area established in the area of the Augusta Canal.

(b) STATEMENT OF PURPOSE.—The purposes of this section are to—

(1) designate the Augusta Canal as an American Heritage Area; and

(2) provide a management framework to assist the State of Georgia, 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 significant features of the lands, waters, historic structures, and heritage of the Augusta Canal.

(c) DESIGNATION.—Upon publication in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Augusta Canal American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map entitled "The Augusta Canal", numbered AUCA-80,000, 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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 203. CANE RIVER AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the settlement in the Natchitoches area along Cane River, established in 1714, is the oldest settlement in the Louisiana Purchase Territory;

(2) the Cane River area is the locale of the development of Creole culture, from the French-Spanish interactions of the early 18th century to the living communities of today;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement in the area, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, most, unlike the Cane River area, are isolated examples and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features, with original elements, in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, 4 other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefited from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs of the area.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the importance of the Cane River Creole culture as a significant element of the cultural heritage of the United States; and

(2) to establish a Cane River American Heritage Area to be undertaken in partnership with the State of Louisiana, the city of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

(c) DESIGNATION.—In furtherance of the need to recognize the value and importance of the Cane River region, upon publication by the Secretary in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Cane River American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall be composed of the lands encompassing—

(A) an acre approximately 1 mile on both sides of the Cane River, as depicted on the map numbered "CARI-80,000", and dated January 1994;

(B) the Natchitoches National Historical Landmark District;

(C) the Los Adaes State Commemorative Area;

(D) the Fort Jesup State Commemorative Area;

(E) the Fort St. Jean Baptiste State Commemorative Area; and

(F) the Kate Chopin House.

(2) MAP.—The Secretary shall prepare a map of the Cane River American Heritage

Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Cane River American Heritage Area:

(1) 1 member submitted by the mayor of Natchitoches.

(2) 1 member submitted by the Association for the Preservation of Historic Natchitoches.

(3) 1 member submitted by the Natchitoches Historic Foundation, Inc.

(4) 2 members, with experience in and knowledge of tourism in the area of the Cane River American Heritage Area, submitted by local business and tourism organizations.

(5) 1 member submitted by the Governor of the State of Louisiana.

(6) 1 member submitted by the Police Jury of Natchitoches Parish in Louisiana.

(7) 1 member submitted by the Concerned Citizens of Cloutierville.

(8) 1 member submitted by the St. Augustine Historical Society.

(9) 1 member submitted by the Black Heritage Committee.

(10) 1 member submitted by the Los Adaes/Robeline Community.

(11) 1 member submitted by the Natchitoches Historic District Commission.

(12) 1 member submitted by the Cane River Waterway Commission.

(13) 2 members who are landowners in and residents of the Cane River American Heritage Area.

(14) 1 member, with experience and knowledge of historic preservation, submitted by Museum Contents, Inc.

(15) 1 member, with experience and knowledge of historic preservation, submitted by the President of Northwestern State University of Louisiana.

(16) 1 member, with experience in and knowledge of environmental, recreational, and conservation matters affecting the Cane River American Heritage Area, submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations.

(17) The superintendent of the Jean Lafitte National Historic Park and Preserve, or a designee.

SEC. 204. ESSEX AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;

(2) the North Shore of Essex County and Merrimack River valley contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force, and the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(6) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness and preservation and economic development through tourism; and

(7) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the area and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSES.—The purposes of this section are—

(1) to designate the Essex American Heritage Area in order to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the 3 primary themes of the Salem Maritime National Historic site and Saugus Iron Works National Historic site (the histories of early settlement and industry, maritime trade, and textile and leather manufacturing); and

(2) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the district.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Essex American Heritage Area (hereinafter in this section referred to as the "Heritage Area"), within the county of Essex in the Commonwealth of Massachusetts.

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map numbered NAR-51-80,000 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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 205. HUDSON RIVER VALLEY AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Hudson River Valley between Yonkers, New York, and Troy, New York, possesses important historical, cultural, and natural resources, representing themes of settlement and migration, transportation, and commerce;

(2) the Hudson River Valley played an important role in the military history of the American Revolution;

(3) the Hudson River Valley gave birth to important movements in American art and architecture through the works of Andrew Jackson Downing, Alexander Jackson Davis, Thomas Cole, and their associates, and played a central role in the recognition of the esthetic values of landscape and the development of an American esthetic ideal;

(4) the Hudson River Valley played an important role in the development of the iron, textile, and collar and cuff industries in the 19th century, exemplified in surviving structures such as the Harmony Mills complex at Cohoes, and in the development of early men's and women's labor and cooperative organizations, and is home of the first women's labor union in the United States and the first women's secondary school in the United States;

(5) the Hudson River Valley, in its cities and towns and its rural landscapes—

(A) displays exceptional surviving physical resources illustrating these themes and the social, industrial, and cultural history of the 19th and early 20th centuries; and

(B) includes numerous national historic sites and landmarks;

(6) the Hudson River Valley is the home of the traditions associated with Dutch and Huguenot settlements dating to the 17th and 18th centuries, was the locus of characteristic American stories such as "Rip Van Winkle" and the "Legend of Sleepy Hollow", and retains physical, social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups;

(7) the State of New York has established a structure, in the Hudson River Greenway Communities Council and the Greenway Conservancy, for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources and to link them through trails and other means; and

(8) the Heritage Area Committee jointly established by the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991) is expected to be the management entity for an American Heritage Area established in the Hudson River Valley.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the importance of the history and resources of the Hudson River Valley to the Nation;

(2) to assist the State of New York and the communities of the Hudson River Valley in

preserving and interpreting these resources for the benefit of the Nation;

(3) to maintain agricultural viability and productivity in the region; and

(4) to authorize Federal financial and technical assistance to serve these purposes.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Hudson River Valley American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 206. OHIO & ERIE CANAL AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and was a part of a canal network in Ohio that was one of the most extensive and successful systems in America during a period in history when canals were essential to the growth of the Nation;

(2) the Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to a position as the third most economically prosperous State in the Union in just 20 years;

(3) a 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures have been placed on the National Register of Historic Places;

(4) in 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant, under National Park Service new area criteria, in the designation of the Cuyahoga Valley National Recreation Area;

(5) the National Park Service found the Ohio & Erie Canal nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal"; and

(6) a 1993 Special Resource Study of the Ohio & Erie Canal Corridor, conducted by the National Park Service and entitled "A Route to Prosperity", has concluded that the corridor is eligible to become a National Heritage Corridor, an affiliated unit of the National Park System.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to the national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar; and

(2) to provide a management framework to assist the State of Ohio and its political subdivisions in developing and implementing a management plan for the area and developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreational, and scenic resources of the corridor.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Ohio & Erie Canal American Heritage Area (hereinafter in this Act referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, "A Route to Prosperity". The specific boundaries shall be those specified in the management plan submitted under subsection (e). The Secretary shall prepare a map of the area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Ohio & Erie Canal American Heritage Area:

(1) The Superintendent of the Cuyahoga Valley National Recreational Area.

(2) 2 individuals submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Historical Society.

(3) 8 individuals submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas, including—

(A) from each county, 1 representative of the planning offices of the county; and

(B) from each county, 1 representative of a municipality in the county.

(4) 3 individuals submitted by the county or metropolitan park boards of the Ohio counties of Cuyahoga, Summit, and Stark.

(5) 1 individual with knowledge and experience in the field of historic preservation, submitted by the Director of the National Park Service.

(6) 1 individual with knowledge and experience in the field of historic preservation, submitted by the Ohio Historic Preservation Officer.

(7) 1 individual who is a director of a convention and tourism bureau within the area, submitted by the Director of the Ohio Department of Travel and Tourism.

(8) 4 individuals, who shall include 1 representative of business and industry from each of the counties of Cuyahoga, Summit, Stark, and Tuscarawas, submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce.

(g) ASSISTANCE.—The Secretary may provide to public and private entities within the Heritage Area (including the management entity for the Heritage Area) technical, financial, development, and operational assistance. Assistance provided under this subsection shall be provided on a reimbursable basis through the Cuyahoga Valley National Recreation Area.

SEC. 207. SHENANDOAH VALLEY BATTLEFIELDS AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990 the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation and interpretation of these sites will make an important contribution to the understanding of the heritage of the United States;

(6) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(7) partnerships between Federal, State, and local governments and their regional entities, and the private sector, offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) to recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments and their regional entities, and the private sector, to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Shenandoah Valley Battlefield American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the areas of the Commonwealth of Virginia generally depicted on the

map entitled "Shenandoah Valley National Heritage Area", numbered SVNHA-80,006, 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

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 208. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the industrial and cultural heritage of southwestern Pennsylvania, including the city of Pittsburgh and the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland, related directly to steel and steel-related industries, is nationally significant;

(2) these industries include steel-making, iron-making, aluminum, specialty metals, glass, coal mining, coke production, machining and foundries, transportation, and electrical industries;

(3) the industrial and cultural heritage of the steel and related industries in this region includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including both the formation of many key unions, such as the Congress of Industrial Organizations (CIO) and the United Steel Workers of America (USWA), and crucial struggles to improve wages and working conditions, such as the Rail Strike of 1877, the Homestead Strike of 1892, and the Great Steel Strike of 1919;

(5) there are significant examples of cultural and historic resources within this 6-county region that merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Steel Industry Heritage Task Force, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education and revitalization; and

(6) the Steel Industry Heritage Task Force would be an appropriate management entity for a Heritage Area established in the region.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to foster a close working relationship between all levels of government, the private sector, and the local communities in the steel industry region of southwestern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 6-county steel industry region of southwestern Pennsylvania.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Steel Industry American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "The Steel Industry American Heritage Area", numbered SINHA-80,007, 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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 209. VANCOUVER AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the lower Columbia River basin and Vancouver, Washington, have been the focal point of a number of important periods, themes, and events in American history and prehistory, including native settlements, westward expansion of the British colonies and the United States from 1763 to 1898, political and military affairs from 1865 to 1939, and military affairs from 1914 to 1941;

(2) the Columbia River is the central feature around which the history of the proposed Vancouver National Heritage Area and the entire Pacific Northwest revolves;

(3) the proposed Vancouver National Heritage Area is located on the shores of the Columbia River, 78 miles from the Pacific Ocean, and the Columbia River has been an artery for communication and trade since prehistoric times;

(4) Fort Vancouver National Historic Site, a unit of the National Park System, was founded in 1825 by the Hudson Bay Company and its development from 1825 to 1860 was seminal to Euro-American settlement of the Northwest;

(5) the Vancouver barracks served as the principal administrative outpost of the United States Army in the Pacific Northwest from 1849 until World War I, served as a command post during the Native American Wars of the mid- to late-19th century, and provided major facilities for support of United States military ventures throughout the Pacific during the Spanish American War and the 2 World Wars;

(6) Pearson Airfield was the site of significant events in the history of aviation in the Pacific Northwest, was particularly prominent during the interwar period between 1923 and 1941, and today continues to be an important home to historic aircraft and historic aviation;

(7) the proposed Vancouver American Heritage Area contains a number of discovered and unrecovered archaeological sites significant to the history of North America and the growth of the United States;

(8) the proposed Vancouver American Heritage Area is located close to major metropolitan areas, including Portland, Tacoma, and Seattle, and is immediately adjacent to Interstate 5, the major north-south interstate of the Pacific Northwest; and

(9) many Federal, State, and local government entities, as well as numerous private organizations and individuals—

(A) have expressed a desire to join forces and work together in a cooperative spirit in order to preserve, interpret, and enhance the cultural, recreational, and educational potential of the proposed American Heritage Area;

(B) have already demonstrated their ability to effectively cooperate in the course of preparing the "Vancouver National Historical Reserve Feasibility Study and Environmental Assessment", as required by Public Law 101-523 (104 Stat. 2297); and

(C) are capable of forming the continued cooperative alliances needed to enter into a compact, identify a management entity, and establish an appropriate management plan for the proposed Vancouver American Heritage Area.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve, enhance, and interpret the significant aspects of the lands, water, structures, and history of the proposed Vancouver American Heritage Area; and

(2) to provide a partnership that will develop and implement an integrated cultural, historical, recreational, and educational land resource management program in order to achieve these purposes.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Vancouver American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Vancouver American Heritage Area", numbered VAAM-80,001, 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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section, except that the responsibilities of the management entity for the Heritage Area shall not extend to those lands under the control of the Department of the Interior or the Department of the Army. The management entity may enter into cooperative agreements and partnerships with these and other entities as appropriate to further the purposes of this Act.

(f) PEARSON AIRPARK.—

(1) TRANSITION.—(A) General aviation shall cease at Pearson Airpark not later than April 3, 2022, unless a continuation of general aviation is expressly authorized by an Act of Congress.

(B) Not later than January 30, 2010, the management entity for the Heritage Area shall submit to the Secretary a plan regarding general aviation at Pearson Airpark that is consistent with this section.

(C) Not later than June 30, 2010, the Secretary shall—

(i) approve such a plan and transmit the plan to the Congress; or

(ii) notify the Congress that no acceptable plan has been submitted under subparagraph (B).

(D) If the management entity fails to submit a plan acceptable to the Secretary under subparagraph (B) before June 30, 2010—

(i) the Secretary may not provide further assistance to the Heritage Area under this Act; and

(ii) the Secretary shall prepare such a plan for submittal to the Congress not later than June 30, 2011.

(2) HISTORIC AIRCRAFT DEFINED.—For purposes of this section, the term "historic aircraft" means any aircraft representing aviation in World War II or earlier.

(3) VIABILITY AND MITIGATION PLAN.—Any management plan submitted to the Secretary pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall include a Pearson Airpark Viability and Mitigation Plan that accomplishes the following:

(A) Identifies incentives and proposes regulations to facilitate a transition from the use of Pearson Airpark from predominantly general aviation to use for historic aircraft.

(B) Establishes a program to mitigate any conflicts related to the operation of Pearson Airpark and to other activities within the Heritage Area. The program shall, in coordination with the Federal Aviation Administration and other agencies as appropriate, address, but not be limited to, considerations of noise, safety, visual intrusion, and the location of new facilities. Mitigation measures shall include limitations on the number of air-worthy aircraft that may be based at the Airpark.

(4) PEARSON AIRPARK MUSEUM PLAN.—The management plan submitted pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall include a Pearson Airpark Museum Plan, which shall include budgetary strategies by which proceeds from general aviation and other sources will fund the Pearson Airpark Museum and other aviation curation activities.

(5) MITIGATION MEASURES AND CONDITIONS REGARDING GENERAL AVIATION.—The management plan submitted pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall permit general aviation at Pearson Airpark to continue until April 3, 2022, subject to the following conditions:

(A) Pearson Airpark and Pearson Airpark Museum shall be operated by the city of Vancouver or its designated entity. Beginning on June 30, 2002, the Secretary shall require payment at fair market value for any National Park Service lands leased within the boundaries of the Heritage Area, except as otherwise provided in this subparagraph. The Secretary may enter into agreements that provide that specific additional work performed or expenses paid by the city of Vancouver, which the city is not otherwise obligated to perform or pay under this or any other provision of law, may be used, fairly valued, to reduce or offset the amount of the obligation of the city to pay rent pursuant to this subsection.

(B) Not later than June 30, 2003, the city of Vancouver shall remove from National Park Service property in the Heritage Area all nonhistoric aviation-related buildings and devices, including T-hangers and associated taxiways, except buildings and devices necessary for navigation and safety.

(C) The city of Vancouver shall not be compensated for historic buildings remaining on National Park Service property, but shall continue to bear liability and responsibility for continued use and maintenance of these structures.

(D) No structural improvements or structural additions to any structure or facility of the Pearson Airpark Museum located on property of the National Park Service may be made without the approval of the Secretary.

(E) Helicopters shall not use Pearson Airpark except in cases of emergency, disaster, or national security needs.

SEC. 210. WHEELING AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Wheeling, West Virginia, and its vicinity possess important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce, industry, and Victorian culture in the United States;

(2) the city of Wheeling played an important part in the settlement of the Nation by serving as the western terminus of the National Road in the early 1800's, by serving as the Crossroads of America throughout the 19th century, by serving as one of the few major inland ports in the United States in the 19th century, and by hosting the establishment of the Restored State of Virginia, and later the State of West Virginia during the Civil War years;

(3) the city of Wheeling was the first capital of the new State of West Virginia, during the development and maintenance of many industries crucial to the expansion of the Nation, including iron, steel, and textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing, many of which are industries that continue to play an important role in the Nation's economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house, now Independence Hall, as a National Historic Landmark, with the designation of the historic suspension bridge as a National Historic Landmark, with 5 historic districts, and with many individual properties in the Wheeling area listed on or eligible for nomination to the National Register of Historic Places; and

(5) the heritage themes and number and diversity of the remaining resources of Wheeling should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the special importance of the history and development of the Wheeling, West Virginia, area in the cultural heritage of the Nation;

(2) to provide a framework to assist the city of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of resources in the Wheeling area that are emblematic of the contributions of Wheeling to the cultural heritage of the Nation; and

(3) to allow for limited Federal, State, and local capital contributions for planning and infrastructure investments to create the Wheeling American Heritage Area, in partnership with the State of West Virginia, the city of Wheeling, West Virginia, and their designees, and to provide for an economically self-sustaining American Heritage Area that will not be dependent on Federal assistance beyond the initial years necessary to establish the American Heritage Area.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Wheeling American Heritage Area (hereinafter in this Act referred to as the "Heritage Area") in the State of West Virginia.

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Boundary Map, Wheeling American Heritage Area, West Virginia", numbered WHNA-80,005, 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.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than—

(A) $5,000,000 for capital projects;

(B) $1,000,000 for planning and studies; and

(C) $500,000 for technical assistance.

(2) LIMITATIONS.—(A) Funds made available pursuant to subparagraph (A) or (B) of paragraph (1) for a capital project or for planning and studies regarding a project shall not exceed 50 percent of the total costs of the capital project or project, respectively.

(B) Funds made available under this section or any other Federal law for the Heritage Area or the Wheeling National Heritage Area (including the Wheeling project) may not exceed $6,500,000 in the aggregate.

(3) NOT ELIGIBLE FOR FUNDS UNDER TITLE I.—No funds may be appropriated under title I for purposes of the Heritage Area.

TITLE III—STUDIES REGARDING POTENTIAL AMERICAN HERITAGE AREAS

SEC. 301. OHIO RIVER CORRIDOR.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the amenities and resources of the Ohio River, which flows through 6 States from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River and comprises a chain of commercial, industrial, historical, archaeological, natural, recreational, scenic, wildlife, urban, rural, cultural, and economic areas, are of major significance and importance to the Nation;

(2) the national interest is served by—

(A) preserving, protecting, and improving such amenities and resources for the benefit of the people of the United States; and

(B) improving the coordination between all levels of government in the Ohio River Corridor;

(3) the preservation, protection, and improvement of such amenities and resources are failing to be fully realized despite efforts by the States through which the Ohio flows, political subdivisions of such States, and volunteer associations and private businesses in such States;

(4) existing Federal agency programs are offering insufficient coordination to State and local planning and regulatory authorities to provide for resource management and economic development in a manner that is consistent with the protection and public use of the amenities and resources of the Corridor; and

(5) the Federal Government should assist in the coordination, preservation, and interpretation activities of public and private entities with respect to the significant amenities and resources associated with the Ohio River.

(b) STUDY OF OHIO RIVER CORRIDOR.—

(1) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating the Ohio River corridor, from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River, as an American Heritage Area.

(2) REPORT TO CONGRESS.—On completion of the study required by subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 302. FOX AND LOWER WISCONSIN RIVER CORRIDORS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Fox-Wisconsin waterway is famous as the discovery route of Marquette and Joliet;

(2) as the connecting route between the Great Lakes and the Mississippi River, the waterway was critical to the opening of the Northwest Territory and served as a major artery in bringing commerce to the interior of the United States and providing a vital communication link for early explorers, missionaries, and fur traders;

(3) within the Fox and Lower Wisconsin River corridors are an abundance of historic and archaeological sites and structures representing early Native Americans, European exploration, and 19th-century transportation and settlement; and

(4) the unique aspects of the waterway, from the heavily developed portions of the Fox River to the pristine expanses of the Lower Wisconsin River, should be studied to determine the suitability and feasibility of the waterway for designation as an American Heritage Area.

(b) STUDY OF FOX-WISCONSIN RIVER CORRIDORS.—

(1) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as an American Heritage Area.

(2) REPORT TO CONGRESS.—On completion of the study referred to in subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 303. SOUTH CAROLINA CORRIDOR.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston, in the State of South Carolina, form a corridor, more than 250 miles in length, which possesses a wide diversity of significant rare plants, animals, and ecosystems, agricultural and timber lands, shellfish harvesting areas, historic sites and structures, and cultural and multicultural landscapes related to the past and current commerce, transportation, maritime, textile, agricultural, mining, cattle, pottery, and national defense industries of the region, which provide significant ecological, natural, tourism, recreational, timber management, educational, and economic benefits;

(2) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the region for the residents of, and visitors to, the corridor area;

(3) a primary responsibility for conserving, preserving, protecting, and promoting the benefits of the region resides with the State of South Carolina and the various local units of government having jurisdiction over the corridor area; and

(4) in view of the longstanding Federal practice of assisting the States in creating, protecting, conserving, preserving, and interpreting areas of significant natural and cultural importance, and in view of the national significance of the corridor, the Federal Government has an interest in assisting the State of South Carolina, its units of local government, and the private sector in fulfilling their responsibilities.

(b) STUDY OF SOUTH CAROLINA CORRIDOR.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the National Park Service, shall cooperate with the South Carolina Department of Parks, Recreation, and Tourism in preparing a study on the suitability and feasibility of designating the corridor formed by the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston, in the State of South Carolina, as an American Heritage Area.

SEC. 304. NORTHERN FRONTIER.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the area comprising Tryon County, in the Mohawk Valley of the State of New York, and the Country of the Six Nations (Iroquois Confederacy), known during the American Revolutionary War period as the "Northern Frontier", offers excellent opportunities to study a little known or understood aspect of the American Revolution—the frontier experience;

(2) the Northern Frontier territory was extremely valuable to both sides of the American Revolutionary War and was contested because of its geopolitical, military, agricultural, transportation, and commercial attributes;

(3) because a complex social, economic, and political society was emerging on the Northern Frontier, the Continental Congress established the Northern Indian Department to conduct affairs there, and the English made the area, and its Indian population, the centerpiece of the English strategy to split the colonies;

(4) due to the struggle to control the Northern Frontier, privation and hardship were inflicted upon nearly all who lived there, a diverse mix of ethnic and racial groups willingly and unwillingly thrust into the struggle for independence, leaving many dead, homeless, orphaned, or dislocated by the end of the hostilities;

(5) the tensions on the Northern Frontier reached such a pitch that hostilities erupted, pitting neighbors, families, tribes, and clans against each other, and led to a bloody, savage, and destructive battle;

(6) new interpretations and interdisciplinary studies of this human drama are not only necessary, but timely because of the abundant supply of assets in the area, including sites, buildings, celebrations, folklore, and collections, many safely preserved and many at risk; and

(7) if these Northern Frontier assets can be thematically related and portrayed for the education and enjoyment of Americans and foreign visitors, an important and often overlooked chapter in the heritage of the Nation will be displayed for the benefit and edification of all peoples.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating Tryon County, in the Mohawk Valley of the State of New York, and the Country of the Six Nations (Iroquois Confederacy) as an American Heritage Area.

(2) REPORT TO CONGRESS.—On completion of the study referred to in subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS

SEC. 401. BOUNDARIES, COMMISSION, AND REVISION OF PLAN.

(a) BOUNDARIES.—Section 2(a) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3625), is amended by striking the first sentence and inserting the following new sentence: "The boundaries shall include the lands and waters generally depicted on the map entitled 'Blackstone River Valley National Heritage Corridor Boundary Map', numbered BRV-80-80,011, and dated May 2, 1993.".

(b) COMMISSION MEMBERSHIP.—(1) Section 3 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3625), is amended—

(A) by amending subsection (b) to read as follows:

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 19 members, appointed as follows:

"(A) the Director of the National Park Service, or a designee, ex officio;

"(B) 5 individuals appointed by the Secretary after consideration of recommendations from the Governor of Rhode Island;

"(C) 5 individuals appointed by the Secretary after consideration of recommendations from the Governor of Massachusetts;

"(D) 4 individuals appointed by the Secretary to represent the interests of local government in the State of Rhode Island; and

"(E) 4 individuals appointed by the Secretary to represent the interests of local government in the State of Massachusetts.

"(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made."; and

(B) in subsection (c), by inserting immediately before the period at the end the following: ", but may continue to serve until a successor has been appointed".

(2) Paragraph (1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(c) REVISION OF PLAN.—Section 6 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3625), is amended by adding at the end the following new subsection:

"(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of the enactment of this subsection, the Commission shall revise the Cultural Heritage and Land Management Plan submitted under subsection (a) and shall submit the revised plan to the Secretary and the Governors of Massachusetts and Rhode Island for approval under the procedures referred to in subsection (b). The revision shall address any change in the boundaries of the Corridor that occurs after the submission of the plan required by subsection (a) and shall include a natural resource inventory of areas or features that should be protected, restored, or managed because of the natural and cultural significance of the areas or features.

"(2) No changes other than minor boundary revisions may be made in the plan approved under subsection (b) and revised under paragraph (1) of this subsection, unless the Secretary approves such changes. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).".

(d) TERMINATION OF COMMISSION.—Section 7 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amended to read as follows:

"TERMINATION OF COMMISSION

"SEC. 7. The Commission shall terminate on December 31, 2003.".

SEC. 402. IMPLEMENTATION OF PLAN.

Section 8(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amended to read as follows:

"(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan, submitted and revised under section 6, in a manner consistent with the purposes of this Act, and to assist in the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places, the Secretary is authorized to provide funds for projects in the Corridor that exhibit national significance or provide a wide spectrum of historic, recreational, environmental, educational, or interpretive opportunities, without regard to whether the projects are in public or private ownership. Applications for funds under this section shall be made to the Secretary through the Commission. Each such application shall include the recommendation of the Commission and its findings regarding the manner in which the project proposed to be funded will further the purposes of this Act.

"(2) The Commission shall not be eligible for funds under this section unless it submits to the Secretary an application that includes—

"(A) a 10-year development plan including the resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

"(B) specific descriptions of any projects that have been identified and of the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

"(3) Funds made available pursuant to this subsection for any project shall not exceed 50 percent of the total cost of such project.

"(4) In making funds available under this subsection, the Secretary shall give priority to projects that attract greater non-Federal than Federal funding.

"(5) Any payment made under this subsection for the purposes of conservation or restoration of real property or of any structure shall be subject to an agreement—

"(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

"(B) that upon conversion, use, or disposal of the real property or structure for purposes contrary to the purposes of this Act, the recipient of the payment, or the successors or assigns of the recipient, shall pay to the United States the greater of—

"(i) the total of all Federal funds made available for conservation or restoration of the real property or structure, reduced pro rata over the useful life of the improvements funded; and

"(ii) the increased value attributable to such funds, as determined at the time of the conversion, use, or disposal.

"(6) The determination that, for purposes of paragraph (5)(B), a conversion, use, or disposal has been carried out contrary to the purposes of this Act shall be solely within the discretion of the Secretary.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amended—

(1) in subsection (a), by striking "$350,000" and inserting "$500,000"; and

(2) by amending subsection (b) to read as follows:

"(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8 for fiscal years beginning after September 30, 1994, not more than $5,000,000 in the aggregate, to remain available until expended.".

TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT

SEC. 501. BRAMWELL NATIONAL HISTORIC DISTRICT.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the coal mining heritage of southern West Virginia is of historical and cultural significance;

(2) the town of Bramwell, West Virginia, possesses remarkable and outstanding historical, cultural, and architectural values relating to the coal mining heritage of southern West Virginia; and

(3) it is in the national interest to preserve the unique character of the town of Bramwell, West Virginia, and to enhance the historical, cultural, and architectural values associated with its coal mining heritage.

(b) STATEMENT OF PURPOSE.—The purpose of this section is to encourage the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell, West Virginia.

(c) DESIGNATION.—In order to preserve, protect, restore, and interpret the unique historical, cultural, and architectural values of Bramwell, West Virginia, there is hereby designated the Bramwell National Historic District (hereinafter in this section referred to as the "Historic District"). The Historic District shall consist of the lands and interest therein within the corporate limits of the town of Bramwell, West Virginia.

(d) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, to further the purposes of the Historic District.

(2) RATIO OF NON-FEDERAL FUNDS.—Funds authorized to be appropriated to the Secretary for the purposes of this subsection shall be expended in the ratio of 1 dollar of Federal funds for each dollar contributed by non-Federal sources. With the approval of the Secretary, any donation of land, services, or goods from a non-Federal source, fairly valued, may be considered as a contribution of dollars from a non-Federal source for the purposes of this subsection.

(3) AGREEMENTS REGARDING PAYMENTS.—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 any purpose contrary to the purpose of this section, as determined by the Secretary, shall result in a right of the United States to the greater of—

(A) reimbursement of all funds made available to such project; or

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of the conversion, use, or disposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA AMENDMENTS

SEC. 601. SHORT TITLE.

This title may be cited as the "Southwestern Pennsylvania American Heritage Area Amendments Act".

SEC. 602. DESIGNATION OF SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA.

The Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by adding at the end the following new title:

"TITLE III—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA

"SEC. 301. DESIGNATION.

"There is hereby designated the Southwestern Pennsylvania American Heritage Area, which shall be comprised of the region in southwestern Pennsylvania described in section 101(a).

"SEC. 302. CLASSIFICATION.

"The Southwestern Pennsylvania American Heritage Area shall not be considered to be an American Heritage Area for purposes of the American Heritage Areas Partnership Program Act of 1994 or the American Heritage Areas Partnership Program established by section 105(a) of such Act.".

SEC. 603. POWERS OF COMMISSION.

Section 103(h)(3) of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by inserting "or an appropriate private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986," after "public agency,".

SEC. 604. FEDERAL PARTICIPATION.

Section 105 of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended to read as follows:

"SEC. 105. PROCEDURES FOR FEDERAL PARTICIPATION.

"(a) REVISION OF COMPREHENSIVE MANAGEMENT PLAN AND SCOPE AND COST DOCUMENT.—(1) The Commission shall revise, to carry out this title in a manner that provides for limited Federal involvement, the management plan developed before the date of the enactment of this section. The Commission shall also revise the scope and cost document developed before the date of the enactment of this section to reflect the total cost of each project proposed for approval under this section and the Federal portion of such cost. Both the management plan and the scope and cost document shall be submitted to the Secretary for approval.

"(2) The Secretary shall approve or disapprove any management plan or scope and cost document submitted under paragraph (1) not later than 90 days after receiving such plan or document. If the Secretary disapproves the submitted management plan or scope and cost document, the Secretary shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the plan or document. The Secretary shall approve or disapprove a proposed revision to such a plan or document within 90 days after the date on which the proposed revision is submitted to the Secretary.

"(b) LOANS, GRANTS, AND TECHNICAL ASSISTANCE USING FEDERAL FUNDS.—The Commission may not make loans or grants involving Federal funds under section 104 except as provided in this subsection. The Secretary may provide a loan, a grant, or technical assistance, for the purpose described in section 104, pursuant to an application made to the Secretary through the Commission in accordance with procedures required by the Secretary. Each such application shall include the findings of the Commission regarding the manner in which the proposed loan, grant, or technical assistance will further the purpose of this Act. Each such application shall also include the recommendations of the Commission regarding the proposed loan, grant, or technical assistance. The Secretary may approve such an application only if the Federal funds provided pursuant to the application will be used in a manner that is generally consistent with Federal law relating to the type of project or activity to be funded, as determined by the Secretary. Federal funds made available for loans or grants pursuant to section 104 or this subsection may be used to provide for the preservation or restoration of historic properties in an amount not to exceed $100,000 for each project so assisted.

"(c) USE OF FEDERAL FUNDS.—(1) Federal funds made available under this Act with respect to projects may be made available only for projects that are consistent with the Standards and Guidelines for Historic Properties promulgated by the Secretary.

"(2) Federal funds made available under this Act after the date of the enactment of this section with respect to a project may be used only for planning and design with respect to the project, except that such funds may be used to complete construction commenced before such date regarding Saltsburg Canal Park or West Overton Village.

"(3) The total amount of Federal assistance provided under this section for a project in any fiscal year may not exceed 20 percent of the total amount of Federal funds made available for that fiscal year for the Southwestern Pennsylvania National Heritage Area.

"(4) Federal funds made available under this title with respect to a project may not exceed 50 percent of the total costs of the project. In making such funds available, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds. Any payment made under section 104 or 105 shall be subject to an agreement that conversion, use, or disposal of the project so assisted for any purpose contrary to the purpose of this Act, as determined by the Secretary, shall result in a right of the United States to the greater of—

"(A) compensation for all funds made available with respect to such project; and

"(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

"(5) No Federal funds made available to carry out this Act for fiscal years beginning after September 30, 1995, may be used to provide operational or maintenance support with respect to any building, site, or structure that is not owned by the Federal Government, except the Railroaders Memorial Museum, Saltsburg Canal Park, and West Overton Village. Such funds for the Railroaders Memorial Museum, Saltsburg Canal Park, and West Overton Village may not exceed $200,000 annually, in the aggregate.

"(6) No Federal funds made available to carry out this Act may be used for the construction of any visitor center, interpretive center, or museum, except West Overton Village.

"(7) The Secretary shall approve or disapprove the use of Federal funds made available pursuant to this title within 30 days after application for such funds by the Commission.".

SEC. 605. CONGRESSIONAL OVERSIGHT.

Section 104(b) of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended—

(1) in the first sentence, by inserting "and to the Congress" after "Secretary"; and

(2) by inserting after the first sentence the following: "Funds made available for a fiscal year to carry out this Act may not be obligated for that fiscal year until the report required for the preceding fiscal year by the preceding sentence is submitted to the Congress.".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Title I of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by adding at the end the following new section:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act the following:

"(1) For each of the fiscal years 1996, 1997, and 1998, $1,000,000 for planning and design, $1,600,000 for construction, $600,000 for grants and loans, and $400,000 for the operations of the Commission.

"(2) For that portion of fiscal year 1999 that occurs before the Commission ceases to exist under section 104(e), $250,000 for planning and design, $400,000 for construction, $150,000 for grants and loans, and $100,000 for the operations of the Commission.".

SEC. 607. PATH OF PROGRESS.

Title II of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended as follows:

(1) By amending the heading of the title to read as follows:

"TITLE II—PATH OF PROGRESS".

(2) By amending section 201 to read as follows:

"SEC. 201. IDENTIFICATION OF ROUTE.

"In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally and regionally significant sites in Southwestern Pennsylvania which are accessible by public roads, the Secretary, with the concurrence of the agency having jurisdiction over such roads, may provide signs, interpretive materials, and other informational devices for a vehicular tour route, commonly known as the 'Path of Progress Heritage Route'.".

The CHAIRMAN. Are there amendments to the bill?

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments offered 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:

(4) 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 Greene or Columbia.

(C) The counties of Rensselaer 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 follows 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".

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, these amendments reflect agreements reached among a bipartisan group of House Members, the administration and other interested parties on certain provisions of H.R. 5044, as introduced. Before consideration of H.R. 5044 under suspension of the rules last Tuesday, several changes were made to the bill as introduced. Now that we are considering the legislation under a rule, I am offering those changes in the form of en bloc amendments.

First, the amendment adds a requirement that the feasibility study required for all proposed American Heritage areas contain an inventory of the amount of land in the area owned by public, private, and private nonprofit entities respectively. American heritage areas will contain active communities with a variety of resources and multiple uses, and some have expressed concern that the Federal involvement will negatively impact the rights of private property owners. Because the feasibility study provides the basis for further action with regard to American heritage area designation, I believe it is appropriate to document the ownership patterns at this stage, and I have agreed to include this requirement in the legislation.

Second, the amendment contains a provision disclaiming any requirement to change land-use regulation as a condition of approval of a compact, management plan, or a revision thereof. H.R. 5044, as introduced, makes no changes in current authority to regulate land use. State and local entities already responsible for zoning and other land-use regulations will continue to have this authority. New authorities have been neither provided nor anticipated as the result of enactment of this legislation.

However, some remain concerned that secretarial approval of compact or management plans will be conditioned upon the enactment of stricter land-use controls in American heritage areas. This provision states that nothing in this title shall be so construed. While the Secretary will be responsible for ensuring that Federal funds are expended responsibly and the Federal investment in these areas is protected, only local and State authorities currently authorized to do so may require changes in land-use regulation.

Third, the amendment changes the Federal consistency requirement to direct that Federal entities conducting or supporting activities within an American heritage area should consult with the Secretary of the Interior and coordinate those activities to the extent practicable. H.R. 5044 as introduced had provided for such consultation and coordination of activities directly affecting an American heritage area. Concerns were raised about the broad scope of this requirement in the bill as introduced, and I have agreed to limit the requirement to the boundaries of the American heritage area.

Let me make clear at this point, that this requirement does not subordinate other Federal agencies to the Secretary of the Interior. The affected Federal entities may take such actions as they deem necessary regardless of the Secretary's views. This provision merely requires appropriate coordination to eliminate wasteful duplication of efforts and to minimize the impacts of action which may adversely affect the resources contained in the American heritage area. Our interest is not in ceding control of all Federal activities to the Secretary of the Interior or to the management entity, but in assuring consistency and savings in areas where more than one Federal agency is involved.

Fourth, the amendment cuts the funding authorized for the American Heritage Areas Partnership Program. Based on estimates by the administration, H.R. 5044 had authorized $10 million annually for studies, plans, and early actions, and $25 million annually for development. While these funds will be drawn from an already authorized source, the Historic Preservation Fund, some have suggested that the program should be curtailed. Accordingly, I have agreed to limit the budget for studies, plans, and early actions to $8 million annually, and the budget for development to $14.5 million annually.

Let me stress that this continues to be a modest program. The budget for the entire National Park Service is $1.4 billion, and we are authorizing $22.5 million for the 10 areas designated by this legislation, and these Federal dollars must be matched. This program is a true partnership between Federal, State, local, and private entities. It is cost-effective, yet provides for the preservation of significant national resources. These minimal amounts will be leveraged in ways that will save the taxpayers money while providing appropriate assistance.

Fifth, the amendment addresses a particular concern with the designation of the Hudson River Valley American Heritage Area. I have worked closely with my colleague, Representative SOLOMON, who represents these areas of the Hudson River Valley, and we have agreed to require that political subdivisions within the counties of Greene and Columbia, and in certain parts of the counties of Rensselaer and Dutchess, must agree to be included in order to participate in the program.

The American Heritage Areas Partnership Program is designed to be voluntary. Procedurally, local groups petition the Secretary for study and inclusion in the program. Local entities will manage the areas so designated, and there is a requirement that all Federal funding be matched. Neither Congress nor the administration is interested in requiring participation, and I am pleased that this section underscores that understanding.

Finally, the amendment addresses particular concerns raised by Representative UNSOELD with respect to the Vancouver American Heritage Area. The language simply clarifies that work called for in the bill for the city of Vancouver to perform to improve National Park Service property may be among the in-kind services that the Secretary may permit to offset a portion of the fair market rental payments required of the city, under this act, for its use of Park Service land.

To summarize, Mr. Chairman, these en bloc amendments are the result of negotiations with Members who had expressed concerns about several provisions of H.R. 5044, as introduced. I am pleased that we were able to work out these disagreements, and I urge support for these en bloc amendments which improve the legislation.

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The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, I yield to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman's yielding to me.

Mr. Chairman, I hope Members realize we have worked a long time on these en bloc amendments. These are a result of work between myself and the chairman of the committee, and many members of the committee. I would hope that the Members would go along with us on this one, get this behind us, and let us get to some of these others.

Mr. TAUZIN. Mr. Chairman, I rise in support of the Vento en bloc amendments, and commend the gentleman for some of the improvements to the bill that he discussed with us over the last 5 minutes.

Let me suggest, Mr. Chairman, for example, that this amendment, like our own amendment, contains a provision clarifying that nothing in these heritage plans will mandate the modification of land use regulations by local authorities. Our language, which will come a little later, actually makes that even, if it is possible to say this within the English language, more clear. We will attempt to do that within our own version of language coming up soon. However, I commend the gentleman for the effort.

Let me point out, however, Mr. Chairman, that the gentleman, in an earlier statement, acknowledged something that I hope the House paid some attention to. The gentleman from Ohio [Mr. REGULA] mentioned that hundreds of landowners would be affected.

The gentleman from Minnesota [Mr. VENTO] quickly jumped in and said thousands, and he has reiterated that point later on. What a nightmare, to go check with thousands of landowners to find out whether they should be included in one of these heritage areas that will regulate the use and value of their property.

Mr. Chairman, let me suggest that the nightmare is that thousands of homeowners, landowners, farmers, ranchers, ordinary citizens, thousands of them would never be consulted to find out if they wanted to give their consent to be regulated in this way, if the Tauzin amendment is not later on adopted. The Tauzin-Grams amendment will protect that right to consent for those thousands of citizens who ought to be consulted.

If it is a nightmare to check with them, so be it. The nightmare in America is when we are never consulted and our land is taken from us, and we never get compensated, and the Government says, "We did not take your fee title away, we did not take the title away at the courthouse, so what are you complaining about, even though we took away your right to use your property, to enjoy it, and to exercise what is commonly understood under the Constitution to be the value in your property?"

Mr. Chairman, in this bill we have a provision, in fact, that is most pernicious. It is a provision that says the Government cannot pay a landowner, and the authors tell us that is a property rights protection. This provision says a landowner can lose his right to use, he can lose his right to enjoy, and this bill says the Government is forbidden to pay him for the property it took from him.

If there ever was a provision in a bill that was most pernicious, most damaging to property owner rights, it is that one, and believe it or not, the authors cited in defense of this bill it having no effect on property rights.

Mr. Chairman, let me assure the Members that if thousands of their constituents, and the Members saw the map a moment ago, how broad these corridors are, if thousands of their constituents living in these corridors are never consulted, never given the chance to say "Yes, we want in or out," I want to suggest that I guarantee there will be lawsuits flying. Everybody will have cases like Dolan versus the City of Tigard, where somebody is complaining that property has been taken without their consent and without compensation.

I want to point out something. The fifth amendment to the Constitution, like most of the amendments of the Bill of Rights, guarantees individual protections, not Government protections. They are there to protect every one of us against Government action. The provision of the fifth amendment that says our Government cannot take our property, with bulldozers or regulations, cannot take it without compensating us, is a provision there to protect civil liberties in America.

We are discussing today, Mr. Chairman, a civil right in America. We are discussing a civil right as sacred as speech, as the practice of religion, as the right of assembly and due process. Those are not my words, those are the words of the Supreme Court in Dolan versus the City of Tigard. The civil right to own property and not have the Government take it from you without paying for it is as important as those other incredibly important civil rights in America.

Mr. Chairman, when it came time for us to protect individuals' civil rights in this country, this body responded. It responded during the great civil rights era. It responded by saying "Every citizen, large and small in this society, rich and poor, has the same individual rights under our Constitution, and no action of government, acting for the best of purposes, can take them away from us." It says the majority cannot infringe upon the rights of the individual.

For the good purposes of heritage protection, we cannot take people's property away from them without their consent or without compensation.

As we adopt these en bloc amendments, Mr. Chairman, I again commend the chairman of the committee for making an effort. However, this is not an amendment we drew up together. The amendment we are offering, the Tauzin amendment, is a property rights protection amendment.

The Tauzin-Grams amendment, if adopted, will make this bill a much better bill, and let me clarify the record, please. I should have hoped that the gentleman from Minnesota [Mr. VENTO] had done it, but let me do it.

Mr. Chairman, I do not know what other people want to do in this debate. I do not want to kill this bill. I want to pass it, but I want to pass it with these good amendments, just as we passed the Desert Protection Act and the Headwaters Forest Act.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 5044, the American Heritage Areas Partnership Program Act, a bill which establishes a procedure within the Department of Interior to designate and manage national heritage areas.

Mr. Chairman, this measure designates 10 specified areas as American heritage areas, including an area located in the Hudson River Valley of New York. This area, the Hudson River Valley between Yonkers and Troy, NY, is a 150 mile corridor that is the gateway to America. Not only does this corridor possess invaluable scenic beauty and wondrous natural resources, it also retains important historical and cultural values indigenous to the Hudson Valley region and the origins of our Nation.

The proposed legislation will not only supply national recognition of the importance of the Hudson River Valley as a cultural and historic landscape, but also provides for a region-wide management plan to implement important preservation, interpretive and protective measures.

Accordingly, Mr. Chairman, I ask my colleagues to support this important legislation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

The amendments were agreed to.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 103, after line 10, insert the following:

TITLE VII—BUY AMERICAN POLICY

SEC. 701. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF THE CONGRESS.—It is the sense of the 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 REQUIREMENT.—In using funds made available under this Act to provide financial assistance to, or enter into any contract with, any entity, the Secretary, to the greatest extent practicable, shall provide to the entity a notice describing the statement made by the Congress in subsection (a).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, several things before we get started. I want to commend the gentleman from Minnesota [Mr. VENTO], the chairman of the committee, the ranking member, the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. REGULA], who has been a real leader on this issue in Ohio, the gentleman from Louisiana [Mr. TAUZIN], and everybody involved with the bill. This is a good bill. We should pass it.

Later today, Mr. Chairman, I hope to God we do not bring up the godawful trade treaty, GATT, but if we do, the great ambush to taxpayers around here, I hope the rule is defeated, and I hope the Speaker is listening and he pulls it from the schedule before he loses 4 or 5 Democrat seats.

□ 1330

Mr. Chairman, I have an amendment here that the Committee on Ways and Means basically never really supported. I don't know what the hell they support. It is a little Buy American amendment that says if there is money to be expended, let us try and encourage that the money be expended on products made in our country. It does not tie anybody's hands.

I also want to invite the ranking member and the chairman to my valley to see an area that should be, I think, designated a heritage area under this legislation. I think this is great for America. I am glad to see you taking it on.

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

Mr. TRAFICANT. I yield to the gentleman from Minnesota, the chairman.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

I support the amendment he has, a Buy American amendment he wants to add to the legislation. I think the application of it is acceptable to me. I have no objection to it. I know that there was some comment earlier about a number of areas that are proposed as heritage areas, and the gentleman from Ohio has one of them. I might point out that every area that does end up being proposed has to be acted on by Congress. We intend to designate them. Nothing is going to happen by accident. Very often the actions of the Park Service with regard to historic districts or landmarks are something that is an administrative action that does not necessitate action by Congress. That has, of course, embroiled us sometimes in controversy. But the gentleman from Ohio has one, and has this amendment. I support the amendment. I certainly want to cooperate with the gentleman in terms of the evaluation of the Ohio valley area that he represents concerning heritage areas.

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

Mr. TRAFICANT. I yield to the gentleman from Utah, the distinguished ranking member.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Ohio yielding.

Mr. Chairman, I listened intently to the comments that he made and the words that he said. I have to agree with everything he said. I think the amendment he came up with plus his other verbiage was excellent. I agree with it, and I support the amendment he has come up with. It is well drafted, well thought out. I would urge support from all of us to go along with the gentleman from Ohio.

Mr. TRAFICANT. I thank the chairman and the ranking member.

Let me say this, also: Today there is a vote on final passage of S. 986, the Corinth, MS battlefield. There has been a lot of contentious moments around here, but it is very important to the gentleman from Mississippi [Mr. WHITTEN]. I would hope that Members listening would realize that and look at that measure. I urge an aye vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer amendments, en bloc and I ask unanimous consent that the amendments be considered as read and printed in the RECORD, and that debate on my amendments and all amendments thereto be limited to 1 hour, with the time to be equally divided among myself, the gentleman from Ohio [Mr. REGULA], the gentleman from Minnesota [Mr. VENTO], and the gentleman from Minnesota [Mr. GRAMS].

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the amendments is as follows:

Amendments offered 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 in 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.

AMENDMENT OFFERED BY MR. REGULA TO THE AMENDMENTS OFFERED BY MR. TAUZIN

Mr. REGULA. Mr. Chairman, I offer an amendment to the en bloc amendments.

The Clerk read as follows:

Amendment Offered by Mr. REGULA to the amendments offered by Mr. TAUZIN: In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 105—

(1) Strike "PRIVATE PROPERTY OWNERS" and insert "LOCAL GOVERNMENTS";

(2) strike "privately owned property" and insert "county, city, or town"; and

(3) strike "area unless" and all that follows through the period and insert the following "boundaries of the area unless the government of such county, city, or town agrees to be so included and submits notification of such agreement to the Secretary."

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments offered to section 106—

(1) strike "line 19" and all that follows through "own the property." and insert the following "strike lines 13 through 19 and redesignate the following subparagraphs accordingly."; and

(2) strike "Page 15, line 18" and all that follows through "line 3 on page 17."

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 107, strike "Page 18, beginning" and all that follows through "line 23 and insert a period."

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 108, strike "Page 24, line 14" and all that follows through "insert '107(c)(1)'.".

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 109—

)1) strike "Page 25, strike" and all that follows through line 3; and

(2) strike "Page 29" and all that follows through "page 30." and insert the following:

Page 30, line 3, insert "and" after the semicolon.

Page 30, line 7, delete "with the" and all that follows through line 14 and insert the following. "to minimize any real or potential adverse impact on an American Heritage Area.".

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 15 minutes, the gentleman from Ohio [Mr. REGULA] will be recognized for 15 minutes, the gentleman from Minnesota [Mr. VENTO] will be recognized for 15 minutes, and the gentleman from Minnesota [Mr. GRAMS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. Chairman, I will be very brief. We have discussed this amendment previously. Let me reiterate. The amendment basically contains three features. The first feature is the landowner consent feature. It simply says in this limited area of these heritage programs that landowner's consent must be obtained to be covered by the area of the heritage protection.

This landowner consent amendment, if adopted, if the gentleman from Ohio [Mr. REGULA] does not strike it, will in effect provide landowner protection in this bill so that we do not have to offer a compensation amendment as a backup. If this amendment is deleted from our set of amendments and landowner consent is not required in this bill, we will be offering a separate amendment later to provide for landowner compensation.

The second and very important parts of the amendment provide in effect that the language of the bill demanding consistency with all other programs and in effect making it more difficult to conduct ordinary programs like flood control and housing programs and economic development programs is out of the bill. As the gentleman from Minnesota [Mr. VENTO] pointed out, he did amend this section but it is still very much present in the bill. We suggest it ought to be eliminated from the bill.

Finally, the last part of our amendment deals with basically the authority of the Secretary to approve these regional contracts but limits his authority to dictate to the local heritage management entities the terms and conditions of the plan, in effect, guaranteeing more local flexibility for the plans. In short, our amendments provide for local authority and flexibility, it takes away this broad and incredible Federal grant of consistency with other Federal programs, and, lastly, it provides for landover consent.

The gentleman from Ohio [Mr. REGULA] will attempt to take away the landowner consent feature. I urge Members not to adopt the Regula amendment, because if it passes, we are going to then come with the compensation amendment as we did in the Desert Protection Act in order to ensure that landowners affected by regulations in this bill will either give their consent or be allowed to seek compensation and recover, as the Supreme Court in Dolan versus Tigard has clearly said landowners have a right under the fifth amendment of our Constitution.

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

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

Mr. Chairman, the real issue here is this question of landowner consent. On the surface. it sounds rather innocuous. The landowner has to consent to be in the boundaries. As has been pointed out by the chairman and myself, this could involve thousands and thousands of parcels. Not that there is any taking, not that there is any limitation on their use of the land. Let us make it clear. The fact that there is a boundary does not impact on the landowner in any way. There is just a boundary out there.

Let me point out that I have here letters from county commissioners and mayors. I would just like to read one which I think embodies what is in all of these letters. This is from the Commissioners in Stark County.

This proposed legislation seems to have become a debate over the issue of private property rights. As representatives of county government elected representives, we are strong advocates for private property rights and the rights of state and local government. The Heritage Area designation, however, in no way negatively impacts the rights of the local jurisdictions. In fact we view this as a recognition of the importance of local initiatives in these regards.

One amendment to be offered by Congressman Tauzin as we read it would impose significant extra burdens on the local jurisdictions and in particular the management entity of the heritage area, to the point that it would discourage participation in the program. A written consent provision would require that the management entity, in the case of the Ohio and Erie Canal, would literally have to identify and contact tens of thousands of individual property owners along the 87 mile corridor, a nearly impossible task which would be unnecessarily costly and time consuming.

Another idea is the elimination of the requirement that heritage areas meet professional standards, subject to approval by the Secretary of the Interior. For areas such as the Ohio and Erie Canal, where so much time and so many resources have been invested in developing a top-notch program, this proposal to dilute the Heritage Areas program and its limited funding by supporting programs that would not meet standards of quality, is highly undesirable.

□ 1340

It says "we," and these are the commissioners speaking, up and down the 87 miles and the mayors and the people,

We are strong advocates of local rights and private property rights, but also strong supporters of the American Heritage Areas legislation as currently drafted. We believe this bill safeguards our rights while at the same time affording us an opportunity to enter into a beneficial partnership with the Federal Government to preserve important features of our cultural heritage. The American Heritage Area designation will enhance our communities in terms of economic development potential and quality of life for our residents and will preserve unique features of our natural and cultural landscape for generations to come.

Let me say again what is involved in the Tauzin amendment. They are boundaries. The boundaries do not require any taking, they do not impose any zoning changes, they do not limit the use of the property by the landowners, and to say that there would have to be consent would be like saying if you are going to build an interstate highway you have to go back perhaps 5 miles on both sides and get the consent, written consent of every property owner to build a highway. It would become impossible.

One of the popular things we hear now is unfunded mandates. What we are talking about here is an even more onerous unfunded mandate because we are saying to the local entities that are participating in these heritage corridors that they shall go out, (a), identify every property owner within this corridor, and (b), go see that property owner and get written consent, I do not know exactly to do what, because we are not taking the property or limiting the use. I guess the written consent as to whether or not there ought to be a heritage corridor. I have all of these letters from people living on the corridor saying, "We want it."

But the cost would be prohibitive for a group that is made up of volunteers, that is made up of local governments, and that is really a co-op effort and local initiative.

In the substitute that I am proposing we do say to the counties to have this heritage corridor the counties first have to opt in because the local commissioners that are elected, represent the people and they are right there within the community. So we say OK, we want the counties to opt in because their cooperation is very important to the enhancement and development of these features in a corridor.

In my substitute we accept a number of the Tauzin proposals because we are interested that in every way possible, common sense be used to protect local property rights. We use the Solomon language that we have used for the forest legacy bill suggested by our distinguished colleague from New York to protect his local communities under the forest legacy, and we give the local communities the right to opt in if they choose to be part of it. We have done exactly the same thing in the substitute, and we have tried as much as possible to accept the portions of the Tauzin amendment that I think make sense. But we simply cannot put a burden on the volunteer groups with a very limited amount of resources to go up and down the way, to go to the courthouse and try to identify these thousands and tens of thousands of properties and go visit each property. It would be an impossible task.

So the thrust of the Tauzin amendment requiring the written consent is in effect a killer amendment. There is no practical way that these local groups could do that, and we do not require it. We never have on other items, only where there is a taking, and there is no taking, there is no impact on zoning, there is no impact on land use regulations. This bill depends entirely on

local effort, local cooperation, and I urge the Members to support the amendment to the amendments so that we have a bill that does protect private property rights to the greatest extent possible.

The en bloc amendment offered by the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee, already went a long way. As I said earlier to the 273 Members that supported this initially, we have clarified, we have gone further, reduced the amount of money and gone further in making it very clear that we are in no way encroaching on private property rights. That is a subject that should be dealt with as a policy matter on a separate piece of legislation. But it would be a tragedy to lose the ability of these 10 areas across the United States to enhance and develop great opportunities for their people to cause economic development because the quality of life would be improved, to preserve their historical heritage, their environmental heritage and provide for families and for young people and people of all ages a chance where they could enjoy the open spaces of their community on a daily basis.

I strongly urge the Members to support the amendment to the amendments and reject the Tauzin amendment as such.

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

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

First of all, Mr. Chairman, I would like to thank my colleague, the gentleman from Louisiana [Mr. TAUZIN], for working with me on this very important commonsense amendment.

Mr. Chairman, I rise in strong opposition to Mr. REGULA's substitute to the Tauzin-Grams amendment. While its goals are well-intentioned, it does not go far enough to protect the individual private property rights embodied in our Constitution.

The protection of an individual's private property is one of our Constitution's most important rights. It is a sacred right our Forefathers fought to defend and today we can help to ensure that their efforts were not in vain.

Having grown up on a farm and currently representing rural areas of Minnesota, I am fully aware of the negative impact that well-meaning environmental regulations on private property and their associated litigation have on rural Americans.

In 1990 alone, 53,000 pages of Federal Government regulations were issued on the use of private property. These regulations undoubtedly have placed severe limitations on the use of private property, have substantially reduced land values in some cases, and have created financial worries for many rural economies. Unfortunately, H.R. 5044, even with the Regula substitute, continues this unfair trend by failing to give individual landowners the choice to opt out of a heritage area.

The Regula substitute only gives counties, not individuals, the choice to opt out of an American heritage area. It guts the true democratic intentions of the Tauzin-Grams amendment by failing to give individual landowners the rights they need to protect themselves from what could potentially be Washington-based land use regulations.

The Regula substitute also imposes more unfunded Federal mandates on local governments. Unfunded mandates cost localities an estimated $11.3 billion in 1993 and are expected to rise to over $88 billion over the next 5 years. Our municipal, township, county, and State governments have begged Congress to stop legislating mandates without footing the bill—yet this is exactly what the Regula substitute does.

As if this were not bad enough, the Regula substitute is yet another example of Washington imposing its Government-knows-best attitude on the people. It assumes that Government entities have more knowledge than individual landowners when it comes to managing private land resources.

Instead of voting for this bad amendment, I urge my colleagues to support the real private property protections embodied in the Tauzin-Grams landowner consent amendment. Unlike the Regula substitute, it requires the written consent of the individual landowner for his or her land to be included within a heritage management area.

The Tauzin-Grams amendment is a well-balanced measure which protects the environment and individual private property rights, as well as the sovereignty of local governments. It enjoys bipartisan support and is endorsed by the American Farm Bureau, the National Cattleman's Association, the National Association of Homebuilders, the National Association of Realtors, the National Federation of Independent Businesses, and more.

I urge my colleagues to vote against the Regula substitute and support real private property rights protection as outlined in the Tauzin-Grams landowner's consent amendment.

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

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL], a cosponsor of the Regula amendment.

□ 1350

Mr. RAHALL. Mr. Chairman, I thank the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], for his hard and persistent work in bringing this legislation once again to the floor today.

Mr. Chairman, I rise as a cosponsor of the Regula/Rahall substitute amendment to the pending amendment.

Mr. Chairman, the amendment offered by our colleague, Mr. TAUZIN, is premised on a gross misperception of what the pending legislation entails.

To be clear, the pending legislation does not infringe upon the rights of private landowners. Nor does it infringe upon local zoning or land use planning decisions.

Nobody is forcing anybody located within a proposed heritage area to do anything.

Let me repeat that. This legislation does not force anybody located within a proposed heritage area to do anything. Plain and simple.

As a matter of fact, the bill goes so far as to state that no Federal funds can be used to acquire property within a heritage area, even, I might add, when you have a willing seller situation.

These are the facts. It is all set forth in the bill.

Yet, here we go again. The so-called property rights bandwagon rolls on.

It kind of reminds me of that TV commercial for a battery company with the rabbit mechanically marching on and on, banging on its drums, through every situation and every environment.

In my view, agendas are being pursued under the banner of allegedly protecting the property rights of the average law abiding American citizen that do not have anything to do with actually protecting their property rights.

And I say this because nobody's property rights would be adversely affected under the pending legislation.

Mr. Chairman, the record does not support the adoption of this amendment, and the clear reading of what this legislation would do does not support the adoption of this amendment.

I have a heritage area included in this bill. And I can guarantee you that there will be no infringement upon private property in southern West Virginia under this legislation.

However, we find ourselves at the end of this Congress, and if you find that you simply have to vote for some type of amendment, the proper course of action to take is to vote for the pending Regula-Rahall substitute.

What it says is that only those properties which a county, city, or town has agreed to be included within the boundaries of a heritage area, may be included on the inventory of significant resources located within the heritage area.

This action would be taken within the context of the management plans that are to be developed for each heritage area.

As such, the Regula-Rahall amendment clarifies that the applicable unit of local government would decide which significant cultural or historic resources located within a heritage area are to be a priorities for preservation or restoration under a management plan.

To adopt the Tauzin-Grams amendment without this perfecting amendment would be to strike at the very authority many localities have in this Nation to engage in local land use planning and zoning in order to protect the public health, safety and environment.

This would be a terrible precedent to establish, is not in the public interest, and is not an action necessary to be taken within the context of this bill.

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

Mr. Chairman, I want to reiterate a correction in the RECORD. Our amendment does not affect current local zoning regulations whatsoever, nor authority whatsoever.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I was going to use the same rabbit as my colleague, the gentleman from West Virginia, used, but with a little different context, because it is the private property owners of America who feel like we are being run over constantly by the same little rabbit, always saying the same things.

A private property owner does not care whether it is a local government riding in, it does not matter whether it is the mayor or the President of the United States making a Government determination as to how in fact a private property owner's land is going to be used. Your arguments, I say to the gentleman from West Virginia [Mr. RAHALL], both of the authors of this amendment and the substitute, the argument you are making I happen to be involved as many of my Texas colleagues right now in an actual on-the-line, actual example of which nonintended circumstances are happening because of laws having been passed by the Federal Government concerning the utilization of private property.

Now, whatever the merits of this legislation, it seems to me if it is as good as you contend that is, there will be no difficulty getting the consent of a private property owner to utilize that land if it is as good as you contend it to be.

But there must be something wrong with it. One of the things that I think is wrong with it is I have found that every single time a nonproperty owner chooses to use somebody else's property, they are for it; they are for it, for the public good. We have laws that protect those. It is called eminent domain. If you are going to take someone's property for any use, you must compensate that individual.

Now, that is why some of us are beating that drum, and we are going to continue to beat that drum, because we believe that we have passed far too much good-sounding legislation for all of the right reasons that have the wrong end effect, and the wrong end effect begins to cost the individual private property owner the utilization of their land or the value of their land.

Yes, I feel very strongly about it. I disagree totally with this weakening amendment today, because we are experiencing right now in Texas the end effect in the Endangered Species Act of good-sounding, good legislation that will not affect any property owner, but it is literally taking thousands of dollars of value away from individuals.

So I hope we will adopt the Tauzin-Grams amendment today. I hope we will do what we should be doing in all legislation, which is beginning to again recognize the priority and importance of individual private property rights, and before we take it, whether it is the mayor or the President, there are certain rules that we ought to follow.

Let us not circumscribe them today.

The CHAIRMAN. I rise in strong support of the Tauzin-Grams amendment to H.R. 5044, the American Heritage Partnership Act.

H.R. 5044 would establish new Federal land-use controls for areas designated as heritage areas, which could severely limit the landowner's property rights without compensation. This bill makes a poor attempt to protect private property rights by prohibiting land acquisitions, but contradicts itself by requiring Federal agencies to identify and promote compatible land management activities. These Federal land-use plans will infringe upon property rights by restricting the ability of landowners to utilize property.

Therefore, I strongly support the amendment offered by Mr. TAUZIN of Louisiana and Mr. GRAMS of Minnesota that gives individual landowners within these heritage parks the freedom not to have their land included in these systems. If they do not have this option, their land will be subject to any land-use restrictions which would be included in the land-use management plan approved by the Secretary of the Interior. Among other things, the Tauzin-Grams amendment would require that landowners give their written consent before their lands could be included in an American heritage area. Furthermore, it deletes the language that requires, to the maximum extent possible, all Federal actions to be consistent with the heritage management plan, unless there is no other practicable alternative. This type of language has created many of our current problems both with the Endangered Species Act and with wetlands regulation. If this language is left in the bill, it will make it more difficult to conduct an activity in these areas that requires a Federal permit or any use of Federal funds.

I strongly urge my colleagues to support the Tauzin-Grams amendment and protect the rights of private property owners.

Mr. GRAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, the difference between America and the rest of the countries around the world is that, you know, we believe in the individual person in our country, and we believe in private property. That separates us from all of the other nations of the world, and certainly separates us from the other isms of the world and creates a freedom unknown really to most people on this globe. We fight to protect those very rights, the individual and private property.

In this situation, we are not sure, honestly, what infringement there may or may not be on private property rights, because in many of these areas, the heritage proposed areas, the local committees have not met, the cities have not met, and the Secretary of the Interior has not yet been consulted. He will be, as you follow this bill.

I have had personal experience here in this kind of thing on the Columbia River, the Columbia River Gorge. Many of you may remember that.

In that situation, inholders, private property people, were surrounded by a corridor that extends up and down the Columbia River, a beautiful spot, and yet they have to have Government authorization to paint their houses. They cannot plant a tree on their private property without consent of the Government, and they certainly cannot change their homes or build a barn without Government consent.

Now, there will be inholders around and inside of these heritage areas, and the Tauzin amendment asks only one thing, if a private property owner does not want in, let him out. That is a choice we have. We are not mandating that private property be out at all. We are asking that private property owners have the choice.

It is a very simple, straightforward amendment, and I might say that, indeed, if all of the arguments you have heard here that, in fact, private property is not in peril, that zoning ordinances are not in peril, why not accept the amendment? It cannot hurt the bill, and it certainly will make a lot of people in America rest more easily at night, because finally they know their freedoms are intact in this legislation.

So I ask you again, support the Tauzin amendment. And, by the way, I should set the record straight, I mentioned that the National Association of Counties supported the Tauzin bill. The National Association of Counties opposed the amendment to the Tauzin bill.

□ 1400

These are the counties that are affected, these are the counties that are crying about unfunded mandates; these are the counties that we all think we would like to support. So please vote for the Tauzin amendment.

Mr. VENTO. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. I thank the very fine chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to the private property provision of the en bloc amendment, and in support of the Regula substitute.

Mr. Chairman, everyone agrees that the rights of private property owners must be protected and preserved. It is a concept that is fundamental to our Nation and is protected by the Fifth Amendment to the Constitution.

The American Heritage Partnership Act does more to protect the rights of private property owners than any piece of legislation in recent memory.

American Heritage Areas are places of national significance that deserve special attention and protection. But this bill gives no special attention or protection to any area without the express consent of the local community.

Each American Heritage Area is developed in coordination with local and Federal governments, nonprofit organizations and the private sector, and funded on a 1-to-1 matching basis. All decisions on the management of these areas are dependent upon local approval.

Requiring the written consent of each landowner within a proposed American Heritage Area is a cynical attempt to prevent the implementation of this legislation.

It would be an expensive, time-consuming process that would only delay the needed protection for these historic areas.

The American Heritage Protection Act and the fifth amendment to the Constitution ensure that the rights of all private property owners are protected and preserved.

I encourage my colleagues to support the Regula substitute, and to support the American Heritage Areas Protection Act.

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

Mr. MINETA. I yield to the chairman, the gentleman from Minnesota.

Mr. VENTO. I thank the chairman for yielding.

Mr. Chairman, I want to point out relative to the discussion of unfunded mandates, well, the cost of going around and collecting tens of thousands of signatures, how would that be funded? Who would fund that?

I think the gentleman makes the point, the question is do you trust your local Government? Do you trust your local Government to do what local Governments essentially do in terms of zoning, in terms of regulations on land? We say we will designate an American heritage area in your area, but we will withdraw from you one of the key tools you need in order to try to protect and preserve that area; not to take anyone's property rights away, not to amend the fifth amendment to the Constitution, but then we will take it away.

As I said to my colleague, the gentleman from Louisiana, it is throwing an anchor at a man who is drowning. In other words, they need that like they need a hole in the head.

You cannot have it both ways. That is why we need to adopt the Regula amendment, which maximizes the impact of responsibility of local Governments and permits the program to go forward.

Mr. Chairman, I thank the gentleman from California [Mr. MINETA] for his statement.

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

I want to speak in particular against the Regula amendment to the Tauzin amendment. The Regula amendment at its core has exactly the words that our friend from Minnesota just echoed in this Chamber, "Trust your Government," Trust your Government? That is what the Dolan family did in the city of Tigard. The government there took that property without paying for it and they had to go all the way to the Supreme Court. In fact, Mr. Dolan never survived it. His widow had to carry the case on.

In case after case where Americans have trusted their Government when it comes to Federal regulations, they found they had to spend 10 years in court to get their rights adjudicated. Ask Mr. Bowles in the case of *Bowles* v. *the United States Government*, in Texas, who was denied the right to build on his subdivision lots in Brazoria County. It took him 10 years to get the Government to recognize that they had taken his property. It took him 10 years for the Court of Claims to say the Government owed him compensation for denying him the use of his property.

Trust your Government, that is the theme of the Regula amendment. It says that we will not seek the consent of the landowners. The Regula amendment would strike that from my amendment. What it will say is we will seek the consent of the local government. So we will let the local government decide whether to take your land without paying for it, just as they did in the city of Tigard. We will let the local government be the hatchet man for the Secretary of Interior, who will come in and say your property is covered by these regulations, whether you like it or not, and we will not provide any money in this bill to compensate you.

Trust your Government? Well, Americans wrote a document called the U.S. Constitution. They adopted a Bill of Rights, and they adopted it for one reason, that we did not trust Government always to protect our rights, that we insisted that Government live by a covenant, 10 basic sacred amendments to that Constitution. They said every one of us is entitled to rights the Government cannot take away from us.

Why do you think we wrote that if we trusted our Government? We wrote it to insure that when a criminal goes before a court he is entitled to due process? Is that a burden? Is it expensive? Is it troublesome? Yes. But due process is the sacred right of every citizen.

When we tell people they can practice free religion in this country and they have free speech in this country, is it a burden? Do we like what they write about us in the press sometimes? I suggest many of you do not like what you read about us in the press lately.

But it is a right we diligently protect under the Constitution. One of those rights is the basic civil right to own property in this country and not have the Government take it away from you and not to have to trust the Government in that regard.

Now, if you trust the Government completely, you vote for the Regula amendment to the Tauzin amendment. If you believe not the Government but the landowner ought to consent to what happens to him or her and their personal private property in America, I suggest you reject the Regula amendment and adopt the Tauzin amendment.

It is the only amendment that will perfect this bill to make sure that the personal civil rights to private property in America are adequately protected by making sure we go through, yes, the burden and the trouble of going around and making sure that we fill up folders, such as the gentleman from Ohio [Mr. REGULA] brought to this House Chamber today, and that we fill the folders up with landowners' consents before we begin to take their property away from them in derogation of the civil rights guaranteed to us under the Constitution.

We fought some tremendous battles in this country for civil rights. We ought not to surrender them on this floor for heritage areas or for any other good purpose.

We ought to stand up for them today, defeat the Regula amendment to the Tauzin amendment.

Vote for the Tauzin amendment and stand up for that Constitution and that Bill of Rights and let the Government know once again in this renewal of our democracy that we still do not trust the Government completely, that we want our rights protected and guaranteed under that Constitution and in the law adopted by this Chamber, which is always supposed to represent the individual citizens of this country, not necessarily what Governments would like us to do on the local level.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], whose

State is the cradle of private property rights and liberty and the personal freedoms that we cherish.

Mr. TORKILDSEN. I thank the gentleman for yielding. Coming from the State where the Boston Tea Party was held, yes, we do not like Government very much at all. And I do agree with one statement from the gentleman; I do not trust Government either. That is why we have specific provision in the original bill, in the Regula substitute. I do not trust Government.

Opponents of this bill have said, "Well, you don't want private property takings." So the specific language in the bill says, "No, you can't use Federal money for property takings."

We think that answers it because I do not trust the Federal Government. If you give them a blank check, they are going to spend the money. I do not trust Government. I wanted that protection in there. The opponents said that they do not want the Federal Government or these management entities dictating zoning laws. So the language of the bill with the Regula substitute will say that no management entity has zoning power, that only the Government entities, whether it be a city, a town, or a county which currently has zoning power will keep that.

□ 1410

Now we do not seek to take away zoning power from local governments. We think they have the right to keep that power. But we specifically say the Federal management entity will have no zoning power, will have no land use power. Because I do not trust Government, I wanted that specific language included there as well.

Some people have gotten up to this microphone and stated they object to decisions that local governments have made about land use takings, and they may have very legitimate gripes and disagreements with what local governments have done. Certainly not every local government has acted perhaps in the best interests of property owners. I would not disagree with that. But this language seeks neither to add or diminish the power of zoning or the power of land use from local governments. That is what this bill is all about.

Let local government, the duly elected people, the people's choice for government officials at the local level, continue to make these decisions, to make these decision on zoning, to make these decisions on land use, and, if a property taking is desired at the local level, not the Federal level, but at the local level, let the locally chosen officials make that decision. But this language, the language of H.R. 5044 with the Regula substitute, has that.

Again, Mr. Chairman, I strongly urge my colleagues to support the Regula substitute and vote against the Tauzin amendment.

Mr. GRAMS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana [Mr. TAUZIN] together with the gentleman from Minnesota [Mr. GRAMS]. The private property protections embodied in this amendment make the American Heritage Areas Partnership Program a better bill, pure and simple. Mr. Chairman, I say this as a Member who supported the bill on the suspension calendar. I know this may stun some of my colleagues in this Chamber, but I was persuaded to support H.R. 5044 last week and I plan to vote "aye" on final passage today, if this amendment passes.

But, Mr. Chairman, I supported the Tauzin-Taylor amendment to the National Biological Survey Authorization this body passed earlier this Congress and I see this amendment as a similar tool to ensure good faith on the part of the Federal Government in dealing with its citizens living within a designated heritage area. The NBS amendment passed the House by an overwhelming 309 to 115 vote, and this amendment should do as well. Why? Because what could be more basic than the Federal Government seeking approval from a landowner before incorporating private property within the strictures of a Federal land-use plan?

Mr. Chairman, voluntary participation in this heritage area partnership program will do more to insure success in achieving the goals of the act than any other amendment. If landowners within the broadly drawn boundaries of an area are unilaterally forced to come within the confines of a Federal plan I think we will have created a recipe for revolt. Take it from someone with constituents who have to deal with a Federal landlord every day, the actions of the Federal Government—Congress and the executive branch—are the seeds of the sagebrush rebellion in the West, now known by the phrase "War on the West."

Could forced participation in Federal land use plans drive property owners in the areas designated by this bill into their own revolt? I don't know why not. Even without such a heritage area partnership program in place, we have recently witnessed the implied threat of the National Park Service to do whatever was necessary to stop the Disney Co., from building an historic theme park near Haymarket, VA, on private land.

Mr. Chairman, no matter how one may feel about the legitimacy of that site in Prince William County, VA, for such use, I think most Americans did not view it as a Federal case.

The senior Senator from the Commonwealth of Virginia said the Federal Government should butt out on the issue, and he's a nearby landowner who presumably didn't want the now defunct project. But, he had faith in the local and State regulatory process governing land-use to achieve the proper balance. A trust that apparently did not extend to bureaucrats in the Department of the Interior.

With that thought I will finish, Mr. Chairman, I ask my colleagues to support the Tauzin-Grams voluntary participation amendment. Send a strong signal to your constituents that you support legislation to protect private property interests.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, either I am missing something in this debate or the private property arguments that are being offered up here are a real red herring, and I just wanted to ask the gentleman from Minnesota [Mr. VENTO] a couple of questions to see if I am on track here.

Let us take a look, for instance, at the Hudson Valley area before and after the presumed designation as a heritage area. Will there be any impact on the rights of private property owners within that heritage area?

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

Mr. SKAGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Not by virtue of the designation. The local government authorities remain and in fact make the decisions.

Mr. SKAGGS. That gets to the 10th amendment argument, let us say. What is the difference, assuming we adopt the amendment offered by the gentleman from Ohio [Mr. REGULA] in the authority of local land use authorities before or after the designation of an area?

Mr. VENTO. Well, the Regula amendment maintains the existing authorities of local government to make decisions as to the land use and zoning decisions. In fact they could have a referendum on whether they wanted to be in the heritage area. They could have an election that people could advocate it or not. They would maintain their control. The Tauzin amendment would allow an individual landowner to opt out, so you would basically have local anarchy.

Mr. SKAGGS. Reclaiming my time, Mr. Chairman, I just cannot see under the circumstances any legitimate 5th or 10th amendment property rights argument to be brought to this debate. It is either ill-informed or an ill-intended effort to really distort the real issues presented by this legislation, and no amount of fulmination is going to make it otherwise. The Constitution and the Bill of Rights are not the private rhetorical property of any Member.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Ohio [Mr.

REGULA] for yielding this time to me. I want to go over two quick questions and then make a statement in response to whether or not we should trust local government.

First question is: Would private property owners lose their right under the amendment offered by the gentleman from Ohio [Mr. REGULA]? The answer is clear, and it has been discussed here at length. The answer is: Absolutely no.

Second question is: Does the bill give the Department of the Interior the power to control activities of other Federal agencies in heritage areas? The answer to that is: Unequivocally no.

Now the question about whether or not we should trust local government. My answer is: Please become involved in your local government, in your local community, all of you, whether you trust them or whether you don't trust them. Go to those planning and zoning commission hearings and meetings and become absolutely involved.

Listen and consider this: Do you want a toxic waste dump next to your property? Do you want or would you like a pornographic movie house next to an elementary school or next to your property? Would these two things next to your property devalue your property, and would you consider them taking some of your rights to use your property away?

Become involved at the local level in these land use decisions. The local government with community's support should make the decisions about local zoning, not us at the Federal Government. Let us not sterilize the diversity in the myriad of communities throughout our Nation by making one clear crystal law that seems to favor some property owners, but not all property owners.

I encourage strongly a vote for the Regula amendment.

Mr. GRAMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman from Minnesota [Mr. GRAMS] for yielding this time to me, and I rise today in support of the Grams-Tauzin amendment and in opposition to the Regula amendment.

Mr. Chairman, what we are really talking about here today is the same battle that we have had in the House of Representatives and in Federal Government for many generations, and it is a matter of control.

□ 1420

Who is going to control local land use, who is going to control private property. In recent times, the emphasis has been on increased Federal control and decreased individual or local control, and this bill in and of itself is a mandate. This is a Federal mandate.

I would like to read out of title I of the bill.

(5) despite existing Federal programs and existing efforts by States and localities, the natural, historic, and cultural resources and recreational opportunities in these areas are often at risk; and

(6) the complexity and character of these areas distinguish them and call for a distinctive system of recognition, protection, and partnership management.

This is in a Federal bill. This is not in a county, State, or city council bill. This is a Federal bill. The Federal Government is stepping on the toes of local government in land use control. It is very clear.

I will turn to one part in the bill that involves South Carolina. It is on page 82 of the bill. "A primary responsibility for conserving, preserving, protecting and promoting the benefits of the region resides with the State of South Carolina and the various local units."

But it also goes on to say, "there is a national interest in protecting, conserving, restoring, promoting."

This is the Federal Government stepping in to control what happens in a locality. And if any locality accepts being part of a heritage area, they are accepting the Federal regulations that come with that. You are accepting those Federal regulations as part of this.

Now, I heard a speaker earlier say it is just a boundary. It is just a line on a map. Well, who is deciding who is on what side of that boundary? It is us in passing this bill. We are deciding who are the have's and who are the have-not's. We are deciding as the U.S. Federal Government who is going to be in the heritage area and who is going to be outside of the heritage area.

Now, if you did not pass this bill, there is nothing stopping a local county or a local city from adopting its own heritage area and protecting and preserving its own natural resources and its way of life. There is nothing stopping a local government from doing that now.

All this does is tells the localities that they are going to accept the regulations that we in our infinite wisdom decided were going to be put down on them.

Mr. Chairman, this whole bill is a bad idea. But the least we can do is protect the private property owners.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today in strong support of the Tauzin/Grams landowner consent amendment to H.R. 5044, the American Heritage Areas Partnership Act. This amendment ensures that the rights of private property owners will be protected and that additional unfunded mandates will not be passed onto State and local governments.

In its original form, H.R. 5044 would establish heritage areas, which would typically be large areas of land with a central theme or resource which would be managed or preserved. The program would be under the direction of the National Park Service, but require States, local governments and private organizations to impose management plans on heritage areas in order to receive funding. Unfortunately, the bill as written, provides no protection for individual private property owners, who may lose the right to use their property.

Proponents of H.R. 5044 proudly point to the bill's requirement that local governments within the heritage area voluntarily join the program. However, without protection for the individual property owners, the Federal Government has simply passed on the responsibility to the local governments without providing any funding. If a private property owner should seek compensation from a takings that occurs as a result of this program, the Federal Government is off the hook. The responsibility for compensation has been transferred to the local government, even though the Federal Government sets down the rules and regulations for the heritage areas. In fact, H.R. 5044 expressly forbids the use of Federal funds for compensation. Plain and simple, this is another unfunded mandate on local governments.

I've just spent the entire morning in the Government Operations Committee which is trying to develop legislation to address the problem of unfunded mandates, only to find that the House is passing another one with H.R. 5044. We have got to stop the practice of passing the costs of Federal programs onto local governments. They simply cannot afford to absorb these costs.

I believe that landowners should have the freedom not to have their land included in these heritage areas. The Tauzin-Grams amendment guarantees this freedom while preventing the passage of yet another unfunded mandate onto our local governments. I urge my colleagues to support this amendment.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. JOHNSON] to speak for local governments in his area.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise to just make two or three points.

First of all, I think it is the exact opposite point just made, speaking, I thought, on the side of the Tauzin amendment. This is a question of are we going to allow the local government to make application for grants under this bill, that they will be able to manage themselves, come up with the plan themselves. They do not have to under this Regula amendment. They can operate out of it. Any local government can. This is not forcing anything on anybody.

Second, the Secretary may not as a condition of awarding a grant require any recipient to enact or modify land use regulations. And this even deletes the provision encouraging local governments to adopt land use policies

consistent with the plan. So it has absolutely no mandate on local government.

You know, I have followed the efforts of the gentleman from Louisiana [Mr. TAUZIN] on property rights and voted with him most of the time, the most recent one being in the National Biological Survey. It is different. I voted for that because it required the consent of local property owners to give consent before a Federal agent could go on their property.

This amendment is different. His amendment would tell the local government that if they wanted to apply for funds under this bill, they have to in effect change their land use process. The fifth amendment and the due process clause protects people from abuse in this regard, and no amount of rhetoric changes that.

This is bad precedent. Are we going to now say for the Community Development Block Grants, when local governments come in and apply for Community Development Block Grants, that they have to get the consent of every property owner in the region that is making application? I think this is very bad precedent, and it changes local land use regulation.

Mr. GRAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I thank the gentleman from Minnesota for yielding.

Mr. Chairman, I stand in favor of the Tauzin amendment, and I stand strongly in opposition to the Regula amendment to the Tauzin amendment.

I believe that the bill places a huge burden potentially on private property owners as regulatory authority by the Secretary of the Interior. I think it is a burden that is too great for the individual and the private property owner.

I think the Tauzin amendment is not an unreasonable burden on local government. After all, I believe that it protects local control and authority. All it is asking for is a landowner's consent before you establish an American heritage protection area, and those land owners are to be brought in under the provisions of that American heritage area.

We have heard argument today that this is going to place too heavy a burden on local government, implying that perhaps maybe we are dealing with thousands of names and, by the time they track all these down and get the consent, it is going to be too great a burden.

I would point out that when it comes to tax collecting time, local government does not have a hard time running down their owners and getting in contact with them and dealing with them on important tax issues.

□ 1430

I also would bring up the point that if we are talking about open spaces and how it applies to the American Heritage Area, if we have to contact too many landowners that, perhaps, maybe it is inappropriate to set this up in an American Heritage Protection Area for the purpose of open space.

But the basic question is, why do we have to provide protection to the private property owner?

I see a fundamental change in the way the bureaucracy is doing business today as it was a number of years ago. They are assuming responsibility and powers and then telling the Congress, well, you deny us that assumption of responsibility. You tell us we cannot do it.

I think the Tauzin amendment is very important, because it clearly sets limits on the Secretary of Interior so that when it comes to private property rights, he is not assuming more power than perhaps was intended by the sponsors of this particular piece of legislation. I think the Tauzin amendment is very appropriate. I think it provides the clear and obvious limits that we need to place on the Secretary of Interior.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. BLUTE], whose State is the home of the Minuteman, Paul Revere and liberty.

Mr. BLUTE. Mr. Chairman, I thank my good friend from Ohio for yielding time to me.

As a member of the Massachusetts state legislature for 6 years, I fought many private property battles in that body, and I have joined in many of those fights here to protect the private property rights of the citizens of our great country.

I think in this case, though, that we are talking about apples and oranges. The Regula language maintains private property rights by maintaining local zoning control. The best way, in my view, to protect property rights is to enhance local control, not to weaken it.

Local governments are closer to the people, and they are much more sensitive to these issues than are distant bureaucrats who do not live anywhere near where the property is located.

The Tauzin language supersedes local control. It overrides local jurisdiction, and it shifts power from local authorities and local people to the Federal Government. That is the exact opposite of what we want to be doing on private property rights.

I strongly support the Regula language. I urge its adoption. I strongly support the National Heritage Partnership bill, because I think it is a major step forward for the citizens of our country.

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

Mr. Chairman, someone alluded to the fact that they supported the Taylor amendment to the biological survey bill, but they do not want to support this Tauzin amendment for landowner consent. We should all ask, why not?

The Taylor amendment, which passed 291 and later on by 325 votes, simply said that a person had to get landowner consent before Federal and State Government agents walked onto their property.

What we are talking about here is not them walking onto it and visiting it, checking it out. We are talking here about them regulating it. Should we not want landowner consent here?

If we want landowner consent before they can come visit a person and look at their property, would we not want landowner consent before they came to take it away?

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

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

Mr. REGULA. Mr. Chairman, was not the Taylor amendment on a Federal agency whereas here we are talking local government?

Mr. TAUZIN. Mr. Chairman, reclaiming my time, we are talking about local government enforcing a plan approved by Secretary Babbitt of the U.S. Government. That is what we are talking about. We are talking about Federal agents and local agents in a partnership walking onto a person's property to take it away from them without their consent.

All we are saying, in the Tauzin amendment, is, get landowner consent.

All the gentleman from Ohio [Mr. REGULA] is saying, is, do not get landowner consent, just check with your local government.

I suggest to Members that the people that are closer to the people of the country than local government are the people of this country. If we depend upon them and check with them once in awhile, I do not think we will go wrong. We ought to pass the Tauzin amendment and depend upon landowners to give their own consent, just as we did in the Taylor amendment on the biological survey.

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

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL], a former local elected official from Massachusetts, the center of democracy in our Nation.

Mr. NEAL of Massachusetts. Mr. Chairman, we certainly practice it.

Mr. Chairman, I would just draw an interesting contrast. I came from local government. In fact, I was mayor of one of the largest cities in Massachusetts. And I happen to agree with much of what the gentleman from California [Mr. CONDIT] said earlier.

The truth of the matter is, I have a different interpretation of what the gentleman from Ohio [Mr. REGULA] has done here. Let me just draw a contrast for the House. That contrast is this.

You have the gentlemen from Massachusetts, Mr. BLUTE and Mr. TORKILDSEN, two of the more conservative members of the Massachusetts delegation. I would find myself generally in the middle of that delegation on most issues. The three of us happen to agree on this interpretation. We believe that it protects, as the gentleman from Ohio [Mr. REGULA] has submitted, private property rights. And that the proposal of the gentleman from Louisiana [Mr. TAUZIN] in fact subtracts from the rights of people at the local level to raise certain questions.

Indeed, in the end, the irony of this is that the Tauzin amendment is indeed unworkable, if applied as he has proposed it to all of us in this Chamber.

We have a remarkable opportunity here today to once again highlight the historic infrastructure of this Nation. Anthony Lewis at the Times reminded us once again that we are quickly becoming a Nation without a memory. Today we can honor the memory of America. Nowhere has that been better honored in this Nation than in the Commonwealth of Massachusetts. But most importantly, we can give a boost to those preservation groups and those historic commissions at the local level who, across this Nation every single day, make for a sense of living history.

Before I went to local government, I was in a classroom teaching high school history and government. Let me tell my colleagues something, this legislation proposed by the gentleman from Ohio [Mr. REGULA] and the gentleman from Minnesota [Mr. VENTO] today represents no threat to private property rights and, indeed, if anything, enhances private property rights and maintains local government intact.

I thank the gentleman for yielding time to me.

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

Mr. Chairman, I would just like to say that in talking about the Regula substitute, they are stressing that this would not infringe on individual property rights. If it would not, why are they so strongly opposed to the Tauzin-Grams amendment? They say that this amendment would gut this bill, H.R. 5044. It would gut this bill. So by saying that, they admit that they are ready and willing to trample on personal property rights.

They say that the Federal Government is not going to buy land or take land from individuals. But what this bill actually does, it says the Federal Government can take or it can use, it can mandate the use of private property for any way that the Interior Secretary deems that it should be used for and local governments then would have to set their regulations or their management plans in step with what the Interior Secretary says.

So I think this amendment is a clear infringement on personal property rights. The Tauzin-Grams amendment would protect those rights.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. GRAMS] has expired.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the gentleman from California [Mr. MINETA] pointed out, this bill goes further toward providing and protecting local property rights than anything we have done historically. This time we start from the bottom up.

□ 1440

We let the local governments design what they want and submit it. Usually we have the Federal Government designing something for local government.

In the Tauzin proposal, you have an unfunded mandate. In the Regula-Rahall, there are no unfunded mandates. The local government is totally in control. A vote for Regula-Rahall is a vote for local control, it is a vote for local partnership.

It is a vote for the community, for all of these volunteers, to give them a chance to preserve their history, to preserve their open spaces, their public open spaces. Let me emphasize, there is no power to take anything. They cannot even spend the Federal dollars if the property owner wanted to sell his property, it is so tightly drawn.

It is totally local control. There is no change mandated in zoning or land use. We say to the communities "You do what will serve your people. You are there." The counties have to opt in. They have to say "Yes, we want to go in and be part of this historic corridor."

In contrast, Mr. Chairman, the Tauzin amendment would deny the local groups the ability to preserve their heritage. It would deny them the ability to preserve open spaces, deny the local groups who want to voluntarily make a difference in their community and preserve something for all time, for history, for generations to come. They would no longer have that ability, because under the gentleman from Louisiana's amendment, this thing will not help, it would be so burdensome on local government.

Mr. Chairman, I urge my colleagues to vote for the Regula-Rahall amendment to the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I would inquire of the Chair how much time remains.

The CHAIRMAN. The gentleman from Louisiana has 2 minutes remaining.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman let me clarify the record. I was a member of local government in Louisiana, too. I respect local government for all the good it does. I am a member of the Federal Government. I respect this Federal Government for all the good it does.

However, American citizens know that government can deprive them of their rights. That is why we wrote a Constitution and the Bill of Rights. That is what this fight is all about, individual rights under that Constitution.

Second, Mr. Chairman, I am for heritage and living history, too. I am for God, apple pie, and motherhood, too, but I know a bad deal when I see one. Everybody complains about those of us who write laws writing them with too much legalese. Let me scratch the legalese here and put it down in its basic elements for the Members and I and for all Americans to hear.

This is the deal in this bill, without the Tauzin amendment, or with the Regula amendment. Listen well, this is the deal, Here is the deal we give.

We will regulate your property, with Secretary Babbitt's permission, and we will take away its use and its value, and we promise you we will not pay you for it. Let me say it again. We will regulate your property, with Secretary Babbitt's permission, and we will possibly take away its use and value from you, and we promise you, take our word for it, we will not pay you for it. That is what this says.

I think Americans know a bad deal when they see it, too. Here is the deal I offer back: The Tauzin amendment says "Only with my consent will you give me that great deal. Only with my consent will you take my property and regulate it without paying me for it."

I think without the Tauzin amendment, without the landowner consent provision in this bill, this bill is a bad deal for Americans and most of our constituents would not take it. Landowner consent, the Tauzin amendment. Please adopt it. The Regula amendment takes that landowner consent away. Please vote against it, and then let us pass this good bill.

Mr. VENTO. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, the deal here is whether we are going to have a bill that is going to be workable or unworkable, reasonable or unreasonable. I want to credit my colleagues with great creativity and imagination, in conjuring up problems with regard to this.

All of a sudden, the inability of the Federal Government to buy land at the local level is an abomination. It is usually the other way around in terms of debates I have been in.

What this amendment does, Mr. Chairman, is create anarchy, or would create anarchy in these heritage areas.

I might add, Mr. Chairman, that the Members that are seeking these designations, and Congress would designate these areas, with the cooperation of local government, the Members that are in the areas that have these

designations favor the Regula amendment. They oppose the Tauzin amendment, because they understand it would be unworkable.

It would be an unfunded mandate. It would be simply unworkable. We would have a patchwork quilt of individual landowners that decided to be in or decided to be out. It would not be workable. It would destroy the idea and the concept that is being advanced here in terms of partnership.

The question is, Mr. Chairman, should we arrogate onto ourselves, the Congress, this decision; in other words, should we take rights away from the local government with regard to these heritage areas. It would deny them the basic tools they need in order to do the job.

We have had a lot of demonizing going on here. There are a lot of unrelated concepts being attached to this American Heritage Partnership Act. Mr. Chairman, I would suggest this is not the biological survey, it is not the property rights issue. The property rights issues are not involved in this.

The Constitution remains inviolate. It is not affected. I urge the Members to vote for the Regula amendment. It goes as far as we can go. We take the good ideas that we get from the Tauzin amendment without killing the bill. I know it is the intention to be supportive of this, but there are many other groups that have the intention to destroy this bill, to stop this bill.

Mr. Chairman, I would urge the Members to defeat the Tauzin amendment, and to favor the Regula amendment, which will be voted on first.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. I would ask the Chair if he would announce the rotation of the vote with regard to what will come first.

The CHAIRMAN. The first vote will be the question on the amendment offered by the gentleman from Ohio [Mr. REGULA] to the amendments offered en bloc by the gentleman from Louisiana [Mr. TAUZIN].

Mr. VENTO. The first vote will be on the Regula amendment with regard to local government rights, is that correct, Mr. Chairman?

The CHAIRMAN. That is correct.

Mr. TAUZIN. Mr. Chairman, the first vote will be on the vote to strike the landowner consent provisions of the Tauzin amendment?

The CHAIRMAN. The first vote will be on the amendment offered by the gentleman from Ohio [Mr. REGULA].

The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA] to the amendments en bloc offered by the gentleman from Louisiana [Mr. TAUZIN].

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

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a rollcall vote by electronic device may be taken on the amendments en bloc offered by the gentleman from Louisiana [Mr. TAUZIN].

The vote was taken by electronic device, and there were—ayes 222, noes 202, not voting 15, as follows:

[Roll No. 484]

AYES—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Barlow
Barrett (WI)
Bateman
Becerra
Bellenson
Bereuter
Berman
Bilbray
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hastings
Hinchey
Hoagland
Hobson
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Lazio
Levin
Levy
Lewis (GA)
Livingston
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Pickle
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Skaggs
Slaughter
Spence
Spratt
Stark
Stokes
Studds
Swift
Synar
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—202

Allard
Andrews (NJ)
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Brewster
Brooks
Bunning
Burton
Buyer
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fowler
Frost
Gallegly
Gekas
Geren
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Laughlin
Leach
Lehman
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Long
Lucas
Manzullo
McCandless
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Murphy
Nussle
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Quinn
Ramstad
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Strickland
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Wilson
Young (AK)
Zeliff

NOT VOTING—15

Bachus (AL)
Bevill
Blackwell
Browder
Callahan
Cramer
Fish
Gallo
Hilliard
McDermott
Slattery
Sundquist
Tucker
Washington
Whitten

□ 1507

Messrs. POMEROY, ARCHER, FAWELL, HEFNER, GONZALEZ, BISHOP, and ROEMER changed their vote from "aye" to "no."

Mr. DEAL, Mr. BOUCHER, Ms. ESHOO, Mr. GILMAN, and Mr. COLEMAN changed their vote from "no" to "aye."

So the amendment to the amendments was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Louisiana [Mr. TAUZIN], as amended.

The amendments en bloc, as amended, were agreed to.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: 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.

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

□ 1510

Mr. VENTO. Mr. Chairman, reserving the right to object, I wanted to inquire as to the amendment being offered by my colleague, the gentleman from Louisiana. Is this the amendment printed in the RECORD that provides for a process for compensation of landowners that are significantly affected?

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

Mr. VENTO. Further reserving the right to object, I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman has inquired as to whether the amendment at the desk is the amendment providing for compensation to a landowner whose property has been severely or substantially devalued.

Mr. VENTO. I think the word is significant.

Mr. TAUZIN. Significantly devalued.

Mr. VENTO. That is in the amendment, unless it is a different amendment that the gentleman is talking about.

Mr. TAUZIN. As a result of the regulations, and the answer is that that is the amendment at the desk.

Mr. VENTO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. RAHALL TO THE AMENDMENT OFFERED BY MR. TAUZIN

Mr. RAHALL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The Clerk read as follows:

Amendment offered by Mr. RAHALL to the amendment offered by Mr. TAUZIN:

In the amendment offered by Mr. TAUZIN to page 23 of section 107 of H.R. 5044, on line 5, strike "an administrative" and all that follows through line 10 and insert the following:

a process to provide information to the owners of private property with respect to obtaining just compensation due as a result of a taking of private property under the Fifth Amendment of the Constitution of the United States.

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. TAUZIN. Mr. Chairman, reserving the right to object, if I may engage the gentleman in a colloquy, I ask the gentleman from West Virginia [Mr. RAHALL], is this the amendment that would substitute for the compensation amendment, and would provide only a process to provide information to the landowner?

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

Mr. TAUZIN. Further reserving the right to object, I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, my amendment reaffirms constitutional rights, I respond to the gentleman.

Mr. TAUZIN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, it is unfortunate, but true, that we are faced with a situation where this particular bill is being used as a vehicle to advance a certain political agenda which, while on its face has a populist appeal, is in reality quite dangerous to some of the basic foundations of the Republic.

The pending legislation clearly provides that no Federal funds can be used to acquire property within a heritage area.

Let me repeat that, because there are some who have chosen to ignore the clear reading of the legislation.

The pending legislation clearly provides that no Federal funds can be used to acquire property within a heritage area.

Now, with that said, I find it hard to imagine why anybody would offer a so-called takings amendment to allegedly protect private property rights.

Moreover, we have gone so far in trying to address the concerns of Members like the gentleman from Louisiana as saying in this bill that if you own a historical property within a heritage area, and you want to sell it to a governmental entity to ensure its protection, you will not be able to do so if Federal funds are involved.

We are throwing out the window the concept of willing buyer/willing seller that has served us so well over the years.

Mr. Chairman, the fact of the matter is that the Constitution states that there shall be no taking of private property by the Government without just compensation.

Most of us learn this at least by the time we take our first civics class in school.

And what we also know is that only the courts can decide, on a case-by-case basis, whether a governmental action results in a takings and whether it is a compensable takings.

In my view, agendas are being pursued under this takings banner that do not necessarily have anything to do with private property rights.

And I say this especially within the context of the pending situation, where we have a bill that prohibits Federal funds from being used for land acquisition.

I would suggest to my colleagues that in light of these facts, if you find that you simply have to vote for some type of amendment, the proper course of action to take is to vote for the pending Rahall-Regula amendment.

Our amendment provides for procedures to be put into place within a heritage area to ensure that the rights of private property owners are protected, and that they are made aware of their constitutional rights. I urge the adoption of this substitute amendment.

□ 1520

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the Rahall amendment and in support of the Tauzin amendment.

Mr. Chairman, on a very close vote, as we just saw, the House agreed not to require the written consent of the landowner to have his property wrapped into these heritage areas, and the regulations on land use that are going to flow from them. In short, the House voted for the Federal Government working with the State governments and local governments to regulate the use and value of people's property in these heritage areas without their consent. If ever there was an exercise of eminent domain, we just exercised it in the last vote.

Now, the Congress has provided through eminent domain, through easement procedures, laws to permit the Government to compensate landowners when the Government needed the land, needed the use of that property for a certain purpose. We have done that in many cases already.

The amendment I have offered simply says now that if we are going to have a bill that says that landowners do not have to consent to have their property brought under these regulatory regimes, if they do not have to

consent to the loss of the value and the use of their property, that the least we ought to do under the Constitution is provide a remedy at home for small landowners who cannot afford to go all the way to the Supreme Court to find out if they have a remedy in compensation.

Now, the gentleman from West Virginia [Mr. RAHALL] offers a substitute to our amendment. I think it is important to look at that substitute very carefully. All that substitute does is to say that under this bill the landowner is going to be given information about what to do if he wants to get compensated.

Well, you do not need an amendment to do that; all you need is a road map and a designation as to where the courthouse is. If all you want to do is to send every landowner in America to the courthouse to find out whether or not he can get compensated, you have relegated every landowner, homeowner, rancher, farmer affected by this bill to a 10-year litigation process because that is the average right now for landowners contesting property right condemnations under regulatory takings.

Am I exaggerating? No. Look at the record.

Look at the case of Bowles versus the United States, a property owner in Texas who belonged to the Nature Conservancy, a good guy who actually was on a conservation committee to watch the Corps of Engineers that they did not overly allow development in his area.

In 1984 he was denied the right to build on his own subdivision lot in a subdivision in Brazoria County, TX. When he was denied that right, he did what Mr. RAHALL'S amendment does, he went to court, 10 years later the court of claims here in Washington, DC, finally awarded him compensation for the taking of his property. It took him 10 years.

Now, rich landowners can afford to do that, perhaps; rich companies can afford 10 years of litigation. Perhaps those of you who want to vote for Mr. RAHALL'S amendment because they will get information as to where to find the courthouse.

But if you have in your district, if you have in your State ordinary property owners, farmers, ranchers, homeowners who simply own a tract of land in America, a parcel that is going to come under these heritage corridors, some as long as six countries wide and as wide as the Mississippi River, look at the map. If you have small landowners who cannot afford a 10-year trip to the Supreme Court, maybe you might be interested in the Tauzin amendment. Maybe you want more information, maybe you want a process to compensate you when the value of that property has been substantially diminished without your consent.

Now, if ever there was a pernicious reading of the Constitution, it is the way this bill currently reads. What this bill says, if I may reword the fifth amendment, according to this bill, is that private property shall not be taken for public purposes unless it is in a heritage area.

The Constitution does not have an exception. It does not say unless it is in a heritage area or unless it is a wetland or covered by an endangered species. We had this debate on the Desert Protection Act. The House voted overwhelmingly to make sure the landowner got compensated.

I urge you, as you did in the Desert Protection Act, to recognize there are many small landowners in America who cannot afford a 10-year trip to the U.S. Supreme Court and whose justice and civil rights under the Constitution require us to pass a law, the Tauzin amendment, establishing a procedure for them to get compensated.

This is a basic right in America. We can argue about it all day and all night until the chickens come home, but it is basic. If you are going to take somebody's property without their consent, if you are going to substantially deprive them of the value or the use of their property, then we ought to provide a compensation mechanism. If you want to tell every small landowner in your district that you refuse to do that, that you refuse to provide them a remedy in law for their losses, then I suggest you vote for the Rahall amendment. But if you want to protect private property rights, vote for the Tauzin amendment.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word and rise in opposition to the Rahall amendment.

Mr. Chairman, the Rahall amendment is just a pawn to try to divert attention from the real issue here, and that is payment for the use and taking of private property.

Now, I have heard and you have all heard the argument that this bill now does not provide Federal funds to be used to acquire Federal property. That is part of the problem. What about the use of private property, Mr. Chairman and Members? In these heritage foundation areas they may well use your private property and reduce the value of it and therefore you have no ability of using your own private property to control it. So use is a very important part of this issue.

The Tauzin amendment provides that there be compensation if your land is either used or diminished in value. That is as simple as it is. Do not hide behind the fifth amendment to the Constitution.

Let me read to you 3 or 4 recent holdings by the U.S. Supreme Court.

In Hadacheck versus Sebastian, a 90-percent taking, the Supreme Court said no taking. Euclid versus Amber, the Supreme Court said no taking. Seventy five percent of the value of the land was taken.

The Keystone Coal case, where 50 percent of the value of the land was taken, the Supreme Court ruled no taking.

But in the latest Supreme Court decision, Dolan decision, Dolan versus Tigard, which, by the way, is in the State of Oregon, the city of Tigard, there the city was trying to take Mr. Dolan's opportunity to expand his laundry because the city wanted to store grain, and an additional 10 percent for a bike path. The Supreme Court said, after 10 years, said, "No, that is a taking." The city of Tigard had to back away.

The point remains here that if you hide behind the fifth amendment, you have extremely disadvantaged small people who have to spend years and literally thousands and millions of dollars to pick it up. What we are saying here, we say outright we want small people who have lost the use of their land, who have abused by either local government or Secretary Babbitt, the Secretary of Interior, they will have the right of compensation to restore them whole. What is wrong with that? That is basic private property rights. That is what we all stand for.

Support the Tauzin amendment and vote against the Rahall amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Rahall-Regula amendment to the Tauzin amendment and ask my colleagues to support it.

□ 1530

The fact of the matter is that the amendment offered by the gentleman from Louisiana [Mr. TAUZIN] sets up a radical concept in terms of how we ought to deal, or how local governments ought to deal, with any changes of value that might be attributed to some type of zoning activity at a local level. I want to know from the sponsor of this where does this procedure exist in the United States today? What local government has set up this particular process or procedure? What State government has set up this process or procedure—given this to bureaucrats to make these decisions about when property goes up or down in value without the consent of owner? Where does it exist? Where does it exist? Can the gentleman tell me where it exists?

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

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. TAUZIN. It exists in every highway department in the country which has an eminent domain section. Every highway department in Oregon has such a section.

Mr. VENTO. Reclaiming my time, Mr. Chairman, that is not the point. The point is that every agency can negotiate for a willing seller, willing buyer. There is no eminent domain in

this bill. There is no purchase by the Federal Government. There is no purchase necessarily by the local government. There is no procedure that exists administratively at the local or at the State level for this particular function. It does not exist. What this is is a wholly unique piece of policy to be superimposed on this bill. It is a radical concept. It is an unfunded mandate. If a local government opted into a heritage area, they would have to buy part and parcel this particular procedure for setting up and compensating so-called changes in significant value.

The fact of the matter, Mr. Chairman, is the procedure exists in law today, and it works pretty well in the U.S. Constitution, and that is why the Regula and the Rahall amendment is articulating and emphasizing that. It is the Constitution that these basic provisions exist in. This is the core of law, not something superimposed on it, some type of convoluted process which the gentleman from Louisiana [Mr. TAUZIN] is proposing here.

This would simply undermine the effect of local governments being able to deal with this. This would set up an experimental program with no funding at the local level. How could local governments possible deal with this particular procedure in terms of making these determinations? It is unworkable. It is unfair to those local governments to set this up, and in the end it would render the program moot, and it would pull the rug out from under the program and make it so it would not be workable. Providing the information is a positive step in terms of giving property owners affected knowledge of their rights to pursue a course through the tried and tested State and local courts and through the Federal Government, ultimately even the Supreme Court, and I might say that the Supreme Court has not been reluctant, or the other courts reluctant, to in fact assert the legitimate rights of property owners when they have been violated, and I endorse the proposals and the effort that they have made to protect those property owners.

Mr. Chairman, we need to be sensitive to this, and, if we need a new process, is this the place to develop it? Is this the place we are going to upset 200 years of jurisprudence by putting in place a procedure that is not defined, that is going to be different in every local jurisdiction that is impacted by this. How many administrative units are we going to create? What are we doing to the local governments? It is one thing to protect private property rights, but I think we ought to look before we leap, and I say to my colleagues, "I think that if you look before you leap, you vote for the Rahall-Regula amendment and you vote against the Tauzin amendment."

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and members of the committee, let me make it clear by saying, "If you voted yes on the last amendment, you're a yes on this amendment because essentially the issue is the same," and let me also make clear that in this bill there is no public use of private property without compensation. This bill is for the local people to cooperatively and voluntarily put together these heritage corridors. The gentleman from Oregon gave us cases where there was a 90-percent taking, a 75-percent taking. Let me tell my colleagues that this is a zero percent taking. There is no taking, and so there is no relationship to what the court has done, and here it said we cannot use the courts. I say to my colleagues, "I believe that you can't repeal the Fifth Amendment to the Constitution by making a speech here today."

Mr. Chairman, it very clearly in the Rahall-Regula amendment says, and let me read it:

> . . . a process to provide information with respect to the owners of private property to obtaining just compensation due as a result of any taking of private property as provided in the Fifth Amendment to the Constitution.

The point is there is no taking. There is no change in zoning. It simply allows local people, with support from the Federal Government of a dollar-for-dollar match, to develop a heritage corridor with historic preservation of historic areas, environmental areas. It gives people an opportunity to do things locally.

And talk about unfunded mandates. Let me say to all of my colleagues that the Tauzin amendment would be the biggest unfunded mandate we have passed here in a long time because it would mandate to local governments, that they would be paying people that might have nothing to do with this, and the cost would be enormous, and, therefore, local governments could not, as a practical matter participate.

So, Mr. Chairman, I say to my colleagues, "If you're against unfunded mandates, you're a yes on the Rahall-Regula, and, if you believe in local control, you're a yes on Rahall-Regula."

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

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

Mr. TAUZIN. Mr. Chairman, my friend made an eloquent, passionate speech, but I caught an inconsistency. Perhaps he can help me with it.

I say to the gentleman, "At one point in your talk you said there are no takings under this bill, and at another point you said that if my amendment passed providing for compensation for substantial takings, that this would be a huge cost."

Which is correct?

Mr. REGULA. If there would be a taking by local government or a taking by anybody, there would be a cost. But the point is the gentleman is saying in his amendment that they have to go out to all of these people and provide compensation for a change in value. That is not a taking. The gentleman is talking about something entirely different. We are saying in our amendment that we protect the rights of the private property owner, as clearly set out in the fifth amendment.

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

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

Mr. VENTO. The fact is that what the Tauzin amendment would do is to place a cost on the legitimate and bona fide powers of local governments to make the decisions with regard to land use. There are within the context of our Constitution divided and delegated powers to the States. The States have those rights, and within the precepts of the Constitution, within the precepts of what the court has determined to be a legitimate and police power of the State, they have certain powers, and they ought to be able to exercise those. They ought to be able to exercise them without paying a premium to someone that is set up under a procedure here.

What the gentleman is doing is superimposing on local governments a new power, a new procedure. The gentleman from Louisiana is superimposing a new procedure in terms of what happens every time a land use changes, and the fact of the matter is that is a determination by the court to determine whether or not there is. But there certainly is zoning. There certainly are powers that the local governments have today, they have under this particular bill. There are certain powers the States have today that they have under this bill. Should they have to pay in order to exercise those legitimate and bona fide powers they have today that are recognized and not recognized in the court? And what this amendment intends to do and what the gentleman from Louisiana [Mr. TAUZIN] generally intends to do is to make both the Federal Government pay, to make State governments pay, to make the local governments pay every time they exercise a land use decision. That is the total effect of the advocacy that is being presented here, a radical new vote in terms of the government's role, in terms of what it does with land use, what it does with property.

Mr. Chairman, that is what is going on here, and we ought to be defeated. We ought to vote for and uphold the Constitution, not some radical interpretation.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I say to my colleagues, "If you voted 'yes' on the last amendment, you vote 'yes' on this amendment. The same issue is before us."

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN], my colleague, for yielding.

Mr. Chairman, I wish to respond to the gentleman from Oregon who earlier in this debate alleged that, although prohibiting the use of Federal funds in this legislation for the acquisition of private property, as we so clearly do, he says that in essence in effect what we are doing is affecting the use of private property. Again I say to the gentleman, as I did earlier in the use of Federal funds for the acquisition of private property, that look what we save, three different occasions as far as the use of private property in this legislation.

□ 1540

On page 30, section (1)(a), the lack of effect on authority of governments, we say, "Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulation."

A second area, we say, "Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for American Heritage area."

On a third occasion, in the Vento en bloc amendments that we already adopted, we say, "No requirement for land use regulation as a 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 management plan by the secretary."

So once again I say, read the legislation and see what we clearly prohibit in the bill already, to address the concerns of those like the gentleman from Louisiana.

Finally I will say, Mr. Chairman, in a question I posed to the question from Louisiana, who has championed this particular concern of his, and again I say myself perception as it relates to this bill, what if we were to adopt the gentleman's language to every highway bill that went through this body, to every dam that we built, to every public works project that we were to build across this country. What if we were to adopt the language of the gentleman from Louisiana?

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

Mr. MOLLOHAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman knows, I assume, that that is the law in every highway bill, that when the government takes your private property to build a highway, you are entitled to a procedure for compensation, and it is an eminent domain question, and you get compensated. The gentleman knows the current law provides for that.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield further, that is not a taking in those particular issues. We are not talking about takings here in this particular piece of legislation.

Mr. TAUZIN. If the gentleman will yield further, I suggest when the Government comes along and demands 10 of your acres for a highway, that it is a taking, and that is what it is all about. That is when you get paid under eminent domain. When a taking occurs here, we are suggesting the same thing ought to happen. You ought to get compensated, and the House agreed with that provision on the Desert Protection Act.

Mr. RAHALL. Again I would say to the gentleman, there are no takings in this piece of legislation. If there were takings, I would totally agree with him. The Constitution protects us in those cases.

Mr. TAUZIN. If the gentleman will continue to yield, if the gentleman were correct that there are no potential takings in this bill, you are correct, that there would be no compensation required. So what is the harm of an amendment that says if a taking does occur, that you have a provision for compensation? You cannot argue there is no taking, and yet no need for compensation if there are takings.

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

Mr. MOLLOHAN. I yield to the gentleman from Minnesota.

Mr. VENTO. The gentleman's definition in his amendment does not necessarily suggest that there is a taking. It talks about, whatever it means, a significant diminution of the use, whatever that is. The fact is that flies smack into the face, and the gentleman ought to know, the gentleman is very learned with regard to this, it flies right into the face of the legitimate powers of local and State governments to regulate land. So this is the case. And what the gentleman seeks to do, and I think it is clear, is to expand the amount of liability that the State and local governments would have uniquely onto this heritage area. Not under any other.

Now, maybe if you want to do that, that ought to be applied to everything in general. But why we would begin and do it in this instance is beyond me. So it is not a taking. Takings, if the gentleman will continue to yield, are protected under the fifth amendment. We say there are no takings, and in order to order that, we say here are the procedures we are going to follow. Are we going to rewrite out of whole cloth new law with regard to property rights here on the House floor as represented, as is represented by my colleague from Louisiana's effort.

That is what this is; no more, no less.

Mr. TAUZIN. If the gentleman will yield further, I beg to differ with my friend from Minnesota. What this gentleman is doing is in fact offering an amendment that parallels the decision of the Supreme Court in the case of Doland versus Tigard and in the case of Lucas versus the United States. In both of those cases, the U.S. Supreme court said that where a substantial loss, which is what we have here, of the use of or value of property, results from a regulatory taking, such as this, that compensation should be provided.

What we are suggesting is that a procedure be set up for that, rather than requiring everybody to go to court. That is what we do in highway takings, that is what we do in public property takings for public purposes like public projects.

So the gentleman is incorrect in saying that we have written something out of whole cloth. Lucas versus the United States and Doland versus the city of Tigard is the language we depend upon.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a lot of times we support something based on previous knowledge and history of the way things work. I know in the California desert plan, the Government, when it takes lands, and I know the gentleman from Minnesota [Mr. VENTO] fought against it, the Government is billions and billions of dollars behind in paying for land.

So what happens is that when a person's property is taken and goes on that list, the Government cannot pay for it. Then in the meantime, you cannot build or improve your property. So what happens? The value goes down. Then the Government comes in and says we want to give you fair market value.

That is not right, Mr. Chairman. I talked to a judge in San Diego this past weekend who teaches at the University of San Diego. He said the Government historically tries to beat down the price of private property so they can get it cheaper. He also said that the courts today across the country of the United States are tending to fight against this, because it is violating private property rights of individuals. Basically, it is stealing their land, and that is wrong.

I have a cousin that is in the district of the gentleman from Louisiana [Mr. TAUZIN]. He is a Republican, a solid Republican, and he supports the gentleman. Let me tell you why. Because the gentleman fights for the property rights and the rights of his constituents and those across America. I take a look at the gentleman's record in that area, and I look at the other gentlemen as far as the taking of lands, such as the California desert plan, Mr. Chairman, and I happen to believe in the gentleman and what he is trying to do.

I support eminent domain, but I also support the fair and equitable payment for land that you would own, Mr. Chairman, or I would own, or my mom or anybody else. And I think that when we take a look at it, I do not care if it is the Federal Government trying to steal my land or the State government trying to steal my land, or a city trying to steal my land. If they are going to take it under a taking, then they need to at least compensate me for it.

If there is no taking in this legislation, then the Members that are supporting this legislation should not be afraid to stand up and say hey, there is no taking in this. But if it does happen, then just compensation will be provided. And I do not think that is wrong.

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

Mr. CUNNINGHAM. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, on this point of administrative procedures, my understanding is that if there is a taking and we go through the administrative procedures, it costs an average individual about $250,000 and takes 10 years to resolve that. I thought I would bring that up and add it to the remarks of the gentleman from California.

Mr. CUNNINGHAM. In the meantime, the property value goes down and the Government wants to give him fair compensation at the reduced level. That concerns me, and I would ask at least the gentleman from Minnesota [Mr. VENTO] and the rest of you, if you are saying taking does not take place, but if it does, then I think we ought to give just compensation.

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

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman's yielding. My point is that is exactly what the Rahall-Regula amendment does. It refers back to the provisions in the Constitution. We cannot deny or suspend those rights by a speech on the floor, as Mr. REGULA said. The problem you have to understand, and I hope all Members do, is that what is being proposed here is not legislation dealing with the takings. That issue is decidedly and affirmatively in the Rahall-Regula amendment. But what is being proposed is if there is regulation, and regulation is a legitimate power of the local and State government in this case, there is no Federal Government involvement here. This is not a corollary to the California desert, which the gentleman and I debated on in the past.

Mr. CUNNINGHAM. Reclaiming my time, I would say, again, I do not care if it is a State or even a local district. If they wanted to take my land, all I am asking for is just compensation. If taking is not involved in this, then there should be no problem.

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

□ 1550

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Rahall amendment. Threats to our constitutional rights never come in announcing their intentions. They never come in like a whirlwind. They usually come in, they nibble around the edges. They never take a constitutional right head-on. They are like termites, Mr. Chairman. They chip away at the foundation of the principles on which our country was founded.

This initiative is no different. It claims it is no threat to our constitutional rights. It only nibbles around the edges of the rights of private property owners. It chips away just a little bit at a time.

Our Government has let loose too many of these termites on the rights of private property owners already, Mr. Chairman. I urge my colleagues to stand up for the rights of private citizens, private landowners in this country, and to vote "no" on the Rahall amendment.

Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

I just want to briefly also say that what the Rahall substitute would do to this amendment is they want the government to have the ability to use your property or any portion of it and that if the use happens to reduce its value, that they do not have to compensate the value to the owner for it.

In other words, they are saying that the government or this heritage area should be able to take this property or not take it, just to walk in and use it for whatever purpose they determine. And then if it happens to lower the value or restrict the use by the owner, so be it, that they have compensation recourse.

I would like to say that if in your own backyard in your homes, to the gentleman from Minnesota or the gentleman from Ohio, if the local government said, we want to use your backyard for a running path but we are not going to compensate you for it, but we will allow the public to run through it, would that be a similar situation as what we are asking for in this bill.

I just feel that if the government is going to use it, if it is going to reduce the value, that there should be just compensation ordered.

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

Mr. GRAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, if there is a taking of that property.

Mr. GRAMS. Mr. Chairman, no, not a taking. We just want to use it. That is what this bill is saying. Let us both use it.

Mr. VENTO. Mr. Chairman, would the gentleman from Minnesota advocate that anything a local government or State government made any modification to zoning, that they should have to have the purse out to pay back the money? Is that what the gentleman is advocating?

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

Mr. GRAMS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I am happy to help the gentleman in this area, because I have researched the law in that area. The courts have said that where zoning is unreasonable, where it is unreasonable, that you can have a taking. But only where there is a shared burden and benefits is a zoning law reasonable and, therefore, not a taking.

You can have a zoning law that is not a taking, but you can have a zoning law that unreasonably restricts the use of property. And the Supreme Court has ruled in other cases that that is a taking compensable under law.

We are saying here is that this Heritage Act may create such unreasonable takings for the benefit of the public at the expense of one small landowner.

The court has said very clearly in Florida Rock and many decisions that when the public at large benefits by taking the use away from one single landowner or a small group of them, that that is a constitutional taking.

Our problem is that if all of us have to go to the Supreme Court to find that out, what an awful, awful condition we are in in America. If every black child had to go to the Supreme Court to go to school in America, what a terrible state of mind we would be in in this country.

We came to this legislative body and we passed a civil rights law to guarantee those civil rights, and the same thing ought to be true when it comes to civil rights of individuals in regard to property in this country.

If a taking occurs, provide just compensation. If no taking occurs, as the gentleman claims no taking will occur, then there will be no compensation.

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

Mr. GRAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the point is that we say there is no taking. Apparently, there is some confusion about that. Obviously, the Constitution would prevail.

Clearly, whenever there is a decision that is made, those decisions have to be followed by the lower courts and by the police of that local government. The fact here is that there is no taking in this particular bill.

The point is, the gentleman is mandating that they set up a procedure. The gentleman is mandating in this amendment of his that they set up

such a procedure irrespective of what takes place. To have it sitting there for no purpose is another waste of money, another unfunded mandate. I would suggest that we resist the amendment.

Mr. GRAMS. Mr. Chairman, reclaiming my time, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I want to read the very simple, very straightforward language of our amendment that the Rahall amendment would destroy. It simply says that the 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 his 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.

That tracks very closely the language of the case law in this area, and it simply says that rather than condemning every one of us to spend 10 years in court to find out if we have this right, that we would establish that as a matter of law.

If the landowner in this process cannot establish that his property has been diminished in value, he will not be compensated. If he can make that determination, under our Constitution, he ought to, and under our amendment, he would be compensated. That is the clear choice before the House today. It was the same clear choice in the Desert Protection Act that 281 of my colleagues voted affirmatively for.

Mr. GRAMS. Mr. Chairman, I would just like to briefly conclude by saying that every Member should put himself in the position of one of these property owners that would lie within this designation. Ask themselves if they would be willing to open the doors to their back gates of their property and let anybody use it for any purpose without compensation or just recourse.

Mr. TORKILDSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, to let the Members know, in the language of H.R. 5044, it specifically states, "Nothing in this title shall be construed to grant powers of zoning or land use to any management entity." Again, "nothing in this title shall be construed to grant powers of zoning or land use to any management entity."

Even these local management entities will have no power of zoning and no power of land use. The Tauzin amendment would require them to compensate, even though they have no such power.

To me it just is not fair to say to a local entity, they are going to have to pay some specified money even though they do not have the power of zoning and they do not have the power of land use.

If a local community wants to change its zoning and change its property values, then the local community should have to pay whatever money is involved in the taking, and the Rahall-Regula substitute will provide for that, if there is an actual taking.

But under the bill, these management entities have no power to change zoning and no power to change or to require land use so they should not be held liable when they have no such power.

This vote is very similar to the last vote. If Members voted yes for the Rahall-Regula substitute before, they should vote yes on the Rahall-Regula substitute again. I hope that substitute is adopted.

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I guess the question I would raise, at least rhetorically for the gentleman from Louisiana [Mr. TAUZIN], based upon how successful these historic corridors have been across the northeast, this might be a question of some legitimacy, I wonder if the gentleman from Louisiana [Mr. TAUZIN] thinks that those who have had their property value enhanced by being included in historic corridor projects ought to compensate the government for that enhanced value?

My argument here is that by and large, by and large, in my experience in totality, property values have been enhanced by the historic corridor projects. As one who has come from local government and one who was involved in zoning, which was a legitimate public purpose, and one who was involved in numerous land takings, I can state unequivocally that there is a process for settling amicably these issues. It is called the courts. And time and again, whether we like the decision that they come back with, they do a remarkable job in this instance of settling land use taking questions.

There is no effort here, other than a proposal that would make for a more intrusive Congress in having us suggest, having us suggest that local government ought to check with us before they take private property.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me, because the gentleman previously posed a rhetorical question and would not yield to allow me to answer it for him.

The answer is that in no eminent domain taking is there such a provision for adjacent landowners to claim appreciation value.

□ 1600

In fact, Mr. Chairman, when the government comes to take your property for a highway purpose, the added value to your adjacent property is discounted in the calculations of value. That is currently the law.

What we are talking about here, however, is a law that provides for your property to be wrapped into a management area without your consent, now, according to the last amendment, and without the chance for you to say "I would rather not have been there, because it will diminish the value of my property."

If you have the right to consent, and your property was going to be elevated in value, that is one thing. However, where you do not have the right to say "I don't want to be in that zoning area," and that heritage area may be six counties wide, as long as the Mississippi River, you ought to at least have the right to say "If you have taken it without my consent, at least compensate me for what I have lost."

That is what the fifth amendment is all about. If we think every citizen ought to go to the Supreme Court to find that out, vote with the gentleman from West Virginia [Mr. RAHALL]. His amendment gives directions to go to the court. It says "Go find the courthouse."

If Members want to protect the individual small landowners of their district, they have to vote against the amendment offered by the gentleman from West Virginia [Mr. RAHALL] and vote for the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

If the gentleman will continue to yield, one final point, Mr. Chairman. It is not the same amendment because the same fellow has his name on it. Do not let anybody kid you. Because the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Ohio [Mr. REGULA] are the same sponsors of this amendment, it is not the same vote as the last vote.

The last vote was on the issue of consent by the landowner. We decided we did not want to give him that consent. What this amendment is all about is whether, having denied him the right to consent, are we also going to take his property away without giving him a process for compensation. That is a very different issue.

On that issue, Mr. Chairman, if Members are looking for guidance, look for the Tauzin amendment on the Desert Protection Act. Two hundred and eighty-one of the Members stood up in this Chamber and voted for fair compensation when property is taken by the Government for public purposes. That is what they Tauzin amendment is all about.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I have heard different Members say that there is no local land use regulation in this, that there is no regulation in this.

This is the bill. It is all regulation. It tells where the borders are, how wide, how long, what can be done. It identifies what they want to protect in those areas. The only out that they give the

local government in this is, because the previous amendment passed, it says that local counties have to buy into it, totally ignoring the local private property owners and whether they want to buy into it.

It is a Federal bill that now gives local counties or local cities the choice to opt out of it. It is all Federal land use regulation. That is what the bill is all about.

Mr. Chairman, let me just walk the Members through this very quickly as to what is going to happen. Ranchers are now going to wake up in the morning with a green spot on top of the map where their ranch used to be, and the Federal Government is now going to have adverse possession of their property. What they are doing is, they are regulating their ability to do something with their property, because if they do not happen to fit into the regulations that this outlines, they will not be allowed to do it.

Mr. Chairman, what the gentleman from Louisiana [Mr. TAUZIN] is attempting to do with this amendment is to say if the Federal Government is taking away the value of our property with this legislation, they have to compensate us for it.

Earlier in the discussion, in the debate, someone said "There is no money in here to buy property." That is one of the biggest things that is wrong with this bill. If the Government wants it, buy it. Do not regulate them out of existence.

We cannot afford to buy all the property that is included in this bill. We know we cannot afford to do it, so just say "There is no money to buy it." If the Government wants it, pay for it. If we are going to take it by regulation, we have to pay the property owner for what we are taking.

I have said this over and over on this floor. The Federal Government already owns a third of this country. What we are doing with the attempt is to take more property without having to pay for it. We are taking it by adverse possession. We are taking it by regulation, and in this, we are going to use the help of the local government.

The local government can install any kind of heritage plan, heritage corridor, they want. They can go to any county they want to and install these regulations. They do not need the Federal Government to step on their toes and tell them what they are going to do.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the point has been made this afternoon here over and over again that there are no provisions in this bill whatsoever which would empower the Federal Government to acquire or use any private property whatsoever. Nothing in this bill will enable the Federal Government to acquire or use in any way whatsoever any private property.

Furthermore, Mr. Chairman, it says "Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American heritage area." This bill makes it clear over and over and over again throughout its pages that the powers of zoning remain exclusively with the local government, with the village, the town, the localest level of government.

The amendment offered by the gentleman from Louisiana [Mr. TAUZIN], and by the way, I have a great deal of respect for my friend and colleague, the gentleman from Louisiana, for what he is, what he tries to do in terms of property rights; I think he is to be respected and encouraged in that regard.

Unfortunately, in this particular instance, he was off by just a little bit, because, since the bill stipulates that all the local powers of zoning remain with the local government, and no powers of zoning are in any way conveyed to the management entity or anyone else involved in the management of the heritage area, what the gentleman from Louisiana wants to do in his amendment is to require local governments to set up an administrative procedure for their own local zoning process, so that if a local government who happens to be within an American heritage area decides that it wants to zone an area residential, or it wants to keep an area around the school free of pornography, or pornographic bookstores, or movies, things of that nature, and they zone them out of existence, the effect of this amendment would require the local government to then set up an administrative procedure whereby they would have to pay the owner of that property not to establish a pornographic bookstore or a pornographic movie next to the theater pursuant to zoning regulations set up by the local government. That would be the practical, yes, the practical effect of the Tauzin amendment.

That is why the Regula amendment to the Tauzin amendment is so necessary, and ought to be adopted.

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

Mr. HINCHEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I would just point out that the local government, without this bill, has the right, power, and duty to zone out pornographic shops next to schools. They are doing it today. They have that right under the Constitution.

Mr. HINCHEY. Yes, that is true, Mr. Chairman. However, under the amendment of the gentleman from Louisiana, he would set up an administrative procedure which would have the effect of requiring them to pay the property owner for not being able to do that.

Mr. TAUZIN. If the gentleman will yield again, Mr. Chairman, the amendment does not affect current zoning authorities for those purposes. The amendment only affects the zoning authority used under this Federal act to create heritage areas.

If the local government wants to zone an area, right now, if this act never becomes law, as it may not in the waning hours of this session, the local government has the right to do that now.

This amendment would not require compensation for the exercise of that government authority, which currently exists without this bill.

Mr. HINCHEY. No sir, Mr. Chairman, I would tell the gentleman that he is mistaken about that. He is mistaken about that, because what he does is say that any local government involved in an America heritage area would have to set up that administrative procedure, because the effect of the gentleman's amendment is to require that whenever any zoning takes place, that administrative procedure has to then follow.

Since the only zoning that can take place has to be enacted by local government, the gentleman is imposing an unfunded mandate on every local government within the American heritage area to set up the administrative procedure that the gentleman wants to set up that would require people to be paid for not setting up pornographic bookstores and pornographic movies.

Mr. TAUZIN. Mr. Chairman, if the gentleman will yield further, I am so glad that the gentleman has such a great respect for me that he would make this argument. The fact of the matter is that our amendment only deals with substantial diminutions of value as a result of designation by the American heritage area. It has nothing to do with pornographic bookstores next to schools, which can and should be zoned out of existence under current law, without respect to this statute.

I will say it again, Mr. Chairman. My amendment does not in any way affect pornographic bookstores next to schools. I would appreciate it if the gentleman would just quit saying that.

Mr. HINCHEY. The gentleman would have us believe that, I know, Mr. Chairman. The fact of the matter is that when a local government enacts a zoning ordinance, and that zoning ordinance then restricts that kind of activity in a particular neighborhood, the gentleman's amendment would have the effect of requiring an administrative procedure to pay that property owner for not setting up that obnoxious activity in that neighborhood.

I am sorry to tell the gentleman that, but that is the effect of it.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are certain comments in this hallowed Chamber this

afternoon that bear repeating. I want to make, first, a couple of quick comments. The gentleman from California [Mr. POMBO] said if this legislation passed, every ranch in the country would have a green dot on it.

Mr. Chairman, I am not sure if that is accurate. I respect the gentleman from California [Mr. POMBO]. The comment I want to make to the gentleman from California is that I respect his views, I respect his right as a property owner to own a ranch and be able to use that property as productively as possible, as far as his ancestors and his descendants want that property to be used.

□ 1610

But I would just hope that the gentleman understands what is beginning to happen with the precedent of this particular amendment. I would like to see the gentleman use that ranch from now until the end of time and I hope with enough rain, that ranch remains green so the cattle have something to eat. But I want to make a comment about the amendment of the gentleman from Louisiana [Mr. TAUZIN] and the precedent that it may in my judgment, actually would, set.

Each jurisdiction in this country, a county, a town, has the right to have certain provisions for land use. There are residential areas, industrial areas, commercial areas, agricultural areas, all of these things. It is my judgment that under the Tauzin amendment, suppose in an agricultural area, a farmer decided that he wanted to use his farm for a rubble fill and bring in rubble or out-of-State rubble. That he could make—and this is not an exaggeration because it happens all across the country—$1 million a year bringing in rubble.

Then the local planning commission said that you cannot use that land for a rubble fill. And he said that is a takings, because under my regular agricultural use of this land, I can only make $50,000 off of those acres, but if I make it a rubble fill, I can make $1 million off of that land, so that in clear essence is a takings because you have now substantially reduced the value of my property as far as my economic income is concerned.

Suppose we have a residential area where someone decides that because of gasohol, they can now use their property in a residential area to set up a gasoline station and sell gas. They can make $100,000 a year with that gas station, with mechanic work or whatever, and the local jurisdiction said, "That is zoned residential, you can't do that." But the owner says, "You have substantially reduced the value of my property."

I want to make one other comment, and I do not want to really be an alarmist here and I do not want to overdo this issue because these things do happen around the country. They have happened in my district, they will happen in your district. Suppose somebody simply wants to set up a pornographic bookstore or they want to set up a little pornographic whatever and they want to put it in an area of town which will substantially reduce the value of somebody's restaurant, but they say, "I want that bookstore because I can make a lot of money and if you substantially reduce the value of my property, you owe me the money."

According to this amendment in my judgment, the precedent is that we have just, and we will, place a mandate on local government in areas that we would not even begin to imagine. This amendment has nothing to do with land use, it has nothing to do with regulation, it has nothing to do with the takings. This protects the fifth amendment as has been described here endlessly today.

I just want all the Members to consider the full ramifications of this precedent-setting amendment by the gentleman whom I have great respect for from the great State of Louisiana. He owns a little parcel of land on the Eastern Shore of Maryland from which I think he finds endless hours of enjoyment. I have full respect for this gentleman from Louisiana.

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

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

I know it has been said over and over again, but there is no taking, no change of zoning, no power to do that. If you are against unfunded mandates, vote yes on Rahall-Regula, because it prevents an unfunded mandate that will be required if you were to support the Tauzin amendment. We are trying to avoid that.

Mr. ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tauzin amendment and rise in opposition to the Rahall amendment.

I would just like to make a point to the gentleman from Maryland who just finished speaking. Every one of the examples that he presented to the body today is a situation where there was a zoning change. What we are talking about here in this discussion is there is an established use of that particular piece of property and because of actions of the Federal Government, there is a potential of losing some of that use that that individual farmer or rancher has been relying on for years.

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

Mr. ALLARD. I yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. I thank the gentleman for yielding.

Mr. Chairman, he is correct in his assessment. As a former city councilman and someone who has spent countless hours working on local land-use decisions, the examples that the gentleman from Maryland points out are just dead-wrong, and we have gone back and forth on this. We come from different parts of the country and we have different ideas on protection of property. The point is, what they are doing to these properties is not telling them that they cannot put a rubble dump, that they cannot put a toxic waste dump, that they cannot build a gas station, that they cannot move in a pornographic bookstore. They are not telling them that they cannot do something. That is a local land-use decision.

What they are doing is telling them that possibly they cannot do something they are doing now with their property. That is the difference. I think that the two arguments that were made by the two previous speakers about local land use and about their fears of what the Tauzin amendment might do are a perfect example of why they ought to vote against this entire bill. Because anytime the Federal Government gets involved in local land use, we mess it up.

We have no business getting involved in local land use. It should be a local body's decision to decide whether or not they are going to put a rubble dump in their community, whether they are going to put a gas station in their community. That is a local land use decision. It is not up to the Federal Government.

What this is doing with these regulations is land use.

Mr. VENTO. They are not regulations. It is proposed law.

Mr. POMBO. It has borders in here of where they start, where they stop. It has what they are trying to protect in the areas. This is the Federal Government getting involved with the county and the city's business. That is what this whole bill is about.

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

Mr. ALLARD. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, this has been a good debate. I just want to correct one point in the record here. We are not talking about the ordinary zoning laws of a city, county or municipality. The Court of Appeals clearly said in the Florida Rock case which cited other Supreme Court decisions that where there is a comparable reciprocity of advantage and disadvantage. There is no taking in ordinary zoning laws. We are talking here about a law that will create large greenway networks up and down river systems, huge networks. We are not talking about local planning or zoning. We are talking about a new Federal statute to create new huge regionally planned land use areas in

America. In these regionally planned huge land use areas, the notion of compensation is clearly defined in the Supreme Court takings law and it is one we ought to have in this bill.

We are about to wrap up this debate very shortly. I want to just put it down to what it comes down to. It comes down to whether or not you want to reaffirm as you did in the Desert Protection Act that you believe in compensation, just compensation fully for government takings of private property, for regulatory takings. In the Desert Protection Act, 281 Members voted that way. A vote for the amendment of the gentleman from West Virginia [Mr. RAHALL] is a vote to kill that same provision in this bill, because Rahall would simply provide information about how to go to court. That is all his amendment does. If you believe as you did in the Desert Protection Act that people ought to be compensated in a procedure whereby they get paid for the regulatory takings of the value of their property, the vote is no on Rahall and yes on the Tauzin amendment.

Mrs. UNSOELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think we have had a good debate. Obviously as Members know, I favor the Regula-Rahall amendment. I do not think local governments in heritage areas should have to pay to govern to make the decisions on zoning. They are protected by the fifth amendment. The Rahall-Regula amendment reiterates that. We do not need some sort of a new administrative procedure. What would that be?

□ 1620

What is better than the courts? Are we going to reinvent something here in every local government without any shape or form that is going to be unique in every local government? As the gentleman says, they already have structures to deal with where they have compensation issues, they already have land management offices. We do not need to tell them to do that. If there is an issue they need to respond to, they can do so. We cannot force this.

This amendment would have a very negative effect on these areas being established. We want the local governments to make the decision. That is what this bill says. I just hope that we can vote this up and be on our way. This is not the California Desert, we are not creating any new parks, this is not creating 8 million acres of wilderness area. This is inherently local partnership. Can the local government be a partner, can the local government take some pressure off of the Park Service and designate some of these new areas? I think we can.

Mr. Chairman, I thank the gentleman for yielding. There are other amendments that should be offered that we are willing to accept, so if Members are going to use time, I would ask that we end the debate in about 5 minutes. I do not want to cut anybody off. But I want to inform the Members that there is only about 10 minutes remaining so we need to come to a conclusion so that the noncontroversial amendments can be offered.

Mrs. UNSOELD. Mr. Chairman, I believe that the sponsor of the underlying amendment, the gentleman from Louisiana [Mr. TAUZIN], has a laudatory objective. But the way I read it, I think it goes beyond what he may be intending in a couple of ways.

No. 1, it is imposing by us Feds requirements on the local government. For many of us who have been saying we should be getting Government off the backs of local government we should not be imposing additional requirements on local government. The one that particularly bothers me, if I understand this correctly, currently if a highway is put through a community, the persons who give up their homes for the highway construction are compensated. That is a taking, and they are reimbursed, hopefully adequately. But the people who used to look at homes and are now looking at highway are not currently compensated under our system, and it would bankrupt the whole transportation system.

But under the gentleman's amendment, as I read it, the local governments would be required to set up a procedure to compensate those whose view had been altered, and I think that this would be creating a whole new type of entitlement that we Feds should not be imposing on the local government.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to point out to the gentlewoman the amendment does not impose the obligation of compensation. That is under the fifth amendment, under the courts. For example, the Dolan decision said the local government had to pay Mrs. Dolan for taking the greenway and the bike path. All we are saying is there ought to be a local procedure to do that, and I think that is fair. That is all we are doing.

Mrs. UNSOELD. As I understand the partnership requirements, that can be achieved through the local partnership, and indeed that is the proper place to address this issue. I feel that although what the gentleman may be attempting to do and may have a legitimate purpose, I think that the attempt, the means of doing that goes way beyond anything we can contemplate today, and would open us up, and open local government up to such potential lawsuits that one no would dare tackle a heritage corridor.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, as a sponsor, the Member that represents those areas that are asking for this particular amendment, if this were just applied to the State of Louisiana, I might be able to accept it. But I do not know of any place that we have that type of a problem.

Mrs. UNSOELD. My chamber of commerce is not asking for it.

Mr. HOKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Regula-Rahall amendment on behalf of the people that I represent in northern Ohio.

Essentially what the Tauzin amendment would do in this case would be to place a liability, a potential liability, a real liability on the managers of the various corridors that are being proposed. In the case of the Ohio and Erie Canal American Heritage Area that consists of the Superintendent of the Cuyahoga Valley National Recreation Area, two individuals that have been appointed by the Governor, eight individuals that are appointed by county commissioners or the county chief executive of the counties of Cuyahoga, Summit, Stark, and Tuscarawas, and I happen to represent the western side of Cuyahoga County, Cuyahoga County has clearly stated from its planning commission, from the Cuyahoga County Commissioners that they are very much in favor of the bill as it stands, and that essentially what this amendment would do is eliminate their ability to go forward with the corridor.

The reason for that is that it creates personal liability to the individuals on the board, it creates corporate liability for the county, and what that essentially means is that it kills the corridor area.

My concern is that the issue here or that the real motivation here is to actually kill the ability to have the corridor completely. The fact is that right now anybody who actually had a real taking of property would and does have a very real, very real cause of action right now in State court and could pursue it that way.

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

Mr. HOKE. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman has just made my point. The liability already exists. The person who suffers the taking under this bill will be able to go to the court. That exists today. The only difference between any amendment and the Rahall amendment

is that he will point you to the courthouse. Our amendment will set up a procedure where local landowners can have that established at home without having to travel and litigate for 10 years. I think that is very fair.

Mr. HOKE. Reclaiming my time, I would have to tell the gentleman in that case that if that is all the amendment does, then it is very easy to be opposed to it, because all it does is set up a new bureaucracy. With respect to the people that I represent and the area that we are talking about in Cuyahoga County, they have to travel if it is in the Federal courthouse, they have to travel about 5 miles to the Federal courthouse in Cleveland. If it is the county courthouse, they have to travel the same amount of miles. They are across the street from each other. They have no place to travel. If that is what we are doing, is creating this bureaucratic entity that is going to be another layer of bureaucracy, for heaven's sake, there is no justification whatsoever for doing this.

Mr. TAUZIN. Will the gentleman yield further?

Mr. HOKE. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. My bill does not create another level of bureaucracy. It calls upon the local government to use its current land office, its current imminent domain offices to do at home on the local level what might be done in the court of claims up in here Washington after 10 years of litigation. That is the only change, only difference in my amendment. If you want justice at home, vote for the Tauzin amendment. If you want to go to court for 10 years, go with Rahall.

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

Mr. HOKE. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, that is not the only thing in terms of setting up a new administrative panel or board. Most local governments are capable of dealing with that, and in fact do. But it also puts in a new definition of what is a property value, and that is the key here in terms of what is going on. That is where the court has come in and applied it. What the gentleman is asking is a substantial diminution of the right. He claims it follows the law, and if it follows the law, then there is no need for it again, and again it is redundant, and we do not need this redundancy.

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

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

Mr. REGULA. Mr. Chairman, the gentleman said it exactly right. Tauzin creates a whole plethora of administrative units, big, expensive, and you have the local Boy Scouts, the Kiwanis Club and the Boys Club trying to preserve something for their children and their grandchildren, and instead he wants to have a huge administrative burden.

Mr. HOKE. Mr. Chairman, I yield back the balance of my time.

□ 1630

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, most unusual debate; I was not going to get involved, but since everybody is talking about how you go to jail and what process it takes to get to jail and how supposedly Rahall is going to help you do all of that, I have gone through the process more than anybody else and been in jail more than anybody else. So I think I could probably, as a nonattorney, speak to what I consider to be the language in the bill.

I will not yield to the venerable chairman. I am hoping not to get into the details of the indictment and everything.

Page 30, section 110, "the lack of effect on land use regulation," subsection (b), from a nonattorney, "Lack of zoning or land use powers of entity. Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area."

Now, I looked at the language. My neighbor does a great job, a Member of the other party, probably helped Ohio more than anybody else along with the gentleman from Ohio [Mr. STOKES], and we appreciate it, Chairman.

I looked at the language in concert with the chairman, the gentleman from West Virginia [Mr. RAHALL], and I think we are taking this constitutional thing a little out of context.

The Congress of the United States is going to spend all of this time in the last 2 days on all of these bills talking about the Constitution. My God, you should be talking about the World Trade Organization or that God-awful trade treaty.

I support the Regula-Rahall amendment. I support, though in principle, the continuing efforts of the chairman, the gentleman from Louisiana [Mr. TAUZIN], but I am going to vote, because I think the amendment by Regula-Rahall speaks to the constitutional issues, and I think that the fears that are being developed are just that.

Now, not everybody is an attorney who reads our laws, and one of the problems we have is interpretation. One of the things that, Congress, we might do is, in establishing legislative history, bring forward all of that dialog. The people of the United States are certainly getting tired of all of these attorneys, anyway.

So I am proud to say today that I am not a member of the bar. I am going to try to stay out of jail. And I am going to vote for Rahall-Regula.

And in closing, I would hope that the Speaker of the House may be listening, and he will not bring forward the rule on GATT that may cost the Democrat candidates to lose four or five seats in the upcoming election. I have seen some crazy things, and I think the Democrat responsible for bringing GATT on the floor today is making a serious blunder.

The White House is not up for election, and if Hulk Hogan cannot lift it and Albert Einstein cannot understand it, leave it in the closet, Mr. Speaker.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VENTO], the venerable chairman, who wanted to try and say some nice things.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's support for the Rahall-Regula amendment.

Mr. MINETA. Mr. Chairman, I rise today in strong opposition to the amendment by my colleague from Louisiana and in support of the Rahall-Regula substitute.

Mr. Chairman, I want to again stress that everyone agrees that the rights of private property owners in this country must be protected and preserved.

But once again, Mr. Chairman, the gentleman from Louisiana is making a disingenuous argument. As has been pointed out time and time again, the American Heritage Areas Protection Act does not diminish the rights of private property owners—it protects them.

This bill ensures that no decision on land management can be made without the express consent of the local community.

For more than 200 years the court has protected our private property rights under the fifth amendment to the Constitution. The amendment by Mr. TAUZIN would radically change our tradition by creating an administrative process—instead of a judicial process—to adjudicate takings disputes. We should not undertake such a fundamental change so lightly.

The Rahall-Regula substitute, which would ensure that all landowners are made aware of their rights under the fifth amendment, is a good and fair alternative to the Tauzin amendment.

Mr. Chairman. I encourage my colleagues to support the Rahall substitute and support the American Heritage Areas Protection Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL] to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Chairman, I demand a recorded vote.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RAHALL. Mr. Chairman, how long a time does one have after a vote has been declared one way or another?

The CHAIRMAN. There had been no intervening business when the gentleman from Louisiana, who was standing, asked for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a rollcall vote by electronic device may be taken on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The vote was taken by electronic device, and there were—ayes 234, noes 187, not voting 18, as follows:

[Roll No. 485]

AYES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Becerra
Bellenson
Bereuter
Berman
Bilbray
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Cantwell
Cardin
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
Lantos
LaRocco
Lazio
Levin
Levy
Lewis (GA)
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Pickle
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—187

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Brewster
Brooks
Bunning
Calvert
Camp
Canady
Castle
Clement
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fazio
Fields (LA)
Fields (TX)
Fowler
Frost
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson, Sam
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Leach
Lehman
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Long
Lucas
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
McNulty
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Murphy
Myers
Nussle
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Quinn
Ramstad
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Wilson
Young (AK)
Zeliff

NOT VOTING—18

Bachus (AL)
Bevill
Blackwell
Browder
Burton
Callahan
Carr
Chapman
Cramer
Gallo
Hilliard
Jacobs
Ridge
Slattery
Sundquist
Tucker
Washington
Whitten

□ 1655

Mr. GUNDERSON, Mr. SAXTON, and Mr. McCOLLUM changed their vote from "aye" to "no."

Mr. ROWLAND changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered 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.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VENTO. Mr. Chairman, I cannot hear what is being done.

The CHAIRMAN. The Chair states that there has been offered a new amendment, the amendment offered by the gentleman from Alaska [Mr. YOUNG].

Is there objection to the dispensing of the reading of this amendment?

Mr. VENTO. Mr. Chairman, is this the amendment that is printed in the RECORD of October 3, 1994?

The CHAIRMAN. Yes, it is.

Mr. VENTO. Is this the amendment that deals with the fishing and hunting savings clause to be offered by the gentleman from Alaska [Mr. YOUNG] and, I understand, the gentleman from Oklahoma [Mr. BREWSTER]?

Mr. YOUNG of Alaska. Yes, Mr. Chairman, it is.

Mr. VENTO. Mr. Chairman, I have no objection to dispensing with the reading.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Alaska will be considered as read and printed in the RECORD.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, our amendment preserves the right of the State fish and game departments to manage fish and wildlife on lands designated as heritage areas which includes regulating hunting and fishing.

Mr. Chairman, does the gentleman from Minnesota [Mr. VENTO] accept the amendment?

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VENTO. Mr. Chairman, I am trying to find out if all we have left is 5 minutes in total for this bill.

The CHAIRMAN. The gentleman is correct.

Mr. YOUNG of Alaska. Mr. Chairman, then if I take the 5 minutes, the gentleman from Minnesota [Mr. VENTO] has no more time to talk.

The CHAIRMAN. The Chair can divide the time, and the Chair will divide the time, equally between both gentlemen. The Chair will recognize the gentleman form Alaska [Mr. YOUNG] for 2½ minutes and the gentleman from Minnesota [Mr. VENTO] for 2½ minutes.

Mr. VENTO. Mr. Chairman, I ask unanimous consent to divide the time equally between the gentleman from Alaska [Mr. YOUNG] and myself.

The CHAIRMAN. Without objection, the Chair has divided the time already.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, the amendment also clearly states that Secretary Babbitt or his successors cannot require limits on hunting and fishing as a condition for approving any heritage area management plans or compacts. Furthermore, no Federal funds authorized by this act can be withheld because hunting is allowed on the affected lands.

Without our amendment, this legislation would be silent on the question of hunting. As a result, Code of Federal Regulations [CFR] 2.2(b) dealing with hunting on units of the National Park System would be the law of the land for all heritage areas.

This regulation states, "hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law."

It goes on to state, "hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles."

Our failure to authorize hunting in this legislation will either result in the National Park Service using their discretionary power to ban hunting or animal rights activists going to Federal court to stop it as they did with the Ozark National Scenic Riverway in Missouri several years ago.

One real world example of why our amendment is needed is illustrated by a proposal to create a heritage area two to six counties wide running the entire length of the Mississippi River, over 1,200 miles long. This area contains one of the largest waterfowl flyways on the entire North American Continent and provides millions of hours of enjoyment for hunters all over the Nation. Without our amendment, hunting in this entire area could be seriously jeopardized.

Our amendment is supported by the 3.7-million-member National Rifle Association. It is also strongly supported by the Safari Club International and the Wildlife Legislative Fund of America.

The issue is crystal clear: Do you want to allow unelected Federal bureaucrats in green uniforms or militant animal rights activists to stop you or members of your family from hunting on lands where you have hunted for generations? If so, then oppose our amendment.

If you want to allow hunting, under reasonable State regulation, to continue on lands designated as heritage areas, then support the Young-Brewster amendment.

□ 1700

Mr. YOUNG of Alaska. Mr. Chairman, all I have done is to extend my remarks. I thought my chairman had accepted the amendment. I do not want to argue the amendment at this time. All it does is simply preserve the right for the States to manage fish and game in these heritage areas, the same one you printed.

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

Mr. VENTO. Mr. Chairman, this amendment, I understand, is offered by the gentleman from Oklahoma [Mr. BREWSTER]. I did not know if the gentleman wanted to speak on it or not.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman for yielding.

Mr. Chairman, I do rise in support of the Young-Brewster amendment. I think the gentleman offers a very responsible amendment here aimed at protecting hunting. It preserves the right of our State wildlife areas to continue the management of wildlife, including hunting on lands designated as National Heritage Areas. The gentleman has crafted a very important piece of legislation in this amendment.

Mr. Chairman, the gentleman's amendment makes sense because in instances where enabling legislation of park units have not allowed, or expressly authorized, that is, hunting, anti-hunting groups have filed lawsuits to ban hunting on these lands. This means extensive legal fees. And by the preservation of the right of our State wildlife agencies to continue the management of this area, this amendment does help prevent the diversion of a lot of these monies to expensive legal suits.

So I appreciate the gentleman's amendment, and again rise in support.

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

Mr. Chairman, the concern that arose here, and I respect the gentleman from Alaska [Mr. YOUNG] and the gentleman from Oklahoma [Mr. BREWSTER] had suggested to me that this would not require hunting or fishing in areas that are urban. That is, the State and local laws that affect hunting and fishing would prevail in these instances. Because many of these Heritage Partnership Areas are in urbanized areas. There is no expectation that hunting would occur in these areas.

Mr. Chairman, I will yield to the gentleman from Alaska [Mr. YOUNG] for clarification on that point. It is my understanding if the State did not permit hunting in certain zones, because they are urban or because for any other reason, that this amendment would not require or permit hunting in those areas where hunting is not permitted today. Is that correct?

Mr. YOUNG of Alaska. Mr. Chairman, that is correct. The State would still manage as they did in the past. They would not allow hunting in areas where it is not allowed already.

Mr. VENTO. I thank the gentleman for his clarification.

Mr. Chairman, we have no objection to the amendment. I want to commend the gentleman from Alaska [Mr. YOUNG] and the gentleman from Oklahoma [Mr. BREWSTER] for their efforts with regard to this. I also want to commend my colleagues for the conduct of the debate. Momentarily we are going to be at the point where we can pass this bill, an important new bill, an important new issue, and I ask all of my colleagues to join together in support of that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. YOUNG].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAMS

Mr. GRAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered 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.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. There are 2 minutes left. The Chair will divide the time equally between the gentleman from Minnesota [Mr. GRAMS] and the distinguished chair, the gentleman from Minnesota [Mr. VENTO].

The Chair recognizes the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I rise today to offer an amendment which improves the quality of management. My amendment simply offers nonbinding direction to the management entities to include representatives from local governments, businesses, and nonprofit groups, including environmental organizations, within the entity itself. I strongly urge adoption.

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

Mr. VENTO. Mr. Chairman, we have no objection to this amendment. We think that this is not a harmful amendment. It may be somewhat helpful. We would be willing on this side to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GRAMS].

The amendment was agreed to.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] is recognized for 1 minute.

Mr. SMITH of Oregon. Mr. Chairman, this may be the last time I have officially to address the House of Representatives after 12 years of service here, and I think I am going out the way I came in, a little short. I had an amendment at the desk ready to be offered in proper order, yet the time ran out, so that my offering here to save the American taxpayers $50 million cannot be discussed or voted upon.

However, I want to say, finally, that it has been a good trip. I have enjoyed serving in this body with you most of the time. Issues like this one are contentious. I will not miss the last 2 days, I guarantee you. But it has been a privilege to serve in the people's House. Very few of us have that opportunity, and I consider it an honor to be with you and having served with you.

I am very optimistic about the future. I think help is on the way for some of us and some of our philosophy. A bill like this will never pass in another session of Congress. By the way, this one will not become law.

So I am delighted to be here. I love the battle. I am going to Oregon. I will think about you once in a while, and come see you from time to time. Good evening.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOYER) having assumed the chair, Mr. MENENDEZ, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes, he reported the bill back to the House with sundry amendments adopted by the committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 281, nays 137, not voting 16, as follows:

[Roll No. 486]

YEAS—281

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hefley
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Skaggs
Slaughter
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—137

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Brooks
Bunning
Burton
Buyer
Calvert
Camp
Canady
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Edwards (TX)
Emerson
Everett
Ewing
Fields (TX)
Fowler
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hancock
Hastert
Hayes
Herger
Hoekstra
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Klug
Knollenberg
Kyl
Laughlin
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Mica
Miller (FL)
Moorhead
Myers
Nussle
Orton
Parker
Paxon
Petri
Pickett
Pombo
Quinn
Ramstad
Roberts
Rohrabacher
Roth
Royce
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Upton
Valentine
Vucanovich
Walker
Wilson
Young (AK)
Young (FL)
Zeliff

NOT VOTING—16

Bachus (AL)
Bevill
Browder
Callahan
Carr
Cramer
Gallo
Hilliard
Machtley
Maloney
Ridge
Slattery
Sundquist
Tucker
Washington
Whitten

□ 1732

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall vote No. 486. Had I been present I would have voted "aye."

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5044, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1420

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1420.

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

There was no objection.

MODIFICATION OF MOTION TO SUSPEND THE RULES AND PASS S. 1614, HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the motion to suspend the rules and pass the Senate bill, S. 1614, as amended, be modified, and that the modification be considered as read and printed in the RECORD.

Mr. Speaker, this has been agreed on by all parties.

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

There was no objection.

The text of the modification is as follows:

(1) Page 11, line 12, after "subsection (a)(1)(A)(ii)", insert "and section 4(e)(1)".

(2) Page 47, line 23, strike "subsection" and insert "section".

(3) Page 47, line 24, strike "$1,700,000" and insert "$1,800,000".

(4) Page 47, line 24, strike "$2,400,000" and insert "$2,600,000".

(5) Page 47, line 25, strike "$2,900,000" and insert "$3,100,000".

(6) Page 48, line 1, strike "$3,300,000" and insert "$3,400,000".

(7) Page 56, line 6, strike "$375,000" and insert "$475,000".

(8) Page 56, line 7, strike "$425,000" and insert "$525,000".

(9) Page 74, beginning on line 8, strike ", $1,900,000" and all that follows through "1999" on line 11 and insert "and $2,000,000 for fiscal year 1996".

(10) Page 87, beginning on line 18, strike $150,000" and all that follows through "1998" on line 20 and insert "$200,000 for each of fiscal years 1995 and 1996, $150,000 for fiscal year 1997, and $100,000 for fiscal year 1998".

SUPPORT SOUGHT FOR S. 986, CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1994

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

Mr. MONTGOMERY. Mr. Speaker, there has been some confusion. We will be taking up a suspension vote in just a few moments on S. 986, the Corinth, MS battlefield bill.

That only covers Corinth, MS, and Stone River in Tennessee. No other battlefields are included. There was a mistake last night.

Mr. Speaker, this is bipartisan legislation. Its authorization will probably be the last bill in which the gentleman from Mississippi [Mr. WHITTEN] will be involved. This is in the district of the gentleman from Mississippi [Mr. WHITTEN]. As far as we know, there is no objection, but I did want to mention it because there was some confusion.

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

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

Mr. TRAFICANT. Mr. Speaker, Chairman WHITTEN is very concerned about this bill. For all his years in service, there has been a lot of antagonism at times and some partisan activity for strategies. I would hope that S. 986 has not become embroiled in that.

The gentleman from Mississippi [Mr. WHITTEN] is very concerned about that bill. I hope everybody will vote "aye" on S. 986.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 173

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 173.

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

There was no objection.

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

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3949.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, October 3, 1994, and then on each motion to suspend the rules on which further proceedings were postponed on Tuesday, October 4, 1994, in the order in which those motions were entertained.

Votes will be taken in the following order:

S. 986 by the yeas and nays;
H.R. 5116, de novo;
H.R. 4922, de novo;
S. 1457, de novo;
S. 922, de novo;
H.R. 5140, de novo;
H.R. 3059, de novo;
H.R. 5139, by the yeas and nays;
H.R. 2135, de novo;
S. 720, de novo;
Concurring in Senate amendment to H.R. 4653, de novo;
H.R. 4533, by the yeas and nays;
S. 1919, by the yeas and nays;
S. 1614, de novo;
S. 1225, by the yeas and nays;
H.R. 5155, de novo;
H. Con. Res. 302, de novo;
H. Res. 561, de novo;
H. Res. 560, de novo;
H. Con. Res. 278, de novo;
H. Con. Res. 216, de novo;
Concurring in Senate amendment to H.R. 2826, de novo; and
Concurring in Senate amendment to H.R. 3485, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 986, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 986, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 45, not voting 26, as follows:

[Roll No. 487]

YEAS—363

Abercrombie	Bonior	Condit
Ackerman	Borski	Conyers
Andrews (ME)	Boucher	Cooper
Andrews (NJ)	Brewster	Coppersmith
Andrews (TX)	Brooks	Costello
Applegate	Brown (CA)	Cox
Bacchus (FL)	Brown (FL)	Coyne
Baesler	Brown (OH)	Crapo
Baker (LA)	Bryant	Cunningham
Ballenger	Bunning	Danner
Barca	Burton	Darden
Barcia	Buyer	de la Garza
Barlow	Byrne	Deal
Barrett (NE)	Calvert	DeLauro
Barrett (WI)	Canady	Dellums
Bartlett	Cantwell	Derrick
Barton	Cardin	Deutsch
Bateman	Castle	Diaz-Balart
Becerra	Chapman	Dickey
Beilenson	Clay	Dicks
Bereuter	Clayton	Dingell
Berman	Clement	Dixon
Bilbray	Clinger	Dooley
Bilirakis	Clyburn	Dornan
Bishop	Coleman	Dreier
Blackwell	Collins (GA)	Dunn
Blute	Collins (IL)	Durbin
Boehlert	Collins (MI)	Edwards (CA)
Bonilla	Combest	Edwards (TX)

Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
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
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NAYS—45

Allard
Archer
Armey
Baker (CA)
Bliley
Boehner
Camp
Coble
Crane
DeFazio
DeLay
Doolittle
Duncan
Ehlers
Fawell
Fields (TX)
Goodlatte
Goss
Grams
Greenwood
Hancock
Hansen
Hefley
Hoekstra
Huffington
Inglis
Klug
Lazio
Manzullo
Margolies-Mezvinsky
Mica
Miller (FL)
Orton
Pombo
Porter
Pryce (OH)
Ramstad
Rohrabacher
Royce
Sensenbrenner
Taylor (NC)
Thomas (WY)
Upton
Williams
Zeliff

NOT VOTING—26

Bachus (AL)
Bentley
Bevill
Browder
Callahan
Carr
Cramer
Frank (MA)
Gallo
Hilliard
Lewis (CA)
McDade
Obey
Pastor
Peterson (FL)
Ridge
Sabo
Slattery
Stokes
Sundquist
Torres
Tucker
Washington
Wilson
Wolf
Yates

□ 1759

Messrs. CAMP, ROYCE, DEFAZIO, and GREENWOOD, Ms. PRYCE of Ohio, and Mr. GOSS changed their vote from "yea" to "nay."

Mr. SAM JOHNSON of Texas and Mr. PAXON changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate 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. VISCLOSKY). 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 a vote by electronic device may be taken on each of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

BANKRUPTCY REFORM ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5116, 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. 5116, 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.

COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT AND SUNDRY AMENDMENTS TO THE CODE AND THE COMMUNICATIONS ACT OF 1934

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4992, 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. 4922, 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.

AMENDING THE ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1457, as amended.

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. 1457, 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.

FULL FAITH AND CREDIT FOR CHILD SUPPORT ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 922.

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. 922.

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.

CHILD SUPPORT ENFORCEMENT FOR MEMBERS OF THE ARMED FORCES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5140.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. SKELTON] that the House suspend the rules and pass the bill, H.R. 5140.

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.

NATIONAL MARITIME HERITAGE ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3059, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington [Mrs. UNSOELD] that the House suspend the rules and pass the bill, H.R. 3059, 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.

REEMPLOYMENT OF IMPROPERLY SEPARATED POSTAL SERVICE EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5139.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 5139, on which the yeas and nays are ordered.

The Chair would remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 300, nays 117, not voting 17, as follows:

[Roll No. 488]

YEAS—300

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Snowe
Spence
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff

NAYS—117

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Billirakis
Bliley
Boehner
Bunning
Buyer
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Danner
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Fawell
Fields (TX)
Fowler
Gallegly
Gekas
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Leach
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McHugh
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Penny
Petri
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Rogers
Royce
Santorum
Sensenbrenner
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spratt
Stearns
Stump
Talent
Tanner
Taylor (MS)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Young (FL)
Zimmer

NOT VOTING—17

Bachus (AL)
Bevill
Blute
Browder
Brown (CA)
Callahan
Carr
Clayton
Cramer
Frank (MA)
Gallo
Hilliard
Ridge
Slattery
Sundquist
Tucker
Washington

□ 1816

Mr. SMITH of Texas and Mr. GRAMS changed their vote from "yea" to "nay."

Messrs. HOLDEN and ROHRABACHER changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIVE AMERICAN VETERANS' MEMORIAL ESTABLISHMENT ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2135, 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 Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 2135, 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.

INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill S. 720, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and pass the Senate bill, S. 720, 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.

CONCURRING IN SENATE AMENDMENT TO H.R. 4653, MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 4653.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4653.

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.

NATIONAL PARK SERVICE ENTREPRENEURIAL MANAGEMENT REFORM ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4533, 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 Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4533, as amended, on which the yeas and nays are ordered.

The vote was taken by elecronic device, and there were—yeas 242, nays 174, not voting 18, as follows:

[Roll No. 489]

YEAS—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Chapman
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Coppersmith
Coyne
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
English
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodlatte
Goss
Grams
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McMillan
McNulty
Meehan
Meek
Meyers
Mfume
Miller (CA)
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Parker
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Portman
Price (NC)
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—174

Allard
Andrews (NJ)
Applegate
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Bunning
Buyer
Calvert
Camp
Canady
Cardin
Castle
Clay
Clement
Clinger
Coble
Collins (GA)
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Engel
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fish
Ford (TN)
Franks (CT)
Gallegly
Gekas
Geren
Gilman
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hastert
Hayes
Hefley
Herger
Hoekstra
Holden
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson, Sam
Kim
King
Kingston
Klein
Klug
Knollenberg
Lancaster
LaRocco
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Maloney
Manzullo
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
Menendez
Mica
Michel
Miller (FL)
Mink
Molinari
Moorhead
Murphy
Myers
Nadler
Nussle
Owens
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Peterson (MN)
Petri
Pombo
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schumer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (IA)
Smith (NJ)
Solomon
Stearns
Stokes
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torricelli
Valentine
Velazquez
Vucanovich
Walker
Walsh
Weldon
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bachus (AL)
Bevill
Browder
Brown (CA)
Burton
Callahan
Carr
Clayton
Cramer
Frank (MA)
Gallo
Hilliard
McCurdy
Ridge
Slattery
Sundquist
Tucker
Washington

□ 1827

Messrs. KLEIN, PAYNE of New Jersey, ENGEL, and TAYLOR of Mississippi, and Ms. VELAZQUEZ changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

RIO PUERCO WATERSHED ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1919, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1919, on which the yeas and nays are ordered.

The Chair would remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 18, as follows:

[Roll No. 490]

YEAS—220

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Blute
Bonilla
Bonior
Borski
Boucher
Brooks
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin

Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Inslee
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Regula
Reynolds
Richardson
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sawyer
Schenk
Schiff
Schroeder
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Skaggs
Skeen
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thomas (WY)
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—196

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Billirakis
Bliley
Boehlert
Boehner
Brewster
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Murphy
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schumer
Sensenbrenner
Shaw
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thornton
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bachus (AL)
Bevill
Browder
Brown (CA)
Callahan
Carr
Clayton
Cramer
Frank (MA)
Gallo
Hilliard
McCurdy
Ridge
Sanders
Slattery
Sundquist
Tucker
Washington

□ 1834

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1614, as amended, as modified.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the Senate bill, S. 1614, as amended, as modified.

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

A motion to reconsider was laid on the table.

UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1225.

The Clerk read the title of the Senate bill.

The question is on the motion offered by the gentleman from Michigan [Mr. DINGELL] that the House suspend the rules and pass the Senate bill, S. 1225, on which the yeas and nays are ordered.

The Chair reminds Members, this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 103, not voting 23, as follows:

[Roll No. 491]

YEAS—308

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Beilenson
Bereuter
Berman
Bilbray
Billirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs

Skeen	Talent	Visclosky
Skelton	Tanner	Volkmer
Slaughter	Tauzin	Vucanovich
Smith (IA)	Taylor (MS)	Waters
Smith (MI)	Tejeda	Watt
Smith (TX)	Thomas (CA)	Waxman
Snowe	Thompson	Wheat
Spence	Thornton	Whitten
Spratt	Thurman	Williams
Stark	Torkildsen	Wilson
Stenholm	Torres	Wise
Stokes	Torricelli	Woolsey
Strickland	Towns	Wyden
Studds	Traficant	Wynn
Stupak	Unsoeld	Yates
Swift	Velazquez	Young (FL)
Synar	Vento	

NAYS—103

Allard	Greenwood	Packard
Baker (LA)	Hancock	Paxon
Ballenger	Hansen	Penny
Barca	Hastert	Petri
Barrett (NE)	Hefley	Pombo
Bartlett	Herger	Porter
Bentley	Hobson	Portman
Boehner	Hoekstra	Pryce (OH)
Bunning	Hoke	Quinn
Burton	Holden	Regula
Camp	Houghton	Rogers
Canady	Inglis	Rohrabacher
Castle	Inhofe	Royce
Clinger	Inslee	Santorum
Coble	Istook	Sensenbrenner
Collins (GA)	Kasich	Shaw
Cooper	Kim	Shuster
Cox	King	Smith (NJ)
Crane	Kingston	Smith (OR)
Crapo	Klug	Solomon
Doolittle	Knollenberg	Stearns
Dreier	Lazio	Stump
Duncan	Levy	Swett
Emerson	Lewis (CA)	Taylor (NC)
Everett	Lewis (FL)	Thomas (WY)
Ewing	Lewis (KY)	Upton
Fawell	Linder	Valentine
Franks (CT)	Manzullo	Walker
Franks (NJ)	Margolies-Mezvinsky	Walsh
Gallegly	McHugh	Weldon
Gekas	Meyers	Wolf
Goodlatte	Miller (FL)	Young (AK)
Goodling	Orton	Zeliff
Goss	Oxley	Zimmer
Grams		

NOT VOTING—23

Bachus (AL)	Cramer	Payne (NJ)
Becerra	Farr	Ridge
Bevill	Frank (MA)	Sanders
Browder	Gallo	Slattery
Brown (CA)	Hilliard	Sundquist
Callahan	McCurdy	Tucker
Carr	Mica	Washington
Clayton	Michel	

□ 1843

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS of Alabama. Mr. Speaker, earlier today I joined several of my colleagues in traveling to my home State of Alabama to attend the funeral services of our friend and former colleague, Claude Harris.

During my absence, my vote was not recorded on rollcall votes 484, 485, 486, 487, 488, 489, 490, and 491.

Mr. Speaker, had I been present and voting, I would have voted "no" on rollcall votes 484, 485, 486, 488, 489, 490, and 491 and "yes" on rollcall vote 487.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably delayed and was unable to vote and missed three votes, the vote on S. 1225, S. 1919, and H.R. 4533.

Had I been present, I would have voted in the affirmative in all three cases.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, because of a mechanical malfunction, my vote was incorrectly recorded on Wednesday, October 5, 1994 during the vote on S. 1225. My vote was electronically recorded as a "yea" vote when it should have been "nay".

AUTHORIZING THE TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5155.

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. ANDREWS] that the House suspend the rules and pass the bill, H.R. 5155.

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.

PROMOTING POLITICAL STABILITY IN TAJIKISTAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 302.

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

A motion to reconsider was laid on the table.

SENSE OF HOUSE WITH RESPECT TO PROSPECTS FOR PEACE IN NORTHERN IRELAND

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 561.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 561.

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

A motion to reconsider was laid on the table.

CONCERNING UNITED STATES SUPPORT FOR THE NEW SOUTH AFRICA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 560.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the resolution, House Resolution 560.

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.

EXPRESSING THE SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD VIETNAM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 278.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 278.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING HUMAN RIGHTS IN VIETNAM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 216, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 216, 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.

CONCURRING IN SENATE AMENDMENT TO H.R. 3485, EARTHQUAKE HAZARDS REDUCTION ACT AUTHORIZATION FOR FISCAL YEARS 1994, 1995, AND 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 3485.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3485.

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.

CONCURRING IN SENATE AMENDMENT TO H.R. 2826, PROVIDING FOR INVESTIGATION OF WHEREABOUTS OF UNITED STATES CITIZENS AND OTHERS MISSING FROM CYPRUS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2826.

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. ANDREWS] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2826.

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.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, September 28, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources projects by the Secretary of the Army in accordance with the provisions of section 4 of the Act of March 4, 1913, section 2 of the Act of June 15, 1955, and section 204 of the Flood Control Act of 1970.

Sincerely yours,
NORMAN Y. MINETA,
Chair, Committee on Public Works and Transportation.

There was no objection.

□ 1850

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. VISCLOSKY) laid before the House the following communications from the chairman of the Committee on Pubic Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, September 28, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of two resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize small watershed projects of the Soil Conservation Service in accordance with the provisions of section 2 of the Watershed Protection and Flood Prevention Act (Public Law 83-566).

Sincerely yours,
NORMAN Y. MINETA,
Chair, Committee on Public Works and Transportation.

There was no objection.

SENSE OF CONGRESS REGARDING U.S. POSITION ON DISINSECTION OF AIRCRAFT AT MEETING OF ICAO

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 77) expressing the sense of Congress regarding the U.S. position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. CLINGER. Mr. Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from Minnesota [Mr. OBERSTAR], the chairman, to enable him to explain the purpose of the resolution.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Senate Concurrent Resolution 77 expresses the sense of Congress concerning the position of the United States on the disinsection, or spraying, of aircraft, a position to be expressed at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization [ICAO].

The United States stopped spraying aircraft for insects way back in 1979, but 27 other countries still require aircraft to be sprayed prior to landing or by residual long-lasting pesticide treatment. This means flight attendants walk down the aisles spraying pesticide on passengers, or the aircraft is sprayed when it is empty with a long-lasting pesticide whose effects in the cabin can last up to 8 weeks.

In either case, unsuspecting passengers as well as flight attendants suffer the effects of toxic insecticides which can be devastating to their health.

The Department of Transportation has published a list of countries that still require this practice. The Federal Aviation Administration Authorization Act of 1994, passed last August, provides for passenger notification of those countries through customer hot lines under an amendment offered by our colleague, the gentleman from Oregon [Mr. DEFAZIO]. However, a new problem has arisen. The manufacturer of the pesticide now being used has ceased its production. In a matter of months, this pesticide, which at least is registered with the EPA, will no longer be available. Passengers and flight attendants traveling to countries that still require disinsection will be subjected to potentially more dangerous pesticides. We need to stop this worldwide practice as soon as possible, first, because it has little impact on insect pests, and, second, because it has had devastating effects on flight attendants who are routinely exposed to pesticides day in and day out in their workplace, the airliner cabin. And, of course, it has serious effects on passengers with varying degrees of sensitivity to such chemicals.

Mr. Speaker, the resolution before the House urges the U.S. delegation to the spring 1995 ICAO conference to lead the efforts to amend the Chicago Convention on International Civil Aviation to end aircraft disinsection practices. It urges the delegation to make every effort to gain support and cosponsorship of other countries in this amendment.

It is an important measure for the good health of passengers and of flight attendants and all who work onboard aircraft.

I want to express my appreciation to the gentleman from Pennsylvania [Mr. CLINGER], my colleague, who spent a great deal of time helping to craft this language working on this issue of airliner cabin quality. We have had a very successful outcome on a bill that passed the House just recently. This will take us a step further. I also want to thank the gentleman from Oregon [Mr. DEFAZIO] for his hard work and support on this issue, a splendid bipartisan initiative that has brought us to this point.

Mr. CLINGER. Further reserving the right to object, Mr. Speaker, I just want to commend the gentleman from Minnesota, the chairman, for bringing this legislation to the floor. It is an important piece of legislation.

Mr. Speaker, the Aviation Subcommittee held a hearing May 18, 1994, on the issue of cabin air quality of commercial jet aircraft. Testimony provided by several witnesses offered evidence, some anecdotal, of pulmonary illnesses suffered by crew members and passengers thought to be related to the enclosed environment of the commercial jet aircraft.

During our hearing, testimony also revealed that 25 foreign countries—some very popular with U.S. vacationers—require aircraft cabins to be sprayed with insecticides prior to deboarding passengers. Spraying generally occurs while the aircraft is still several minutes away from landing. All passengers and crew have no choice but to inhale the fumes that circulate throughout the cabin until they exit the aircraft.

The effectiveness of killing insects by spraying insecticides inside aircraft is questionable; there is no doubt in my mind, though, that forcing passengers and crew to inhale insecticide fumes is a potentially dangerous practice. Insecticides contain some very exotic chemical compounds that may cause long-term health problems for susceptible individuals.

Senate Concurrent Resolution 77 is a sense-of-the-Congress resolution urging the U.S. delegation at next year's meeting of the International Civil Aviation Organization to recommend abolishing the practice of spraying insecticides inside aircraft. Help insure the health and safety of all airline passengers by supporting this resolution.

Mr. Speaker, I again want to commend the gentleman from Minnesota, the chairman, and the gentleman from Oregon [Mr. DEFAZIO] who introduced this in the House, and urge its speedy resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 77

Whereas the United States has a responsibility to protect the health and safety of United States air travelers in the United States and abroad;

Whereas the United States ended the practice of aircraft cabin disinsection 15 years ago, after determining that the process was ineffective and posed a possible death risk to aircraft passengers.

Whereas 27 countries require disinsection of aircraft cabins by the spraying of an insecticide while passengers are on board the aircraft or by a residual pesticide treatment which is not registered for use in the United States.

Whereas the United States 10,000,000 people fly every year from the United States to countries that require disinsection of aircraft;

Whereas the United States pilots and flight attendants on flights to such countries are repeatedly exposed to the chemicals used in disinsection of aircraft;

Whereas approximately 53,000,000 Americans, more than 20 percent of the population, suffer chronic respiratory problems that put them at special risk to aircraft cabin disinsection procedures;

Whereas no tests have been conducted to determine whether insecticides used for aircraft cabin disinsection are safe for use in unventilated aircraft cabins or for people with chemical sensitivies or breathing conditions;

Whereas there has been a decrease in the number of insecticides registered for aircraft cabin disinsection by the Environmental Protection Agency by reason of the health concerns raised with respect to such insecticides, and there is no indication that insecticides produced in foreign countries which might serve to replace such insecticides present any less threat to health;

Whereas Annex 9 to the Convention on International Civil Aviation, done at Chicago, December 7, 1944, states that "Contracting States shall ensure that their procedures for disinsecting or any other remedial measure are not injurious to the health of passengers and crew and cause the minimum of discomfort to them";

Whereas the Facilitation Division of the International Civil Aviation Organization is scheduled to meet in the Spring of 1995 to discuss changes to the standards set forth in Annex 9 to the Convention; and

Whereas the United States will be a participant at that meeting: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States delegation to the Spring 1995 meeting of the Facilitation Division of the International Civil Aviation Organization—

(1) seek to amend the Convention on International Civil Aviation, done at Chicago, December 7, 1944, to end aircraft disinsection practices that threaten the health of aircraft passengers and crew; and

(2) make every effort to gain the support and cosponsorship of other member nations of the organization of that amendment.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 77, the Senate concurrent resolution just concurred in.

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

There was no objection.

SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2500) to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I shall not object, but I yield to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture, to explain the bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, S. 2500, the Sheep Promotion, Research and Information Act of 1994 will allow our Nation's sheep producers and the sheep products industries to establish a single industry-funded market development and promotion program.

The need for this legislation arises from action taken last year when Congress voted to phase out and eliminate the taxpayer-funded incentive payments made to wool producers under the National Wool Act. An unintended consequence of that policy change is the imminent loss of the mechanism by which the industry has long collected funds from wool producers for its current lamb and wool promotion or checkoff fund.

The checkoff program that would be established by S. 2500 has been developed at the request and in consultation with our Nation's sheep, lamb, and textile industries. The bill would allow for the temporary continued operation of a restructured lamb and wool checkoff program, subject to an industrywide referendum in 1996.

This legislation is similar to the industry self-financed research and promotion programs that now exist for a number of other commodity sectors. S. 2500 would operate at no cost to the Federal Government. The checkoff funds collected on domestic and imported slaughtered lambs and on domestic wool and imported wool products will reimburse the Department of

Agriculture for the costs of the referendum, program administration, and compliance.

Mr. Speaker, I strongly support and commend our Nation's sheep and wool industries for their effort to enhance their economic well-being through the marketplace rather than through direct Government assistance. I urge the House to support their effort and pass S. 2005.

Mr. Speaker, I would also like to thank my colleagues Mr. ROBERTS, Mr. STENHOLM, Mr. GUNDERSON, Mr. ROSE, Mr. SMITH of Oregon, Mr. INSLEE, Mr. COMBEST, Mr. ALLARD, Mr. SKEEN, Mr. THOMAS of Wyoming, Mr. BONILLA, Mr. MCINNIS, Mr. CRAPO, Mr. BARLOW, Mr. HOLDEN, Mr. PENNY, Ms. VUCANOVICH, Mr. VOLKMER, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. EDWARDS of Texas, and Mr. JOHNSON of South Dakota for their support in passing this legislation.

Mr. BONILLA. Mr. Speaker, I am proud to be an original cosponsor of Chairman DE LA GARZA's legislation. This bill, which the other body has already passed, will establish a national checkoff program to provide funds for promotion, research, and information programs that will benefit sheep and wool growers.

The program, if approved in an upfront referendum, would apply to both domestic and imported sheep and sheep products. Referendum approval will require a majority vote by producers, feeders, and importers voting in the referendum or at least two-thirds of the production represented by persons voting in the referendum.

These type of self-help programs are funded and run by producers who benefit from the research and marketing activities. This checkoff is similar to the 18 other commodity groups who have initiated a checkoff. The sheep industry should have an opportunity to vote on a self-help promotion similar to other agricultural industries like cotton, beef, and pork.

As my colleagues recall, this Congress passed a bill last year that phases out the Wool Act over the next 2 years. The death of the act will mean ranchers will be out of work unless they find a new way to do business. I am confident that the people in the sheep industry are determined, strong and hard workers and they will meet this challenge successfully.

This checkoff program is needed because incentive deductions that were included in the Wool Act incentive payments will be phased out by December 31, 1995. This new checkoff program would kick in on January 1, 1996.

This legislation would replace the current checkoff under the Wool Act. If adopted as proposed, the contributions of American growers will remain at the same level as now under the Wool Act.

I want to emphasize that the checkoff imposes no cost to the Government; the sheep industry checkoff reimburses the cost of referendum, administration, and compliance. This new program is needed to promote equity and fairness for American ranchers and help them compete in the global market.

More than 350,000 Americans in small communities exist on income generated by the sheep industry. Wool sales contributed approximately $70 million to rural communities in 1992, and the sheep industry contributes about $2 billion to the GNP.

The sheep industry is a vital cog in my district's economic engine since they own 86 percent of the sheep which produced 86 percent of the wool over the past 2 years in Texas. I am proud of this industry and proud of what they do to help the rural and Texas economy. This program is another tool to assist in building up and maintaining a strong domestic industry.

I want to compliment Chairman DE LA GARZA and Chairman LEAHY on their hard work and willingness to get this legislation passed. Fewer and fewer Members of Congress understand agriculture but these two men have devoted their public careers to advocating quality, sound, and cost-effective agricultural policy. I urge my colleagues to support this bill.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2500

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 "Sheep Promotion, Research, and Information Act of 1994".

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) sheep and sheep products are important goods;

(2) the production of sheep and sheep products play a significant role in the economy of the United States in that sheep and sheep products are produced throughout the United States and used by millions of people throughout the United States and foreign countries;

(3) sheep and sheep products must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of sheep products;

(4) the maintenance and expansion of existing markets and development of new markets for sheep and sheep products are vital to the welfare of sheep producers and persons concerned with marketing, using, and producing sheep and sheep products, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of sheep and sheep products;

(5) there exist established State organizations conducting sheep and sheep product promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of sheep and sheep products;

(6) the cooperative development, financing, and implementation of a coordinated national program of sheep and sheep product promotion, research, consumer information, education, and industry information are necessary to maintain and expand existing markets and develop new markets for sheep and sheep products; and

(7) sheep and sheep products move in interstate and foreign commerce, and sheep and sheep products that do not move in such channels of commerce directly burden or affect interstate commerce in sheep and sheep products.

(b) POLICY.—It is the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this Act, of an orderly procedure for developing, financing (through adequate assessments on sheep and sheep products produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, consumer information, education, and industry information designed to—

(1) strengthen the position of the sheep and sheep product industry in the marketplace;

(2) maintain and expand existing domestic and foreign markets and uses for sheep and sheep products; and

(3) develop new markets and uses for sheep and sheep products.

(c) CONSTRUCTION.—Nothing in this Act provides for the control of production, or otherwise limits, the right of any person to produce sheep or sheep products.

SEC. 3. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) BOARD.—The term "Board" means the National Sheep Promotion, Research, and Information Board established under section 5(b).

(2) CARBONIZED WOOL.—The term "carbonized wool" means wool that has been immersed in a bath, usually of mineral acids or acid salts, that destroys vegetable matter in the wool, but does not affect the wool fibers.

(3) CONSUMER INFORMATION.—The term "consumer information" means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, or use of sheep products.

(4) CUSTOMS SERVICE.—The term "Customs Service" means United States Customs Service of the Department of the Treasury.

(5) DEGREASED WOOL.—The term "degreased wool" means wool from which the bulk of impurities has been removed by processing.

(6) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(7) EDUCATION.—The term "education" means activities providing information relating to the sheep industry or sheep products to producers, feeders, importers, consumers, and other persons.

(8) EXECUTIVE COMMITTEE.—The term "Executive Committee" means the Executive Committee established under section 5(g).

(9) EXPORTER.—The term "exporter" means any person who exports domestic live sheep or greasy wool from the United States.

(10) FEEDER.—The term "feeder" means a person who feeds lambs until the lambs reach slaughter weight.

(11) GREASY WOOL.—The term "greasy wool" means wool that has not been washed or otherwise cleaned.

(12) HANDLER.—The term "handler" means any person who purchases and markets greasy wool.

(13) IMPORTER.—The term "importer" means any person who imports sheep or sheep products into the United States.

(14) INDUSTRY INFORMATION.—The term "industry information" means information and programs that will lead to increased efficiency in processing and the development of new markets, marketing strategies, increased marketing efficiency, and activities to enhance the image of sheep or sheep products on a national or international basis.

(15) ORDER.—The term "order" means a sheep and wool promotion, research, education, and information order issued under section 4.

(16) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(17) PROCESSOR.—The term "processor" means any person who slaughters sheep or processes greasy wool into degreased wool.

(18) PRODUCER.—The term "producer" means any person, other than a feeder, who owns or acquires ownership of sheep.

(19) PRODUCER INFORMATION.—The term "producer information" means activities designed to provide producers, feeders, and importers with information relating to production or marketing efficiencies or developments, program activities, or other information that would facilitate an increase in the consumption of sheep or sheep products.

(20) PROMOTION.—The term "promotion" means any action (including paid advertising) to advance the image and desirability of sheep or sheep products to improve the competitive position, and stimulate sales, of sheep products in the domestic and international marketplace.

(21) PULLED WOOL.—The term "pulled wool" means wool that is pulled from the skin of a slaughtered sheep.

(22) QUALIFIED STATE SHEEP BOARD.—The term "qualified State sheep board" means a sheep and wool promotion entity that—

(A) is authorized by State statute or is otherwise organized and operating within a State;

(B) receives voluntary contributions or dues and conducts promotion, research, or consumer information programs with respect to sheep or wool, or both; and

(C) is recognized by the Board as the sheep and wool promotion entity within the State; except that not more than 1 qualified State sheep board shall exist in any State at any 1 time.

(23) RAW WOOL.—The term "raw wool" means greasy wool, pulled wool, degreased wool, or carbonized wool.

(24) RESEARCH.—The term "research" means development projects and studies relating to the production (including the feeding of sheep), processing, distribution, or use of sheep or sheep products to encourage, expand, improve, or make more efficient the marketing of sheep or sheep products.

(25) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(26) SHEEP.—The term "sheep" means ovine animals of any age, including lambs.

(27) SHEEP PRODUCTS.—The term "sheep products" means products produced, in whole or in part, from sheep, including wool and products containing wool fiber.

(28) STATE.—The term "State" means each of the 50 States.

(29) UNIT.—The term "unit" means each State, group of States, or class designation that is represented on the Board.

(30) UNITED STATES.—The term "United States" means the 50 States and the District of Columbia.

(31) WOOL.—The term "wool" means the fiber from the fleece of a sheep.

(32) WOOL PRODUCTS.—The term "wool products" means products produced, in whole or in part, from wool and products containing wool fiber.

SEC. 4. ISSUANCE AND AMENDMENT OF ORDERS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall issue orders under this Act applicable to producers, feeders, importers, handlers, and purchasers of sheep and sheep products. Any order shall be national in scope. Not more than 1 order shall be in effect under this Act at any 1 time.

(b) PROCEDURE.—

(1) PROPOSAL OR REQUEST FOR ISSUANCE.—The Secretary may propose the issuance of an order under this Act, or an association of producers may request the issuance of, and submit a proposal for, an order.

(2) NOTICE AND COMMENT CONCERNING PROPOSED ORDER.—Not later than 60 days after the receipt of a request and proposal for an order under paragraph (1), the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDERS.—After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received, that includes provisions necessary to ensure that the order is in conformity with this Act. The order shall be issued not later than 180 days following publication of the proposed order.

(4) REFERENDUM.—The order shall go into effect only if the order is approved by producers, feeders, and importers in a referendum conducted under section 6.

(c) AMENDMENTS.—The Secretary, from time to time, may amend any order issued under this Act.

SEC. 5. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order issued under this Act shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF BOARD.—

(1) IN GENERAL.—The order shall provide for the establishment of, and appointment of members to, a National Sheep Promotion, Research, and Information Board to administer the order. Members of the Board shall be appointed by the Secretary from nominations provided in accordance with this subsection. The cumulative number of seats on the Board shall be 120 and shall be apportioned as follows:

(A) PRODUCERS.—Producers shall be appointed to the Board to represent States, with each State represented by the following number of members:

Alabama	1
Alaska	1
Arizona	1
Arkansas	1
California	5
Colorado	4
Connecticut	1
Delaware	1
Florida	1
Georgia	1
Hawaii	1
Idaho	2
Illinois	1
Indiana	1
Iowa	2
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Maryland	1
Massachusetts	1
Michigan	1
Minnesota	2
Mississippi	1
Missouri	1
Montana	5
Nebraska	1
Nevada	1
New Hampshire	1
New Jersey	1
New Mexico	2
New York	1
North Carolina	1
North Dakota	2
Ohio	1
Oklahoma	1
Oregon	2
Pennsylvania	1
Rhode Island	1
South Carolina	1
South Dakota	4
Tennessee	1
Texas	10
Utah	3
Vermont	1
Virginia	1
Washington	1
West Virginia	1
Wisconsin	1
Wyoming	5

(B) FEEDERS.—The feeder sheep industry shall be represented on the Board by 10 members.

(C) IMPORTERS.—Importers shall be represented on the Board by 25 members.

(D) ALTERNATES.—The order shall provide that a unit represented by only 1 member may have an alternate member appointed to ensure representation at meetings of the Board.

(2) NOMINATIONS.—

(A) PRODUCERS.—The Secretary shall appoint producers to represent units established under paragraph (1)(A) from nominations submitted by eligible organizations certified under subsection (c)(3). An eligible organization may submit only nominations from the membership of the organization for the unit in which the organization is located. To be represented on the Board, each eligible organization shall submit to the Secretary at least 1.5 nominations for each appointment to the Board for which the unit is entitled to representation, as determined under paragraph (1)(A). If a unit is entitled to 1 appointment on the Board, the unit shall submit at least 2 nominations for the appointment.

(B) FEEDERS.—The Secretary shall appoint representatives of the feeder sheep industry to seats established under paragraph (1)(B) from nominations submitted by qualified national organizations that represent the feeder sheep industry. To be represented on the Board, the industry shall provide at least 1.5 nominations for each appointment to the Board for which the feeder sheep industry is entitled to representation, as determined under paragraph (1)(B).

(C) IMPORTERS.—The Secretary shall appoint importers to seats established under paragraph (1)(C) from nominations submitted by qualified organizations that represent importers, as determined by the Secretary. To be represented on the Board, importers shall provide at least 1.5 nominations for each appointment to the Board for which importers are entitled to representation, as determined under paragraph (1)(C).

(c) METHOD FOR OBTAINING NOMINATIONS.—

(1) INITIALLY ESTABLISHED BOARD.—

(A) PRODUCER NOMINATIONS.—The Secretary shall solicit nominations for each seat on the initially established Board to which a unit is entitled to representation from eligible organizations certified under paragraph (3). If no such organization exists in the unit, the Secretary shall solicit nominations for appointments in such manner as the Secretary determines appropriate.

(B) FEEDER AND IMPORTER NOMINATIONS.—The Secretary shall solicit nominations for each seat for which feeders or importers are entitled to representation from organizations that represent feeders and importers, respectively. In determining whether an organization is eligible to submit nominations under this subparagraph, the Secretary shall determine whether—

(i) the active membership of the organization includes a significant number of feeders

or importers in relation to the total membership of the organization;

(ii) there is evidence of stability and permanency of the organization; and

(iii) the organization has a primary and overriding interest in representing the feeder or importer segment of the sheep industry.

(2) SUBSEQUENT APPOINTMENT.—

(A) PRODUCER NOMINATIONS.—The solicitation of nominations for subsequent appointment to the Board from eligible organizations certified under paragraph (3) shall be initiated by the Secretary, with the Board securing the nominations for the Secretary.

(B) FEEDER AND IMPORTER NOMINATIONS.—The solicitation of feeder and importer nominations for seats on the Board shall be made by the Secretary in accordance with paragraph (1)(B).

(3) CERTIFICATION OF ORGANIZATIONS.—

(A) IN GENERAL.—The eligibility of any organization to represent producers, and to participate in the making of nominations to represent producers under this section, shall be certified by the Secretary. The Secretary shall certify any organization that the Secretary determines meets the eligibility criteria established by the Secretary under this paragraph. An eligibility determination of the Secretary under this paragraph shall be final.

(B) BASIS FOR CERTIFICATION.—Certification under this paragraph shall be based, in addition to other available information, on a factual report submitted by the organization, that shall contain information considered relevant and specified by the Secretary, including—

(i) the geographic territory covered by the active membership of the organization;

(ii) the nature and size of the active membership of the organization, including the proportion of the total number of active producers represented by the organization;

(iii) evidence of stability and permanency of the organization;

(iv) sources from which the operating funds of the organization are derived;

(v) the functions of the organization; and

(vi) the ability and willingness of the organization to further the aims and objectives of this Act.

(C) PRIMARY CONSIDERATIONS.—A primary consideration in determining the eligibility of an organization under this paragraph shall be whether—

(i) the membership of the organization consists primarily of producers who own a substantial quantity of sheep; and

(ii) an interest of the organization is in the production of sheep.

(d) ADMINISTRATION.—

(1) TERMS.—Each appointment to the Board shall be for a term of 3 years, except that appointments to the initially established Board shall be proportionately for 1-year, 2-year, and 3-year terms. No person may serve more than 2 consecutive 3-year terms, except that an elected officer of the Board shall not be subject to this sentence while the officer holds office.

(2) COMPENSATION.—A Board member shall serve without compensation, but shall be reimbursed for the reasonable expenses of the member incurred in performing the duties of the Board.

(3) MEETINGS.—The order shall provide for at least an annual meeting of the Board and such additional meetings of the Board as may be required.

(e) POWERS AND DUTIES OF THE BOARD.—The order shall define the powers and duties of the Board and shall include the power and duty—

(1) to elect officers of the Board, including a Chairperson, Vice Chairperson, and Secretary;

(2) to administer the order in accordance with the terms and provisions of the order;

(3) to recommend regulations to effectuate the terms and provisions of the order;

(4) to elect members of the Board to serve on the Executive Committee;

(5) to approve or reject budgets submitted by the Executive Committee;

(6) on approval, to submit the budgets to the Secretary for the approval or disapproval of the Secretary;

(7) to contract with entities, if necessary, to carry out plans or projects in accordance with this Act;

(8) to conduct programs of promotion, research, consumer information, education, industry information, and producer information;

(9) to receive, investigate, and report to the Secretary complaints of violations of the order;

(10) to recommend to the Secretary amendments to the order;

(11) to provide the Secretary with prior notice of meetings of the Board to permit the Secretary, or a designated representative, to attend the meetings;

(12) to provide, not less than annually, a report to producers, feeders, and importers accounting for funds expended by the Board and describing programs carried out under this Act, and to make the report available to the public on request;

(13) to establish 7 regions that, to the extent practicable, contain geographically contiguous States and approximately equal numbers of producers and sheep production;

(14) to employ or retain necessary staff; and

(15) to invest funds in accordance with subsection (k).

(f) BUDGETS.—

(1) IN GENERAL.—The order shall provide that the Board shall review budgets submitted by the Executive Committee, on a fiscal year basis, of anticipated expenses and disbursements by the Board, including probable costs of administration and promotion, research, consumer information, education, industry information, and producer information projects. On approval by the Board, the Board shall submit the budget to the Secretary for the approval of the Secretary.

(2) LIMITATION.—No expenditure of funds may be made by the Board unless the expenditure is authorized under a budget or budget amendment approved by the Secretary.

(g) EXECUTIVE COMMITTEE.—

(1) ESTABLISHMENT.—The order shall establish an Executive Committee to administer the terms and provisions of the order, as provided in this subsection, under the direction of the Board and consistent with the policies determined by the Board.

(2) MEMBERSHIP.—The Executive Committee shall be composed of 14 members, of which—

(A) 11 members shall be elected by the Board on an annual basis, of which—

(i) 7 members shall represent producers, with 1 member representing each of the regions established in the order;

(ii) 1 member shall represent feeders; and

(iii) 3 members shall represent importers; and

(B) 3 members shall be the Chairperson, Vice Chairperson, and Secretary of the Board.

(3) POWERS AND DUTIES.—

(A) PLANS OR PROJECTS.—The Executive Committee shall develop plans or projects of promotion, research, consumer information, education, industry information, and producer information, which shall be paid for with assessments collected by the Board. The plans or projects shall not become effective until the plans or projects are approved by the Secretary.

(B) BUDGETS.—The Executive Committee shall be responsible for developing and submitting to the Board, for the approval of the Board, budgets, on a fiscal year basis, of the anticipated expenses and disbursements of the Board, including probable costs of promotion, research, consumer information, education, industry information, and producer information projects. The Board shall approve or disapprove a budget submitted by the Executive Committee, and, if approved, shall submit the budget to the Secretary for the approval of the Secretary.

(4) TERMS.—A term of appointment to the Executive Committee shall be for 1 year.

(5) CHAIRPERSON.—The Chairperson of the Board shall serve as Chairperson of the Executive Committee.

(6) QUORUM.—A quorum of the Executive Committee shall consist of 8 members.

(h) EXPENSES, CONTRACTS, AND AGREEMENTS.—

(1) EXPENSES.—The order shall provide that the Board shall be responsible for all expenses of the Board and the Executive Committee.

(2) CONTRACTS AND AGREEMENTS.—A contract or agreement entered into by the Board under subsection (e)(7) shall provide that—

(A) the contracting party shall develop and submit to the Board a plan or project, together with a budget or budgets that provides estimated costs to be incurred for the plan or project;

(B) the plan or project, and the contract or agreement, shall not become effective until the plan or project has been approved by the Secretary; and

(C) the contracting party shall—

(i) keep accurate records of all of the transactions of the party;

(ii) account for funds received and expended, including staff time, salaries, and expenses expended on behalf of Board activities;

(iii) make periodic reports to the Board of activities conducted; and

(iv) make such other reports as the Board or the Secretary may require.

(i) ASSESSMENTS.—

(1) SHEEP PURCHASES.—

(A) IN GENERAL.—The order shall provide that each person making payment to a producer or feeder for sheep purchased from the producer or feeder shall, in the manner prescribed by the order, collect an assessment from the producer or feeder on each sheep sold by the producer or feeder.

(B) PROCESSING.—Any person purchasing sheep for processing shall collect the assessment from the seller and remit the assessment to the Board in the manner prescribed by the order.

(C) RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the rate of assessment under this paragraph shall be 1 cent per pound of live sheep sold.

(ii) EXCEPTION.—The rate of assessment under this paragraph may be raised or lowered not more than 15/100 of a cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this paragraph shall not exceed 2.5 cents per pound of live sheep sold.

(2) WOOL PURCHASES.—

(A) IN GENERAL.—The order shall provide that each person making payment to a producer, feeder, or handler of wool for wool purchased from the producer, feeder, or handler shall, in the manner prescribed by the order, collect an assessment on each pound of greasy wool sold.

(B) PROCESSING.—Any person purchasing greasy wool for processing shall collect the assessment and remit the assessment to the Board in the manner prescribed by the order.

(C) RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the rate of assessment under this paragraph shall be 2 cents per pound of greasy wool.

(ii) EXCEPTION.—The rate of assessment under this paragraph may be raised or lowered not more than 3/10 of a cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this paragraph shall not exceed 4 cents per pound of greasy wool.

(3) DIRECT PROCESSING.—The order shall provide that any person processing or causing to be processed sheep or sheep products of that person's own production and marketing shall—

(A) pay an assessment on the sheep or sheep products at the time of sale at a rate equivalent to the rate provided for in paragraph (1) or (2), as appropriate; and

(B) remit the assessment to the Board in the manner prescribed by the order.

(4) EXPORTS.—The order shall provide that any person exporting live sheep or greasy wool shall—

(A) pay the assessment on the sheep or greasy wool at the time of export at a rate equivalent to the rate provided for in paragraph (1) or (2), as appropriate; and

(B) remit the assessment to the Board in the manner prescribed by the order.

(5) IMPORTS.—

(A) IN GENERAL.—The order shall provide that any person importing sheep or sheep product, and any person importing wool or products containing wool, into the United States shall pay an assessment to the Board in the manner prescribed by the order, except that this paragraph shall not apply to raw wool that is imported into the United States.

(B) COLLECTION.—The Customs Service shall collect the assessment required under this paragraph and remit the assessment to the Secretary for disbursement to the Board.

(C) RATE FOR SHEEP AND SHEEP PRODUCTS.—

(i) IN GENERAL.—Except as provided in subparagraph (B), the rate of assessment under this paragraph for sheep and sheep products shall be—

(I) in the case of a live sheep, 1 cent per pound; and

(II) in the case of a sheep product, the equivalent of 1 cent per pound of live sheep, as determined by the Secretary in consultation with the domestic sheep industry.

(ii) EXCEPTION.—The rate of assessment under this subparagraph may be raised or lowered not more than 13/100 cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this subparagraph shall not exceed 2.5 cents per pound.

(D) RATE FOR WOOL AND WOOL PRODUCTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the rate of assessment under this paragraph for wool and products containing wool, shall be 2 cents per pound of degreased wool or the equivalent of degreased wool.

(ii) EXCEPTION.—The rate of assessment under this subparagraph may be raised or lowered not more than 3/10 cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this subparagraph shall not exceed 4 cents per pound of degreased wool or the equivalent of degreased wool.

(6) QUALIFIED STATE SHEEP BOARDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the order shall provide that 20 percent of the total assessments collected by the Board on the marketing of domestic sheep and domestic sheep products in any 1 year from a State shall be returned to the qualified State sheep board of the State.

(B) EXCEPTION.—No qualified State sheep board shall receive less than $2,500 under subparagraph (A) in any year.

(7) DE MINIMIS IMPORTS.—The Secretary may issue regulations that—

(A) exclude certain imported materials or products that contain de minimis content levels of sheep or sheep products; and

(B) waive the assessment due on the materials or products.

(8) USE OF ASSESSMENTS.—

(A) IN GENERAL.—The order shall provide that assessments received by the Board shall be used by the Board for the payment of expenses incurred in administering the order, with authorization for a reasonable reserve.

(B) REIMBURSEMENT OF SECRETARY.—The Secretary shall be reimbursed for costs incurred in implementing and administering the order.

(j) BOOKS AND RECORDS OF BOARD.—

(1) IN GENERAL.—The order shall require the Board to—

(A) maintain such books and records as the Secretary may prescribe, which shall be available to the Secretary for inspection and audit;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the Board.

(2) AUDIT.—The Board shall cause books and records of the Board related to the order to be audited by an independent auditor at the end of each fiscal year. The Board shall submit a report of the audit to the Secretary.

(k) INVESTMENT OF FUNDS.—

(1) IN GENERAL.—The order shall provide that the Board may invest, pending disbursement, funds the Board receives under the order, only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States.

(2) USE OF INCOME.—Income from any investment under paragraph (1) may be used for any purpose for which the invested funds may be used.

(l) PROHIBITION ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing legislation or government action or policy.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) the development and recommendation to the Secretary of amendments to the order; or

(B) the communication to appropriate government officials, in response to a request made by the officials, of information relating to the conduct, implementation, or results of promotion, research, consumer information, education, industry information, or producer information activities under the order.

(3) FALSE OR MISLEADING CLAIMS.—A plan or project conducted under this Act shall not make false or misleading claims on behalf of sheep or sheep products or against a competing product.

(m) BOOKS AND RECORDS.—

(1) IN GENERAL.—The order shall require that each person making payment to a producer, feeder, or handler for sheep or sheep products, each importer and exporter of sheep or sheep products, and each person marketing sheep products of the person's own production to maintain, and make available for inspection, such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order.

(2) USE OF INFORMATION.—

(A) IN GENERAL.—Information from the records or reports shall be made available to the Secretary for the administration or enforcement of this Act, or any order or regulation issued under this Act.

(B) OTHER INFORMATION.—The Secretary shall authorize the use under this Act of information regarding persons paying producers, feeders, importers, handlers, or processors that is accumulated under a law or regulation other than this Act or a regulation issued under this Act.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—Except as otherwise provided in this Act, all information obtained under paragraph (1) or (2) shall be kept confidential by all officers and employees of the Department and of the Board.

(B) DISCLOSURE.—Information referred to in subparagraph (A) may be disclosed only if—

(i) the Secretary considers the information relevant;

(ii) the information is revealed in a judicial proceeding or administrative hearing brought at the direction or on the request of the Secretary or to which the Secretary or any officer of the Department is a party; and

(iii) the information relates to this Act.

(C) GENERAL STATEMENTS.—Nothing in this paragraph prohibits—

(i) the issuance of general statements, based on the reports, of the number of persons subject to an order or statistical data collected from the persons, which statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating any order and a statement of the particular provisions of the order violated by the person.

(D) ADMINISTRATION.—No information obtained under this Act may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this Act or any investigatory or enforcement action necessary for the implementation of this Act.

(E) PENALTY.—Any person who willfully violates this paragraph, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if the person is an officer or employee of the Board or the Department, shall be removed from office.

(n) OTHER TERMS AND CONDITIONS.—The order shall provide such terms and conditions, not inconsistent with this section, as

are necessary to carry out the order, including provisions for the assessment of a penalty for the late payment of an assessment due under the order.

SEC. 6. REFERENDA.

(a) INITIAL REFERENDUM.—

(1) IN GENERAL.—Following the issuance of an order under section 4, the Secretary shall conduct a referendum among producers, feeders, and importers who, during a representative period as determined by the Secretary, have been engaged in the production, feeding, or importation of sheep or sheep products for the purpose of ascertaining whether the order shall go into effect.

(2) APPROVAL OF ORDER.—The order shall become effective only if the Secretary determines that the order has been approved by not less than a majority of the producers, feeders, and importers voting in the referendum or at least ⅔ of the production represented by persons voting in the referendum.

(b) ADDITIONAL REFERENDA.—

(1) IN GENERAL.—After the initial referendum, on the request of a representative group comprising 10 percent or more of the producers, feeders, and importers who, during a representative period as determined by the Secretary, have been engaged in the production, feeding, importation, or processing of sheep or sheep products, the Secretary shall conduct a referendum of producers, feeders, and importers to determine whether the producers, feeders, and importers favor the termination or suspension of the order.

(2) SUSPENSION OR TERMINATION.—If the Secretary determines that suspension or termination of the order is favored by a majority of the producers, feeders, and importers voting in the referendum or at least ⅔ of the production represented by the persons voting in the referendum, the Secretary shall suspend or terminate—

(A) collection of assessments under the order not later than 180 days after the determination; and

(B) the order in an orderly manner as soon as practicable after the determination.

(c) PROCEDURES.—

(1) REIMBURSEMENT—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Board shall reimburse the Secretary for any expenses incurred by the Secretary in connection with the conduct of any referendum under this section.

(B) FEDERAL EMPLOYEE SALARIES.—The Board shall not be required to reimburse the Secretary for the salaries of Federal employees under subparagraph (A) if the Secretary determines that the reimbursement would be overly burdensome and costly.

(2) DATE.—Each referendum under this section shall be conducted on a date established by the Secretary, under a procedure by which producers, feeders, and importers intending to vote in the referendum shall certify that the producers, feeders, and importers were engaged in the production, feeding, or importation of sheep or sheep products during the representative period and, on the same day, shall be provided an opportunity to vote in the referendum.

(3) PLACE.—Referenda under this section shall be conducted at locations determined by the Secretary. Absentee mail ballots shall be furnished by the Secretary on request made in person, by mail, or by telephone.

(4) ALLOCATION OF PRODUCTION.—The Secretary shall determine a method of allocating, by a pro rata percentage of annual projected or actual assessments from importers, the volume of production represented by importers in referenda conducted pursuant to this section.

SEC. 7. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order issued under this Act may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not established in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—The petitioner shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition. The ruling shall be final if the ruling is in accordance with law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district court of the United States for any district in which a person who is a petitioner under subsection (a) resides or carries on business shall have jurisdiction to review the ruling on the petition of the person, if a complaint for that purpose is filed not later than 20 days after the date of the entry of the ruling by the Secretary under subsection (a)(3).

(2) PROCESS.—Service of process in a proceeding may be conducted on the Secretary by delivering a copy of the complaint to the Secretary, under such rules or regulations as are considered necessary by the Secretary to facilitate the service of process.

(3) REMANDS.—If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

SEC. 8. ENFORCEMENT.

(a) JURISDICTION.—Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating, an order or regulation issued under this Act.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this Act, if the Secretary believes that the administration and enforcement of this Act would be adequately served by providing a suitable written notice or warning to the person who committed the violation or by an administrative action under section 7.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—A person who willfully violates an order or regulation issued by the Secretary under this Act may be assessed by the Secretary—

(A) a civil penalty of not more than $1,000 for each such violation; and

(B) in the case of a willful failure to pay, collect, or remit an assessment as required by the order, an additional penalty equal to the amount of the assessment.

(2) SEPARATE OFFENSE.—Each violation shall be a separate offense.

(3) CEASE-AND-DESIST ORDERS.—In addition to, or in lieu of, the civil penalty, the Secretary may issue an order requiring the person to cease and desist from violating the order or regulation.

(4) NOTICE AND HEARING.—No order assessing a penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the Secretary provides notice and an opportunity for a hearing on the record with respect to the violation.

(5) FINALITY.—An order assessing a penalty or a cease-and-desist order issued under this subsection by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the United States court of appeals, as provided in subsection (d), not later than 30 days after the person receives notice of the order.

(d) REVIEW BY COURT OF APPEALS.—

(1) IN GENERAL.—A person against whom an order is issued under subsection (c) may obtain review of the order by—

(A) filing, not later than 30 days after the date of the order, a notice of appeal in—

(i) the United States court of appeals for the circuit in which the person resides or carries on business; or

(ii) the United States Court of Appeals for the District of Columbia Circuit; and

(B) simultaneously sending a copy of the notice of appeal by certified mail to the Secretary.

(2) RECORD.—The Secretary shall file promptly in the court a certified copy of the record on which the Secretary has determined that the person has committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—A person who fails to obey a valid cease-and-desist order issued by the Secretary under this section, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not more than $500 for each offense. Each day during which the failure continues shall be considered to be a separate violation of the order.

(f) FAILURE TO PAY PENALTIES.—If a person fails to pay a valid civil penalty imposed under this section by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States for any district in which the person resides or carries on business. In the action, the validity and appropriateness of the order imposing the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 9. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this Act; or

(2) to determine whether any person subject to this Act has engaged, or is about to engage, in any action that constitutes or will constitute a violation of this Act, or of any order or regulation issued under this Act.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—For the purpose of any investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United

States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in order to require the attendance and testimony of the person or the production of records. The court may issue an order requiring the person to appear before the Secretary to produce records or to give testimony regarding the matter under investigation.

(d) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of the court.

(e) PROCESS.—Process in any case under this section may be served in the judicial district in which the person resides or carries on business or wherever the person may be found.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) CONSTRUCTION.—Nothing in this Act preempts or supersedes any other program relating to sheep promotion, research, or information organized and operated under the laws of the United States or any State.

(b) AMENDMENTS TO ORDERS.—The provisions of this Act applicable to an order shall be applicable to amendments to the order, except that the Secretary is not required to conduct a referendum on a proposed amendment to an order.

SEC. 11. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this Act.

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

□ 1900

SENSE OF CONGRESS REGARDING CONSERVATION AND MANAGEMENT MEASURES FOR ATLANTIC BLUEFIN TUNA

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the concurrent resolution (H. Con. Res. 295) to express the sense of the Congress of the United States that the United States should actively seek compliance by all countries with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, this piece of legislation has been cleared on our side, and I yield to the distinguished gentleman from Massachusetts [Mr. STUDDS], our chairman, for an opportunity to explain the legislation if he so desires.

Mr. STUDDS. Mr. Speaker, I thank the gentleman for his cooperation.

Mr. Speaker, House Concurrent Resolution 295 expresses the sense of the Congress that the United States should actively seek compliance by all nations with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas [ICCAT].

During the past two decades, bluefin tuna stocks in the Atlantic Ocean have declined to 20 percent of their pre-1970 levels. Through ICCAT, the United States has assumed a leadership role in the development of conservation and management programs to rebuild bluefin stocks. Significant conservation and management measures have been adopted in the western Atlantic, resulting in substantial quota reductions for U.S. fishermen.

Unfortunately, other nations whose fishermen fish for bluefin have not been as responsible. ICCAT member nations that fish in the eastern Atlantic continue to flaunt the most basic ICCAT guidelines, exceeding target harvest levels and catching millions of undersized fish. In addition, many other countries that are not members of ICCAT also harvest bluefin in violation of ICCAT recommendations.

Last month, a National Academy of Sciences panel concluded that this one-sided conservation program will not rebuild bluefin stocks. It also found that previously reported declines in the abundance of bluefin in the western Atlantic were not supported by the scientific data and that further quota reductions could not be justified.

The United States has consistently demonstrated its commitment to the recovery of Atlantic bluefin. Now it is time for other nations to do the same. The results of the National Academy review confirm this. This resolution directs the United States to encourage all nations harvesting bluefin to adopt bluefin conservation programs comparable to the U.S. program. It also states that the United States should not even consider further quota reductions until foreign fishermen have done their fair share.

The current ICCAT program for bluefin, which focuses conservation efforts strictly in the western Atlantic, where only 12 percent of the bluefin harvest occurs, is unfair to U.S. fishermen and will not restore bluefin stocks. Instead all nations must play by the same rules. It is time for our Government to assume a leadership role on this issue comparable to the leadership position we have taken in the conservation of this magnificent fish.

Mr. FIELDS of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 295

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States;

Whereas many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea;

Whereas the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas the Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea;

Whereas in 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that two stocks of the fish existed; a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter referred to as the 45 degree line), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea;

Whereas since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25 percent quota reduction since 1991 with an additional 40 percent quota reduction scheduled for 1995;

Whereas the United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line;

Whereas many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line;

Whereas a recent National Academy of Sciences (NAS) review of the scientific data used by the Commission concluded that the available data is consistent with a one stock management strategy for bluefin tuna in the North Atlantic;

Whereas the NAS review also found that abundance of Atlantic bluefin tuna in the western Atlantic has remained stable since 1988, in contrast to the roughly 50 percent decline in abundance reported by the Commission;

Whereas the continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the Commission's recommendations being implemented west of the line to rebuild Atlantic bluefin tuna; and

Whereas, in order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States and the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission) should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line until the impacts of recent conservation measures can be determined, and until all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line share equally in conservation and rebuilding efforts for the Atlantic bluefin tuna resources;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in section 6 of the Atlantic Tunas Convention Act;

(5) the United States should encourage other nations with significant markets for Atlantic bluefin tuna to prohibit the importation of that species from harvesting nations which did not comply with the conservation and management recommendations adopted by the Commission; and

(6) the United States should encourage the Commission to adopt recommendations authorizing the use of discretionary trade actions as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STUDDS: Strike out all after the resolving clause and insert:

(1) the United States and the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission) should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line and insist that all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line implement comparable conservation and rebuilding programs for the Atlantic bluefin tuna resource;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in Section 6 of the Atlantic Tunas Convention Act;

(5) the United States should encourage other nations with significant markets for Atlantic bluefin tuna to prohibit the importation of that species from harvesting nations which do not comply with the conservation and management recommendations adopted by the Commission; and

(6) the United States should encourage the Commission to adopt recommendations authorizing the use of discretionary trade actions as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. STUDDS).

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

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. STUDDS: Amend the preamble to read as follows:

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States;

Whereas many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea;

Whereas the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas the Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea;

Whereas in 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that two stocks of the fish existed: a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter referred to as the 45 degree line), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea;

Whereas since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25% quota reduction since 1991 with an additional 40% quota reduction scheduled for 1995;

Whereas the United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line;

Whereas many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line;

Whereas a recent National Academy of Sciences (NAS) review of the scientific data used by the Commission concluded that the available data is consistent with a one stock management strategy for bluefin tuna in the North Atlantic;

Whereas the NAS review also found that abundance of Atlantic bluefin tuna in the western Atlantic has remained stable since 1988, in contrast to the roughly 50% decline in abundance reported by the Commission;

Whereas the continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the Commission's recommendations being implemented west of the line to rebuild Atlantic bluefin tuna;

Whereas, in order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

CONSUMER REPORTING REFORM ACT OF 1994, CREDIT REPAIR ORGANIZATIONS, TRUTH IN LENDING ACT, AND DISASTER RELIEF

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5178) to amend the Fair Credit Reporting Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5178

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

Sec. 101. Short title.

Sec. 102. Definitions.
Sec. 103. Furnishing consumer reports; use for employment purposes.
Sec. 104. Amendments relating to use of consumer reports for prescreening; prohibition on unauthorized or uncertified use of information.
Sec. 105. Consumer consent required to furnish consumer report containing medical information.
Sec. 106. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 107. Amendments relating to compliance procedures.
Sec. 108. Amendments relating to consumer disclosures.
Sec. 109. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 110. Amendment relating to charges for disclosure.
Sec. 111. Amendments relating to duties of users of consumer reports and duties of affiliates sharing certain information.
Sec. 112. Amendments relating to civil liability.
Sec. 113. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 114. Investigative consumer reports.
Sec. 115. Increased criminal penalties for obtaining information under false pretenses.
Sec. 116. Administrative enforcement.
Sec. 117. State enforcement of Fair Credit Reporting Act.
Sec. 118. Federal Reserve Board authority.
Sec. 119. Preemption of State law.
Sec. 120. Action by FTC and Federal Reserve Board.
Sec. 121. Amendment to Fair Debt Collection Practices Act.
Sec. 122. Furnishing consumer reports for purposes relating to child support.
Sec. 123. Disclosure of information and consumer reports to FBI for counterintelligence purposes.
Sec. 124. Effective dates.
Sec. 125. Relationship to other law.
Sec. 126. Sense of Senate.
Sec. 127. Technical correction to Depository Institutions Management Interlocks Act.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE III—TRUTH IN LENDING ACT

Sec. 301. Treatment of delivery fees and intangibles taxes.
Sec. 302. Limitations on liability.

TITLE IV—DISASTER RELIEF

Sec. 401. Depository institutions disaster relief.

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Consumer Reporting Reform Act of 1994".

SEC. 102. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k)(1) The term 'adverse action' means the following:

"(A) A denial or revocation of credit, a denial of an application for an increase of an existing credit limit, an unfavorable change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested; except that the term 'adverse action' does not include—

"(i) a refusal to extend additional credit under an existing credit arrangement if the applicant is delinquent or otherwise in default as to that account, or

"(ii) a refusal or failure to authorize an account transaction at a point of sale which would exceed a previously established credit limit.

"(B) A denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(C) A denial of employment or any other decision for employment purposes which adversely affects any current or prospective employee.

"(D) A denial or cancellation of, an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(E) An action taken or determination made—

"(i) in connection with an application which was made by, or a transaction which was initiated by, any consumer, or in connection with a review of account information under section 604(a)(3)(E)(ii); and

"(ii) which is adverse to the interest of the consumer.

"(2) For purposes of any determination of whether an action is an adverse action under paragraph (1)(A), all appropriate final findings, decisions, commentary, and orders issued under section 701(d)(6) of the Equal Credit Opportunity Act by the Board of Governors of the Federal Reserve System or any court shall apply.".

(b) FIRM OFFER OF CREDIT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (k) (as added by subsection (a) of this section) the following:

"(l) The term 'firm offer of credit' means any offer of credit to a consumer that will be honored if the consumer is determined, based on information in a consumer report on the consumer, to meet the specific criteria used to select the consumer for the offer, except that the offer may be further conditioned solely on any combination of the following:

"(1) The consumer being determined, based on information in the consumer's application for the credit, to meet specific criteria bearing on creditworthiness that are established—

"(A) before selection of the consumer for the offer; and

"(B) for the purpose of determining whether to extend credit pursuant to the offer.

"(2) Verification—

"(A) that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the consumer's application for the credit, or other information bearing on the creditworthiness of the consumer; or

"(B) of the information in the consumer's application for the credit, to determine that the consumer meets the specific criteria bearing on creditworthiness.

"(3) The consumer furnishing any collateral that is a requirement for the extension of the credit that was—

"(A) established before selection of the consumer for the offer of credit; and

"(B) described to the consumer in the offer of credit.".

(c) CREDIT TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (l) (as added by subsection (b) of this section) the following:

"(m) The term 'credit transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

(d) STATE.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (m) (as added by subsection (c) of this section) the following:

"(n) The term 'State' means any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.".

(e) EXCLUSIONS FROM DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence in clause (A)—

(1) by inserting "(i)" after "(A)";

(2) by inserting before the semicolon at the end the following: ", (ii) any communication of that information among persons related by common ownership or affiliated by corporate control, or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by corporate control if it is clearly and conspicuously disclosed that the information may be communicated among such persons and the consumer is given the opportunity, prior to the time that the information is initially communicated, to direct that such information not be communicated among such persons";

(3) in clause (B) by striking "or" after the semicolon at the end;

(4) in clause (C) by striking the period and inserting a semicolon; and

(5) by adding at the end the following: "or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit transaction which is not initiated by the consumer, or an insurance transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(4)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction, or with respect to existing customers, the consumer has not directed in writing that the report may not be used for the transaction, in accordance with section 615(d)(4)(C).".

(f) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)) is further amended—

(1) in subsection (d), as amended by subsection (e) of this section, by adding at the end the following: "The term also does not include a communication described in subsection (o)."; and

(2) by adding at the end the following:

"(o) A communication is described in this subsection if it is a communication—

"(1) that, but for the 3rd sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer, or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in paragraph (2) (A) or (B);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, within 3 business days after the receipt of the consent by that person;

"(B) the person that makes the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person that makes the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, within 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer that is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

(g) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON A NATIONWIDE BASIS.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (o) (as added by subsection (f) of this section) the following:

"(p) The term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

"(1) Public record information.

"(2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.".

(h) CLERICAL AMENDMENT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the first sentence—

(1) by inserting "(1)" after "in whole or in part for"; and

(2) by striking "(1)" before "credit or insurance".

SEC. 103. FURNISHING CONSUMER REPORTS; USE FOR EMPLOYMENT PURPOSES.

(a) FURNISHING CONSUMER REPORTS FOR BUSINESS TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A consumer reporting agency"; and

(2) in subsection (a)(3) (as designated by paragraph (1) of this subsection) by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information—

"(i) in connection with a business transaction that is initiated by the consumer; or

"(ii) to review an account to determine whether the consumer continues to meet the terms of the account.".

(b) FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only if—

"(A) the person who obtains such report from the agency certifies to the agency that—

"(i) the person has complied with paragraph (2) with respect to the consumer report, and the person will comply with paragraph (3) with respect to the consumer report if paragraph (3) becomes applicable; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) DISCLOSURE TO CONSUMER.—A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer unless—

"(A) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

"(B) the consumer has authorized in writing the procurement of the report by that person.

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description in writing of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

"(C) a reasonable period (not required to exceed 5 business days following receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer and notice in writing of the opportunity for the consumer to respond in that period, except that such an opportunity to respond and notice are not required if the person takes the adverse action based on a reasonable belief that the consumer has engaged in fraudulent or criminal activity that is related to, or that could affect, the consumer's employment.

"(4) LIMITATION ON PURPOSES.—Subject to paragraph (1), a consumer reporting agency may furnish information bearing on the creditworthiness of a consumer, and a person may use such information, for employment purposes that do not relate to employment of an individual in an executive or administrative position, only if—

"(A) the employment requires or is expected to require a security clearance issued by an agency of the United States or any State as a condition for employment;

"(B) the employment requires or is expected to require the individual to be covered by a fidelity bond; or

"(C) the employment requires or is expected to require the individual, on a regular basis and as part of the normal duties of employment—

"(i) to handle or otherwise have access to substantial amounts of cash or other things of value of the employer; or

"(ii) to engage in any conduct or activity with respect to which the employee has a fiduciary duty.

"(5) EXECUTIVE OR ADMINISTRATIVE POSITION DEFINED.—

"(A) IN GENERAL.—For purposes of paragraph (4), the term 'executive or administrative position' means any position—

"(i) for which compensation is on a salary basis and not an hourly basis; and

"(ii) having policy making, managerial, professional, or supervisory responsibilities.

"(B) APPLICATION OF EXISTING FINDINGS, ETC.—For purposes of determining under subparagraph (A)(ii) whether a position has policy making, managerial, professional, or supervisory responsibilities, all appropriate final administrative and judicial findings, decisions, commentary, and orders issued under the Federal Election Campaign Act of 1971, or the regulations issued under that Act, shall apply.".

SEC. 104. AMENDMENTS RELATING TO USE OF CONSUMER REPORTS FOR PRESCREENING; PROHIBITION ON UNAUTHORIZED OR UNCERTIFIED USE OF INFORMATION.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 103, is further amended—

(1) in subsection (a) by striking "A consumer reporting agency" and inserting "Subject to subsection (c), any consumer reporting agency"; and

(2) by adding after subsection (b) (as added by section 103(b)) the following new subsections:

"(c) FURNISHING REPORTS IN CONNECTION WITH CREDIT TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) in connection with any credit transaction which is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit;

"(ii) the consumer reporting agency has complied with subsection (d); and

"(iii) there is not in effect an election by the consumer, made in accordance with subsection (d), to have the consumer's name and address excluded from lists of names provided by the agency pursuant to this paragraph.

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(5), a consumer reporting agency shall not furnish to any person a record of inquiries in connection with credit transactions which are not initiated by a consumer.

"(d) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have the consumer's name and address excluded from any list provided by a consumer reporting agency in connection with a credit transaction which is not initiated by the consumer, by notifying the agency in accordance with paragraph (2) that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit transaction which is not initiated by the consumer.

"(2) MANNER OF NOTIFICATION.—A consumer shall notify a consumer reporting agency under paragraph (1)—

"(A) through the notification system maintained by the agency under paragraph (5), or

"(B) by submitting to the agency a signed notice of election form issued by the agency for purposes of this subparagraph.

"(3) RESPONSE OF AGENCY AFTER NOTIFICATION THROUGH SYSTEM.—Upon receipt of notification of the election of a consumer under paragraph (1) through the notification system maintained by the agency under paragraph (5), a consumer reporting agency shall—

"(A) inform the consumer that the election is effective only for a 2-year period if the consumer does not submit to the agency a signed notice of election form issued by the agency for purposes of paragraph (2)(B); and

"(B) provide to the consumer such a form if requested by the consumer, by not later than 5 business days after receiving the notification through the system in the case of a request made at the time the consumer provides notification through the system.

"(4) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date the consumer notifies the agency in accordance with paragraph (2);

"(B) shall be effective with respect to a consumer reporting agency—

"(i) subject to subparagraph (C), for the 2-year period beginning on the date the consumer notifies the agency of the election, in the case of an election for which a consumer notifies the agency only in accordance with paragraph (2)(A); or

"(ii) until the consumer notifies the agency under subparagraph (C), in the case of an election for which a consumer notifies the agency in accordance with paragraph (2)(B);

"(C) shall not be effective after the date on which the consumer notifies the agency, through the notification system established by the agency under paragraph (5), that the election is no longer effective; and

"(D) shall be effective with respect to each affiliate of the agency.

"(5) NOTIFICATION SYSTEM, GENERALLY.—Each consumer reporting agency which furnishes a consumer report in connection with any credit transaction which is not initiated by a consumer, shall—

"(A) establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency for such a transaction; and

"(B) publish by not later than 365 days after the date of the enactment of the Consumer Reporting Reform Act of 1994, and at least annually thereafter, in a publication of general circulation in the area served by the agency—

"(i) a notification that information in consumer files maintained by the agency may be used in connection with such transactions; and

"(ii) the address and toll-free telephone number for consumers to use to notify the agency of the consumer's election under subparagraph (A).

Establishment and maintenance of a notification system (including a toll-free telephone number) and publication by a consumer reporting agency on its own behalf and on behalf of any of its affiliates in accordance with this paragraph is deemed to be compliance with this paragraph by each of those affiliates.

"(6) NOTIFICATION SYSTEM BY AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system for purposes of paragraph (5) jointly with other such consumer reporting agencies.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

"(e) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report through a general or specific certification.".

SEC. 105. CONSUMER CONSENT REQUIRED TO FURNISH CONSUMER REPORT CONTAINING MEDICAL INFORMATION.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by sections 103 and 104, is further amended by adding at the end the following:

"(f) FURNISHING REPORTS CONTAINING MEDICAL INFORMATION.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit transaction, a consumer report which contains medical information about a consumer, unless the consumer consents to the furnishing of the report.".

SEC. 106. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL LARGE-DOLLAR EXCEPTIONS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) in subsection (a) by striking "(a) Except as authorized under subsection (b), no" and inserting

"(a) INFORMATION EXCLUDED FROM CONSUMER REPORTS.—No"; and

(2) by striking subsection (b).

(b) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(b) RUNNING OF REPORTING PERIOD.—(1) The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a 3d party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.

"(2) Paragraph (1) applies only to items of information added to a consumer report on or after the date that is 455 days after the date of the enactment of the Consumer Reporting Reform Act of 1994.".

(c) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (b) (as added by subsection (b) of this section) the following new subsection:

"(c) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency which furnishes a consumer report which contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(d) INDICATION OF CLOSURE OF ACCOUNT; INDICATION OF DISPUTE BY CONSUMER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (c) (as added by subsection (c) of this section) the following new subsections:

"(d) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.

"(e) INDICATION OF DISPUTE BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(3) that information regarding a consumer that was furnished to the agency is disputed by the consumer, the agency shall indicate that fact in each consumer report that includes the disputed information.".

(e) NOTATION ON CONSUMER REPORT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(f) CERTAIN ACCOUNT INFORMATION.—A consumer reporting agency, upon the written request of a consumer, and subject to the submission of appropriate documentation by the consumer, shall include with any information regarding a failure of the consumer to make any payment on an account of the consumer, a statement (in such form as the Federal Trade Commission shall prescribe) that during the period when the account in question became due, the consumer was receiving assistance pursuant to a declaration

of a disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or unemployment compensation under the laws of any State (or, but for the exhaustion of benefits, would be entitled to receive such compensation).".

(f) CLERICAL AMENDMENTS.—

(1) The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "**Obsolete information**" and inserting "**Requirements relating to information contained in consumer reports**".

(2) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 107. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer, if adverse action against the consumer has been taken, or is contemplated, by the user based in whole or in part on the report.".

(b) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—

"(1) NOTICE REQUIREMENT.—A consumer reporting agency shall provide to any person—

"(A) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(B) to whom a consumer report is provided by the agency;

a notice of such person's responsibilities under this title.

"(2) CONTENT OF NOTICE.—The Federal Trade Commission shall prescribe the content of notices under paragraph (1).".

(c) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or any information in the report) unless the person discloses to the consumer reporting agency which originally furnishes the report—

"(A) the identity of the end-user of the report (or information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the end-user of the report (or information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person which procures a consumer report for purposes of reselling the report (or any information in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by requiring that each person to which the report (or information) is resold and which resells or provides the report (or information) to any other person—

"(i) identifies each end user of the resold report (or information);

"(ii) certifies each purpose for which the report (or information) will be used; and

"(iii) certifies that the report (or information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 108. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended to read as follows:

"(3)(A) Identification of each person (including each end-user identified under section 607(e)(1)) who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; or

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) DISCLOSURE OF PERMISSIBLE PURPOSES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is further amended by adding at the end the following:

"(4) The permissible purpose under section 604, by category, for which each person identified under paragraph (3) procured a consumer report.".

(d) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding after paragraph (4) (as added by subsection (c) of this section) the following:

"(5) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit transaction which was not initiated by the consumer.".

(e) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, a toll-free telephone number established by the agency at which personnel are accessible to consumers during normal business hours.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency;

"(D) a statement that the consumer may have additional rights under State law and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general to learn of those rights; and

"(E) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(f) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) IN GENERAL.—

"(1) PROPER IDENTIFICATION.—A consumer reporting agency shall require, as a condition of making the disclosures required under section 609, that the consumer furnish proper identification.

"(2) DISCLOSURE IN WRITING.—Except as provided in subsection (b), the disclosures required to be made under section 609 shall be provided under that section in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—If authorized by a consumer, a consumer reporting agency may make the disclosures required under 609—

"(A) other than in writing; and

"(B) in such form as may be—

"(i) specified by the consumer in accordance with paragraph (2); and

"(ii) available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone;

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures

required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681h(a)) is amended in the matter preceding paragraph (1) by striking "and proper identification of any consumer" and inserting "and subject to section 610(a)(1)".

(B) Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "**and form**" after "**Conditions**".

(C) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 109. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATIONS OF DISPUTED INFORMATION.—

"(1) REINVESTIGATION REQUIRED.—

"(A) IN GENERAL.—If the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(B) EXTENSION OF PERIOD TO REINVESTIGATE.—Except as provided in subparagraph (C), the 30-day period described in subparagraph (A) may be extended for up to, but for no more than, 15 additional days if the consumer reporting agency receives information from the consumer within that 30-day period that is relevant to the reinvestigation.

"(C) LIMITATIONS ON EXTENSION OF PERIOD TO REINVESTIGATE.—Subparagraph (B) shall not apply to any reinvestigation in which, in the 30-day period described in subparagraph (A), the information that is the subject of the reinvestigation is found to be inaccurate or incomplete or the consumer reporting agency determines that the information cannot be verified.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—

"(A) IN GENERAL.—Before the end of the 5-business-day period beginning on the date a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall provide notification of the dispute to any person that provided any item of information in dispute, at the address and in the manner established with the person. The notice shall include all relevant information regarding the dispute that the agency has received from the consumer.

"(B) PROVISION OF OTHER INFORMATION FROM CONSUMER.—The consumer reporting agency shall promptly provide to the person that provided the information in dispute all relevant information regarding the dispute that is received by the agency from the consumer after the period referred to in subparagraph (A) and before the end of the period referred to in paragraph (1)(A).

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed information.

"(B) NOTICE OF DETERMINATION.—Upon making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer within 5 business days of such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

"(i) the reasons for the determination under subparagraph (A); and

"(ii) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1)(A) with respect to such disputed information.

"(5) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, after any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or incomplete or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file. The information deleted shall consist solely of the information that was disputed by the consumer and shall not include any portion of the same item that was not disputed.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file by the consumer reporting agency unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file, the consumer reporting agency shall notify the consumer of the reinsertion in writing within 5 business days after the reinsertion or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(iii) ADDITIONAL INFORMATION.—As part of or in addition to the notice under clause (ii), a consumer reporting agency shall provide to a consumer in writing within 5 business days after the date of the reinsertion—

"(I) a statement that the disputed information has been reinserted;

"(II) the name, business address, and telephone number of any furnisher of information contacted, or of any furnisher of information which contacted the consumer reporting agency, in connection with the reinsertion of such information; and

"(III) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the disputed information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(D) FREE CONSUMER REPORT DURING 12-MONTH PERIOD AFTER DELETION OF INFORMATION.—Upon the request of a consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer at least once during the 12-month period after the consumer receives a notification under paragraph (6) or paragraph (8) of the deletion of information that is found to be inaccurate or cannot be verified.

"(E) AUTOMATED REINVESTIGATION SYSTEM.—

"(i) IN GENERAL.—Any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall implement an automated system through which furnishers of information to that consumer reporting agency may report the results of a reinvestigation that finds incomplete or inaccurate information in a consumer's file to other such consumer reporting agencies.

"(ii) NATIONWIDE CONSUMER REPORTING AGENCIES.—A consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall report the results of a reinvestigation initiated by a consumer under section 611 that finds in the consumer's file information that is incomplete or inaccurate or information that cannot be verified, to any other consumer reporting agency that compiles and maintains files on consumers on a nationwide basis and—

"(I) to which a consumer report on the consumer was provided within the preceding 2-year period for purposes of resale by that other agency; or

"(II) to which a consumer report on the consumer was provided within the preceding 7-year period for purposes of merging that report to that other agency's proprietary files.

"(iii) ACTION REQUIRED UPON RECEIPT OF REPORT.—If a consumer reporting agency receives a report under clause (ii), the agency shall—

"(I) change the data in its files in accordance with the report;

"(II) delete data from its proprietary files in accordance with the report; or

"(III) reinvestigate the disputed data that is the subject of the report in accordance with section 611, with the source of that data.

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall provide written notice to a consumer of the results of a reinvestigation under this subsection within 5 business days after the completion of the reinvestigation, by mail or, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a

consumer reporting agency shall provide to a consumer in writing within the 5-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a notice that the consumer has the right to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.

"(8) EXPEDITED DISPUTE RESOLUTION.—If a dispute regarding an item of information in a consumer's file at a consumer reporting agency is resolved in accordance with paragraph (5)(A) by the deletion of the disputed information by not later than 3 business days after the date on which the agency receives notice of the dispute from the consumer in accordance with paragraph (1)(A), then the agency shall not be required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the agency—

"(A) provides prompt notice of the deletion to the consumer by telephone;

"(B) includes in that notice, or in a written notice that accompanies a confirmation and consumer report provided in accordance with subparagraph (C), a statement of the consumer's right to request under subsection (d) that the agency furnish notifications under that subsection; and

"(C) provides written confirmation of the deletion and a copy of a consumer report on the consumer which is based on the consumer's file after the deletion, within 5 business days after making the deletion.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 110. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§ 612. Charges for certain disclosures

"(a) REASONABLE CHARGES ALLOWED FOR CERTAIN DISCLOSURES.—Except as provided in subsections (b), (c), (d), and (e), a consumer reporting agency may impose a reasonable charge on a consumer—

"(1) for making a disclosure to the consumer pursuant to section 609, which—

"(A) shall not exceed $8; and

"(B) shall be indicated to the consumer prior to making disclosure; and

"(2) for furnishing pursuant to section 611(d), following a reinvestigation under section 611(a), a statement, codification, or summary to a person designated by the consumer under that section after the 30-day period beginning on the date of notification of the consumer under section 611(a)(6) or (8) with respect to the reinvestigation, which—

"(A) shall not exceed the charge that the agency would impose on each designated recipient for a consumer report; and

"(B) shall be indicated to the consumer prior to furnishing such information.

"(b) FREE CONSUMER REPORT AFTER ADVERSE NOTICE TO CONSUMER.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer if, within 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609.

"(c) FREE CONSUMER REPORT UNDER CERTAIN OTHER CIRCUMSTANCES.—Upon the request of the consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer if the consumer certifies in writing that the consumer—

"(1) is unemployed and intends to apply for employment in the 60-day period beginning on the date the certification is made;

"(2) is a recipient of public welfare assistance; or

"(3) has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.

"(d) OTHER CHARGES PROHIBITED.—A consumer reporting agency shall not impose any charge on a consumer for providing any notification required by this Act or making any disclosure required by this Act, except as authorized by subsection (a).

"(e) ANNUAL CONSUMER REPORT UPON REQUEST AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once in any 12-month period, at the charge specified in paragraph (2).

"(2) CHARGE SPECIFIED.—The charge for disclosures under paragraph (1) shall be an amount that does not exceed the lesser of—

"(A) the total cost incurred by the consumer reporting agency in making the disclosures; or

"(B) $3.".

SEC. 111. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS AND DUTIES OF AFFILIATES SHARING CERTAIN INFORMATION.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer which is based in whole or in part on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer in writing—

"(A) the name, address, and telephone number of the consumer reporting agency (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis) which furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (2), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) DUTIES OF USERS WHO MAKE CERTAIN CREDIT SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report on any consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit shall provide with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit may not be extended if, after the consumer responds to the offer, the consumer does not meet the criteria used to select the consumer for the offer or any applicable criteria bearing on creditworthiness or does not furnish any required collateral;

"(D) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency from being used in connection with any credit transaction which is not initiated by the consumer; and

"(E) the consumer may exercise the right referred to in subparagraph (D) by notifying a notification system established under section 604(d).

"(2) DISCLOSURE OF ADDRESS AND TELEPHONE NUMBER.—A statement under paragraph (1) shall include the address and toll-free telephone number of the appropriate notification system established under section 604(d).

"(3) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit to a consumer under a credit transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, all criteria bearing on creditworthiness that are the basis for determining whether or not to extend credit pursuant to the offer, and any requirement for the furnishing of collateral as a condition of the extension of credit, until the end of the 3-year period beginning on the date on which the offer is made to the consumer.

"(4) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the

consumer to whom the report relates, before the report is provided to the person using the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is—

"(i) consented to by the consumer in writing, or

"(ii) with respect to existing customers, the consumer has been afforded the opportunity to direct in writing that the report may not be provided to or used by persons who are affiliated in the manner described in subparagraph (A) and has not done so.

"(5) AUTHORITY OF FEDERAL AGENCIES REGARDING UNFAIR OR DECEPTIVE ACTS OR PRACTICES NOT AFFECTED.—This title is not intended to affect the authority of any Federal agency to enforce a prohibition against unfair or deceptive acts or practices, including the making of false or misleading statements in connection with credit transactions not initiated by the consumer.".

(c) DUTIES OF PERSON TAKING CERTAIN ACTIONS BASED ON INFORMATION PROVIDED BY AFFILIATE.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding after subsection (d), as added by subsection (b) of this section, the following new subsection:

"(e) DUTIES OF PERSON TAKING CERTAIN ACTIONS BASED ON INFORMATION PROVIDED BY AFFILIATE.—

"(1) DUTIES, GENERALLY.—If a person takes an action described in paragraph (2) with respect to a consumer based in whole or in part on information described in paragraph (3), the person shall—

"(A) notify the consumer in writing of the action, including a statement that the consumer may obtain the information in accordance with subparagraph (B) and may contact the toll-free telephone number required by subparagraph (C);

"(B) upon a written request from the consumer received within 60 days after transmittal of the notice required by subparagraph (A), disclose to the consumer in writing the nature of the information upon which the action is based by not later than 30 days after receipt of the request; and

"(C) make available a toll-free telephone number at which personnel are available to communicate with the consumer regarding the action during normal business hours.

"(2) ACTION DESCRIBED.—An action referred to in paragraph (1) is—

"(A) an adverse action described in section 603(k)(1)(A) taken in connection with a transaction initiated by the consumer, or any adverse action described in section 603(k)(1)(B) or (C);

"(B) a denial of any other transaction initiated by the consumer for personal, family, or household purposes; or

"(C) an increase in any charge for a transaction described in subparagraph (B).

"(3) INFORMATION DESCRIBED.—Information referred to in paragraph (1)—

"(A) except as provided in subparagraph (B), is information that—

"(i) is furnished to the person taking the action by a person related by common ownership or affiliated by common corporate control to the person taking the action; and

"(ii) bears on the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living; and

"(B) does not include—

"(i) information solely as to transactions or experiences between the consumer and the person furnishing the information; or

"(ii) information in a consumer report.".

(d) CONFORMING AMENDMENT.—Section 615(c) of the Fair Credit Reporting Act (15 U.S.C. 1681m(c)) is amended by striking "subsections (a) and (b)" and inserting "this section".

SEC. 112. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE, GENERALLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(b) MINIMUM CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.—Section 616(1) of the Fair Credit Reporting Act (15 U.S.C. 1681n(1)) is amended to read as follows:

"(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of no less than $100 and no more than $1,000; or

"(B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or $1,000, whichever is greater;".

(c) CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(d) ATTORNEY'S FEES.—

(1) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

(2) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by adding at the end the following:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

SEC. 113. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 623 as section 624 and inserting after section 622 the following new section:

"§ 623. Responsibilities of furnishers of information to consumer reporting agencies

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) PROHIBITIONS.—A person shall not furnish any information to any consumer reporting agency if the person knows or should have known the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who—

"(A) regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about the person's transactions or experiences with any consumer; and

"(B) has furnished to a consumer reporting agency information that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate, and shall not thereafter furnish to the agency any of the information that remains not complete or accurate.

"(3) DUTY TO PROVIDE NOTICE OF DISPUTE.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency is disputed to such person by a consumer, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly and in the ordinary course of business furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the voluntary closure of the account by the consumer, in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.

"(b) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—

"(1) IN GENERAL.—After receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(A) complete an investigation with respect to the disputed information;

"(B) review all relevant information provided by the consumer reporting agency pursuant to section 611(a)(2);

"(C) report the results of the investigation to the consumer reporting agency; and

"(D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information and that compile and maintain files on consumers on a nationwide basis.

"(2) DEADLINE.—A person shall complete all investigations, reviews, and reports required under paragraph (1) regarding information provided by the person to a consumer reporting agency, before the end of the period under section 611(a)(1) within which the consumer reporting agency is required to complete actions required by that section regarding that information.

"(c) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with subsection (a), except as provided in section 621(c)(1)(B).

"(d) LIMITATION ON ENFORCEMENT.—Subsection (a) may be enforced exclusively under section 621 by the Federal agencies and officials and the State officials identified in that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 623 and inserting the following:

"623. Responsibilities of furnishers of information to consumer reporting agencies.

"624. Relation to State laws.".

SEC. 114. INVESTIGATIVE CONSUMER REPORTS.

Section 606 of the Fair Credit Reporting Act (15 U.S.C. 1681d) is amended—

(1) in subsection (a)(1) by striking "or" after the semicolon at the end and inserting "and";

(2) by striking subsection (a)(2) and inserting the following:

"(2) the person certifies or has certified to the consumer reporting agency that—

"(A) the person has made the disclosures to the consumer required by paragraph (1); and

"(B) the person will comply with subsection (b).";

(3) in subsection (b) by striking "shall" the second place it appears; and

(4) by adding at the end the following:

"(d) PROHIBITIONS.—

"(1) CERTIFICATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report unless the agency has received a certification under subsection (a)(2) from the person who requested the report.

"(2) INQUIRIES.—A consumer reporting agency shall not make an inquiry for the purpose of preparing an investigative consumer report on a consumer for employment purposes if the making of the inquiry by an employer or prospective employer of the consumer would violate any applicable Federal or State equal employment opportunity law or regulation.

"(3) CERTAIN PUBLIC RECORD INFORMATION.—Except as otherwise provided in section 613, a consumer reporting agency shall not furnish an investigative consumer report which includes information which is a matter of public record and which relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information within the 30-day period ending on the date the report is furnished.

"(4) CERTAIN ADVERSE INFORMATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of such item of information, unless—

"(A) the agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information; or

"(B) the person interviewed is the best possible source of the information.".

SEC. 115. INCREASED CRIMINAL PENALTIES FOR OBTAINING INFORMATION UNDER FALSE PRETENSES.

(a) OBTAINING INFORMATION UNDER FALSE PRETENSES.—Section 619 of the Fair Credit Reporting Act (15 U.S.C. 1681q) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

(b) UNAUTHORIZED DISCLOSURES BY OFFICERS OR EMPLOYEES.—Section 620 of the Fair Credit Reporting Act (15 U.S.C. 1681r) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

SEC. 116. ADMINISTRATIVE ENFORCEMENT.

(a) AVAILABLE ENFORCEMENT POWERS.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a))—

(1) is amended in the second sentence by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective";

(2) as amended by paragraph (1), is further amended by inserting before the 3rd period the following: ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule"; and

(3) as amended by paragraph (1), is further amended by adding after the 3rd period the following: "Notwithstanding the preceding sentence, a court may not impose any civil penalty on a person for a violation of section 623(a)(1) unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.".

(b) AGENCIES RESPONSIBLE FOR ENFORCEMENT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (a), by inserting "ENFORCEMENT BY FEDERAL TRADE COMMISSION.—" before "Compliance with the requirements"; and

(2) in subsection (b), by striking the matter preceding paragraph (1) and inserting the following:

"(b) ENFORCEMENT BY OTHER AGENCIES.—Compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information who are subject to section 615(e) shall be enforced under—".

SEC. 117. STATE ENFORCEMENT OF FAIR CREDIT REPORTING ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

"(B) subject to paragraph (5), may bring an action on behalf of its residents to recover—

"(i) damages for which the person is liable to such residents under sections 616 and 617 as a result of the violation;

"(ii) in the case of a violation of section 623(a), damages for which the person would, but for section 623(c), be liable to such residents as a result of the violation; or

"(iii) damages of not more than $1,000 for each willful or negligent violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any such action upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, (C) to remove the action to the appropriate United States district court, and (D) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—Whenever the Federal Trade Commission or the appropriate Federal regulator has instituted a civil action or an administrative action under section 8 of the Federal Deposit Insurance Act for a violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission or the appropriate Federal regulator for any violation of this title that is alleged in that complaint.

"(5) LIMITATIONS ON STATE ACTIONS FOR VIOLATION OF SECTION 621(a)(1).—

"(A) VIOLATION OF INJUNCTION REQUIRED.—A State may not bring an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), unless—

"(i) the person has been enjoined from committing the violation, in an action brought by the State under paragraph (1)(A); and

"(ii) the person has violated the injunction.

"(B) LIMITATION ON DAMAGES RECOVERABLE.—In an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), a State may not recover any damages incurred before the date of the violation of an injunction on which the action is based.".

SEC. 118. FEDERAL RESERVE BOARD AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (d) (as redesignated by section 117) the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System

may issue interpretations of any provision of this title as it may apply to any persons identified under paragraph (1), (2), and (3) of subsection (b), or to the holding companies and affiliates of such persons, in consultation with Federal agencies identified in paragraphs (1), (2), and (3) of subsection (b).".

SEC. 119. PREEMPTION OF STATE LAW.

Section 624 of the Fair Credit Reporting Act, as redesignated by section 113(a) of this Act, is further amended—

(1) by striking "This title" and inserting "(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title"; and

(2) by adding at the end the following:

"(b) GENERAL EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State—

"(1) with respect to any subject matter regulated under—

"(A) subsection (c) or (d) of section 604, relating to the prescreening of consumer reports;

"(B) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

"(C) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

"(D) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit;

"(E) section 605, relating to obsolete information, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; or

"(F) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

"(2) with respect to the exchange of information among persons affiliated by common ownership or common corporate control, except that this paragraph does not apply to section 2480e (a) and (c)(1) of title 9, Vermont Statutes Annotated (as in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994); or

"(3) with respect to the form and content of any disclosure required to be made under section 609(c).

"(c) DEFINITION OF FIRM OFFER OF CREDIT.—Notwithstanding any definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(d) LIMITATIONS.—Subsections (b) and (c)—

"(1) do not affect any settlement, agreement, or consent judgment between any State Attorney General and any consumer reporting agency in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; and

"(2) do not apply to any provision of State law (including any provision of a State constitution) that—

"(A) is enacted after January 1, 2003;

"(B) states explicitly that the provision is intended to supplement this Act; and

"(C) gives greater protection to consumers than is provided under this Act.".

SEC. 120. ACTION BY FTC AND FEDERAL RESERVE BOARD.

(a) MODIFICATION OF REQUIREMENTS BY FTC AND FEDERAL RESERVE BOARD AUTHORIZED.—

(1) IN GENERAL.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (e) (as added by section 118 of this Act) the following new subsection:

"(f) MODIFICATION OF REQUIREMENTS BY FTC AUTHORIZED.—

"(1) IN GENERAL.—If the Federal Trade Commission considers such action necessary for the protection of consumers, the Commission may, after consultation with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose, with respect to consumer reporting agencies and all other persons subject to this title other than any person described in paragraph (1), (2), or (3) of subsection (b), requirements—

"(A) that are more stringent than those imposed under—

"(i) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

"(ii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

"(iii) section 615(d), relating to the duties of persons who use a consumer report on a consumer in connection with any credit transaction which is not initiated by the consumer and that consists of a firm offer of credit; or

"(iv) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency; and

"(B) with respect to the form and content of any disclosure required to be made under section 609(c).

"(2) FEDERAL RESERVE BOARD AUTHORITY.—If the Board of Governors of the Federal Reserve System determines such action to be necessary for the protection of consumers, the Board may prescribe regulations imposing on persons described in paragraph (1), (2), or (3) of subsection (b), or to the holding companies and affiliates of such persons, any requirement described in paragraph (1) of this subsection.".

(2) CLERICAL AMENDMENTS.—

(A) The heading for section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended to read as follows:

"§ 621. Administrative enforcement and authorities; State actions".

(B) The table of contents at the beginning of the Fair Credit Reporting Act is amended by striking the item relating to section 621 and inserting the following new item:

"621. Administrative enforcement and authorities; State actions.".

(b) DEADLINE TO PRESCRIBE MATTERS.—The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by that Commission, before the end of the 300-day period beginning on the date of the enactment of this Act.

SEC. 121. AMENDMENT TO FAIR DEBT COLLECTION PRACTICES ACT.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e), relating to certain practices constituting prohibited representations, is amended to read as follows:

"(11) The failure to disclose clearly, in any written communication made to collect a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, except that this paragraph does not apply to a communication—

"(A) to acquire location information in accordance with section 804;

"(B) made solely to acknowledge receipt of monies or payments; or

"(C) that consists solely of information requested by the consumer or the consumer's attorney.".

SEC. 122. FURNISHING CONSUMER REPORTS FOR CERTAIN PURPOSES RELATING TO CHILD SUPPORT.

Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended in subsection (a) (as designated by section 103(a)(1) of this Act) by adding at the end the following:

"(4) In response to a request by the head of a department, agency, or office of any State or any political subdivision of any State that is responsible under law for enforcing child support orders (or an official authorized by the head of any such department, agency, or office), if the person making the request certifies to the consumer reporting agency that—

"(A) the consumer report is needed to establish an individual's capacity to make child support payments, or to determine the appropriate level of such payments;

"(B) the person has provided at least 10 days prior written notice to the consumer whose report is requested, by certified or registered mail to the last known address of the consumer, that the report will be requested; and

"(C) the consumer report obtained pursuant to this paragraph will be kept confidential, will be used solely for establishing child support payment obligations, and will not be used in connection with any other civil, administrative, or criminal proceeding or for any other purpose.".

SEC. 123. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 624, as redesignated by section 113(a) of this Act, the following new section:

"§ 625. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make

such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(A) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to the Department of Justice as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.), as amended by section 114(b) of this Act, is further amended by adding after the item relating to section 624 the following:

"625. Disclosures to FBI for counterintelligence purposes.".

(c) REPEAL OF PROVISIONS.—The following provisions of the Fair Credit Reporting Act, as amended by this section, are repealed:

(1) Section 625.

(2) In the table of contents at the beginning of the Fair Credit Reporting Act, the item relating to section 625.

SEC. 124. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments and repeals made by this title shall take effect 365 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The amendment made by section 121 shall take effect 90 days after the date of the enactment of this Act.

(2) The amendments made by subsections (a) and (b) of section 123 shall take effect on the date of the enactment of this Act.

(3) Subsection (c) of section 123 shall take effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 125. RELATIONSHIP TO OTHER LAW.

Nothing in this title or the amendments made by this Act shall be considered to supersede or otherwise affect section 2721 of title 18, United States Code, with respect to motor vehicle records for surveys, marketing, or solicitations.

SEC. 126. SENSE OF SENATE.

It is the sense of the Senate that—

(1) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and

(2) the Federal Trade Commission after consultation with the appropriate Federal banking agencies shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial

institutions in deciding whether an applicant should be granted credit.

SEC. 127. TECHNICAL CORRECTION TO DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT.

Section 209(c)(1)(C) of the Depository Institution Management Interlocks Act (12 U.S.C. 3207(c)(1)(C), as added by section 338(b) of the Riegle Community Development and Regulatory Improvement Act of 1994) is amended by inserting "or institutions" after "newly chartered institutions".

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"*Sec.*
"*401. Short title.*
"*402. Findings and purposes.*
"*403. Definitions.*
"*404. Prohibited practices.*
"*405. Disclosures.*
"*406. Credit repair organizations contracts.*
"*407. Right to cancel contract.*
"*408. Noncompliance with this title.*
"*409. Civil liability.*
"*410. Administrative enforcement.*
"*411. Statute of limitations.*
"*412. Relation to State law.*
"*413. Effective date.*

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are as follows:

"(1) To ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services.

"(2) To protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title—

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating; or

"(ii) providing advice or assistance to any consumer with regard to any activity or service described in clause (i); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(ii) any attorney-at-law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered which are within the scope of regulations applicable to members of such bar or such licensees; or

"(iii) any creditor (as defined in section 103 of the Truth in Lending Act), with respect to any consumer, to the extent the creditor is assisting the consumer to restructure any debt owed by the consumer to the creditor.

"(4) CREDIT.—The term 'credit' has the meaning given to such term in section 103(e) of this Act.

"SEC. 404. PROHIBITED PRACTICES.

"(a) IN GENERAL.—No person may—

"(1) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's creditworthiness, credit standing, or credit capacity to—

"(A) any consumer reporting agency (as defined in section 603(f) of this Act); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(2) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse information that is accurate and not obsolete to—

"(A) any consumer reporting agency;

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(4) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"(b) PAYMENT IN ADVANCE.—No credit repair organization may charge or receive any money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Any credit repair organization shall provide any consumer with the following written statement before any contract or agreement between the consumer and the credit repair organization is executed:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. You are entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment in the next 60 days, if you are a recipient of public welfare assistance, or if you have reason to believe that there is inaccurate information in your credit report due to fraud.

"'You have a right to sue a credit repair organization that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair organizations.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that the information they report is accurate. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate or incomplete information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If the credit bureau's reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include a summary of your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

The Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is signed by the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—No services may be provided by any credit repair organization for any consumer—

"(1) unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer; or

"(2) before the end of the 3-business-day period beginning on the date the contract is signed.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees of performance; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the 3rd business day which begins after the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in bold face type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day which begins after the date the contract is signed by you.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [name of credit repair organization] at [address of credit repair organization] before midnight on [date]

"'I hereby cancel this transaction,

[date]

[purchaser's signature].'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any person who fails to comply with any provision of this title with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 409 as a result of the violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF COMMISSION.—

"(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

"(B) INTERVENTION.—The Commission shall have the right—

"(i) to intervene in any action referred to in subparagraph (A);

"(ii) upon so intervening, to be heard on all matters arising in the action; and

"(iii) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this title that is alleged in that complaint.

"SEC. 411. STATUTE OF LIMITATIONS.

"Any action to enforce any liability under this title may be brought before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this title,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 412. RELATION TO STATE LAW.

"This title shall not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with any law of any State except to the extent that such law is inconsistent with any provision of this title, and then only to the extent of the inconsistency.

"SEC. 413. EFFECTIVE DATE.

"This title shall apply after the end of the 6-month period beginning on the date of the enactment of the Credit Repair Organizations Act, except with respect to contracts entered into by a credit repair organization before the end of such period.".

TITLE III—TRUTH IN LENDING ACT

SEC. 301. TREATMENT OF DELIVERY FEES AND INTANGIBLES TAXES.

(a) IN GENERAL.—Section 106(a) of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following new paragraph:

"(6) Taxes levied on security instruments or on documents evidencing indebtedness if such taxes must be paid as a precondition to recording the instrument securing the evidence of indebtedness.".

(b) EXCLUDED FEES.—Section 106(e) of the Truth in Lending Act (15 U.S.C. 1605(e)) is amended by inserting ", if bona fide and reasonable" before the colon.

(c) FEES FOR DELIVERY CHARGES.—Section 106(e) of the Truth in Lending Act (15 U.S.C. 1605(e)) is amended by adding at the end the following new paragraph:

"(7) Fees for delivery charges imposed by third parties (including settlement agents, attorneys, and escrow and title companies) if the creditor does not retain the charges and the fees do not exceed $20 per delivery, or $50 per consumer transaction.".

(d) APPLICABILITY.—The amendments made by this section shall apply to all consumer credit transactions consummated on or after February 1, 1995.

SEC. 302. LIMITATIONS ON LIABILITY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 139. CERTAIN LIMITATIONS ON LIABILITY.

"(a) IN GENERAL.—For transactions consummated prior to February 1, 1995, a creditor or assignee shall have no civil or criminal liability under this title, nor shall a consumer have extended rescission rights under section 125, due to a creditor's improper disclosure of—

"(1) delivery charges actually and reasonably imposed by the creditor, or any delivery charges imposed by third parties (including settlement agents, attorneys, and escrow and title companies), if the creditor does not retain the charges; or

"(2) taxes levied on security instruments or documents evidencing indebtedness.

"(b) APPLICABILITY.—Subsection (a) does not apply to—

"(1) any individual action or counterclaim brought under this title filed prior to October 1, 1994, that alleged (prior to such date) improper disclosure of delivery charges or taxes;

"(2) any class action brought under this title in which a class was certified prior to October 1, 1994, that alleged (prior to such date) improper disclosure of delivery charges or taxes;

"(3) the named individual plaintiffs in any class action filed under this title prior to October 1, 1994, that alleged (prior to such date) improper disclosure of delivery charges or taxes; or

"(4) any consumer credit transaction in which a notice of rescission was sent to the creditor prior to October 1, 1994.".

(b) AMENDMENT TO THE TABLE OF SECTIONS.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 138 the following:

"139. Certain limitations on liability.".

TITLE IV—DISASTER RELIEF

SEC. 401. DEPOSITORY INSTITUTIONS DISASTER RELIEF.

(a) TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.—

(1) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(2) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in paragraph (1) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(3) TIME LIMIT ON EXCEPTIONS.—Any exception made under this subsection shall expire not later than July 1, 1995.

(4) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(A) describes any exception made under this subsection; and

(B) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) DEPOSIT OF INSURANCE PROCEEDS.—

(1) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(A) the institution—

(i) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, on the day before the date of any such determination;

(ii) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(iii) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(iv) has an acceptable plan for managing the increase in its total assets and total deposits; and

(B) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(2) TIME LIMIT ON EXCEPTIONS.—Any exception made under this subsection shall expire not later than July 1, 1995.

(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(B) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(C) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(D) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in paragraph (1)(A)(i), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

(c) BANKING AGENCY PUBLICATION REQUIREMENTS.—

(1) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, if the agency determines that the action would facilitate recovery from the major disaster:

(A) PROCEDURE.—Exercising the agency's authority under provisions of law other than this subsection without complying with—

(i) any requirement of section 553 of title 5, United States Code; or

(ii) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(B) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(i) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(ii) any similar publication requirement.

(2) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(A) describes any action taken under this subsection; and

(B) explains the need for the action.

(3) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this subsection, the term "qualifying regulatory agency" means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Comptroller of the Currency;

(C) the Director of the Office of Thrift Supervision;

(D) the Federal Deposit Insurance Corporation;

(E) the Financial Institutions Examination Council;

(F) the National Credit Union Administration; and

(G) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(4) EXPIRATION.—Any exception made under this subsection shall expire not later than July 1, 1995.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto.

(e) OTHER AUTHORITY NOT AFFECTED.—No provision of this section shall be construed as limiting the authority of any department or agency under any other provision of law.

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

FBI COUNTERINTELLIGENCE ACT OF 1994

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5143) to amend the Fair Credit Reporting Act to provide for disclosures by consumer reporting agencies to the Federal Bureau of Investigation for counterintelligence purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise in support of H.R. 5143, which this Member introduced. This Member would like to thank the distinguished gentleman from Texas [Mr. GONZALEZ], the chairman of the House Banking Committee, and the distinguished gentleman from Iowa [Mr. LEACH], the ranking member of the House Banking Committee, for bringing this measure to the House floor. This Member also extends his appreciation to the gentleman from Massachusetts [Mr. KENNEDY], the chairman of the Banking Subcommittee on Consumer Credit and Insurance, and the gentleman from California [Mr. MCCANDLESS], the ranking member of this subcommittee, for their support for this legislation. Appreciation is further extended to the distinguished gentleman from Kansas [Mr. GLICKMAN], the chairman of the House Select Committee on Intelligence, and the gentleman from Texas [Mr. COMBEST], the ranking member of the House Select Committee on Intelligence, for their assistance and cooperation in the negotiations regarding this measure.

Last week the House passed S. 783, the consumer reporting reform, by voice vote under suspension of the rules. A provision in the House-passed version of S. 783 authorizes the FBI to obtain credit reports for counterintelligence purposes. This Member appreciates the timely consideration of this measure on the House floor, as there is a possibility that the Senate will not take up the House-version of S. 783 prior to adjournment. Furthermore there is a need for the FBI to have this authority as this legislation will enable the FBI to conduct counterintelligence investigations in a more efficient manner while retaining important individual privacy interests.

H.R. 5143 permits the FBI to obtain limited information concerning a consumer if its Director determines that there are specific and articulable facts that show that such information is necessary for an authorized counterintelligence investigation. This limited information includes the names and addresses of all financial institutions at which a consumer maintains or has maintained an account, and identifying information respecting a consumer—limited to name, address, former addresses, places of employment, or former places of employment. In addition, the bill specifies that the FBI may obtain a consumer report on a consumer if the Director of the FBI obtains a court order that certifies that there are specific and articulable facts that show that such information is necessary for an authorized counterintelligence investigation.

Mr. Speaker, this Member would again like to thank Chairman GONZALEZ, Ranking Member LEACH, Chairman GLICKMAN, and Ranking Member COMBEST for their support and for the assistance their staffs gave me in preparing this legislation. This Member urges his colleagues to support this measure. It is clear from the Aldrich Ames espionage case that this legislation is needed.

The Clerk read the bill as follows:

H.R. 5143

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 "FBI Counterintelligence Act of 1994".

SEC. 2. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

"§ 624. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent

of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to the Department of Justice as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following:

"624. Disclosures to FBI for counterintelligence purposes.".

(c) REPEAL OF PROVISIONS.—

(1) REPEAL.—The following provisions of the Fair Credit Reporting Act, as added by this section, are repealed:

(A) Section 624.

(B) In the table of contents at the beginning of the Fair Credit Reporting Act, the item relating to section 624.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 3. LIMITATION ON APPLICATION OF SECTION 2 AND REPEAL OF ANY AMENDMENTS MADE.

Section 2 shall not have any legal effect after the date of the enactment of the Consumer Reporting Reform Act of 1994. Any provisions of the Fair Credit Reporting Act that were added to that Act by the amendments made by section 2 of this Act are repealed effective on the date of the enactment of the Consumer Reporting Reform Act of 1994.

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

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 21, CALIFORNIA DESERT PROTECTION ACT

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 103-839) on the resolution (H. Res. 568) waiving points of order against the conference report to accompany the bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes, which was referred to the House Calendar and ordered to be printed.

OCEAN POLLUTION REDUCTION ACT

Mr. FILNER. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries be discharged from further consideration of the bill (H.R. 5176) to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. HORN. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentleman from California [Mr. FILNER] for an explanation of the bill.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this legislation would simply allow the city of San Diego to make an application under section 301(h) of the Clean Water Act section. The application would require the city to maintain current treatment levels, so that we ensure adequate protection of the marine environment. In addition, by continuing the city's commitment toward water reclamation, it would actually decrease the amount of solids dumped into the ocean.

This is legislation that is strongly supported by the city of San Diego and our local environmental organizations. It is cost-effective environmental protection based on good science. A Federal judge was almost begged for such legislative action.

This legislation would not be here today without a true bipartisan effort: chairman of the House Committee on Public Works and Transportation, NORM MINETA; chairman of the Committee on Merchant Marine and Fisheries, GERRY STUDDS; ranking minority member of the Committee on Merchant Marine and Fisheries, JACK FIELDS, and ranking minority member of the Public Works and Transportation Committee, BUD SHUSTER; as well as chairman of the Subcommittee on Water Resources and Environment, DOUG APPLEGATE, and ranking minority member of the Subcommittee on Water Resources, SHERWOOD BOEHLERT.

I thank these colleagues for being knowledgeable and concerned about the situation in San Diego.

I would also like to thank my two San Diego colleagues, Ms. SCHENK and Mr. CUNNINGHAM for their support. Ms. SCHENK has been extremely instrumental in the development of this bill, and I would like to thank her for all of her hard work, her leadership, and her dedication in helping to bring this legislation before us today.

Finally, I would also like to thank the committee staff, both minority and majority, for all of their hard work on this bill.

Mr. HORN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from California [Ms. SCHENK] for her comments.

Ms. SCHENK. Mr. Speaker, I thank the gentleman for yielding.

First I want to commend my colleague from San Diego, BOB FILNER, for his diligent work on behalf of San Diego's wastewater treatment problems. It has been an honor to work with him as a team. It is a pleasure when we can, as we do tonight, take a giant step toward resolving these problems.

In addition, I want to express my appreciation to chairman STUDDS of the Merchant Marine and Fisheries Committee, my committee, and our committee's ranking member JACK FIELDS for their advice and assistance on this bill. I want to also express my deepest gratitude to Chairman MINETA and Mr. SHUSTER for their help and unfailing support.

I also want to recognize the help we have received from the staffs of our two committees, who have toiled with us to achieve legislation on which we can all agree.

San Diego is faced with a serious dilemma because of the secondary treatment standards in the Clean Water Act: If the city is forced to meet the secondary standards under present law, they will have to implement a wastewater treatment plan that will result in less desirable environmental impacts and will cost rate payers $1 billion more than if we implement an alternative plan which incorporates a combination of advanced primary treatment and wastewater reclamation and reuse.

At my request, the Environment and Natural Resources Subcommittee held a hearing on the issue in San Diego last July. We heard testimony that San Diego's solution will not weaken the Clean Water Act's standards and is in conformance with the findings of the National Research Council's 1993 study on "Managing Wastewater in Coastal Urban Areas."

The purpose of the legislation before us this evening is merely to give San Diego an opportunity to apply for a waiver under section 301(h) of the Clean Water Act. That waiver, if granted, would allow the city to implement an environmentally progressive wastewater treatment program and save our taxpayers billions of dollars! This is an important step in the right direction, and I want to thank again all those who have helped make it possible.

Mr. HORN. Mr. Speaker, under my reservation of objection I want to say that this does assure environmental protection. It is simply providing for the possibility of an exemption. This legislation allows the EPA to grant that exemption. They have to apply to EPA, and that requires the commitment to a wastewater program, and it requires meeting certain minimum levels of treatment.

This has been cleared with the Republican leadership on the Committee on Public Works and Transportation, and I hope we will approve it.

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.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of this bill that will amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

The intent of this legislation is to allow San Diego to treat its sewage in a cost-effective, as well as environmentally safe, manner.

Current law requires every city, no matter its environmental conditions, to handle sewage at the secondary level. However, study after study has concluded that sewage treated at advanced primary levels and released into ocean depths greater than 300 feet does not harm the environment. With this in mind, it seems senseless to appropriate billions of dollars to upgrade a system to secondary treatment when our ocean waters are protected at the primary levels.

I am encouraged that this bill would allow the city of San Diego to apply for a modification of the requirements regarding biological oxygen demand and total suspended solids in the effluent discharged into marine waters. This bill will ensure that such modifications will not alter the balance of our marine life and viability.

As a member of the Merchant Marine and Fisheries Committee, I have immense concerns for the proper treatment of our waters. San Diego is unique in its ability to discharge of its waste into deep waters. We are unlike so many cities that must discharge into lakes and rivers.

Mr. Speaker, I believe this is a matter of common sense. Under current law, San Diego would be required to waste money to alter a system that has proven successful.

The Clerk read the bill, as follows:

H.R. 5176

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 "Ocean Pollution Reduction Act".

SEC. 2. SAN DIEGO OCEAN DISCHARGE AND WASTE WATER RECLAMATION.

Section 301(j) of the Federal Water Pollution Control Act (33 U.S.C. 1311(j)) is amended—

(1) in paragraph (1)(A) by inserting before the semicolon at the end the following: ", and except as provided in paragraph (5)"; and

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

"(5) EXTENSION OF APPLICATION DEADLINE.—

"(A) IN GENERAL.—In the 180-day period beginning on the date of the enactment of this paragraph, the city of San Diego, California, may apply for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) with respect to biological oxygen demand and total suspended solids in the effluent discharged into marine waters.

"(B) APPLICATION.—An application under this paragraph shall include a commitment by the applicant to implement a waste water reclamation program that, at a minimum, will—

"(i) achieve a system capacity of 45,000,000 gallons of reclaimed waste water per day by January 1, 2010;

"(ii) result in a reduction in the quantity of suspended solids discharged by the applicant into the marine environment during the period of the modification.

"(C) ADDITIONAL CONDITIONS.—The Administrator may not grant a modification pursuant to an application submitted under this paragraph unless the Administrator determines that such modification will result in removal of not less than 58 percent of the biological oxygen demand (on an annual average) and not less than 80 percent of total suspended solids (on a monthly average) in the discharge to which the application applies.

"(D) PRELIMINARY DECISION DEADLINE.—The Administrator shall announce a preliminary decision on an application submitted under this paragraph not later than 1 year after the date the application is submitted.".

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4129

Mr. BAESLER. Mr. Speaker, I ask unanimous consent to remove my name from the list of cosponsors on the bill, H.R. 4129.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 455, PAYMENTS IN LIEU OF TAXES ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 565

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against

consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1910

The SPEAKER pro tempore (Mr. VISCLOSKY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 565 provides for the consideration of S. 455, the Payment in Lieu of Taxes Act.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Natural Resources Committee.

All points of order are waived against consideration of the bill. The bill is considered as read.

The rule makes in order only those amendments printed in the report to accompany the rule, to be considered in the order and manner specified in the report. Each amendment is debatable for 20 minutes.

The amendments are considered as read, are not subject to amendment, and are not subject to a demand for a division of the question. All points of order are waived against the amendments in the report.

Finally, the rule provides one motion to recommit with or without instructions.

The Payment in Lieu of Taxes Program was originally established in 1976 to compensate local governments for property tax revenues which are foregone due to the tax exempt status of land owned by the Federal Government.

The Bureau of Land Management administrators the program and is responsible for setting the payment formula which is based on acreage, population and any other Federal payments received due to federally owned land.

For the past 15 years the Payment in Lieu of Taxes Program has been funded at the same level. S. 455 would gradually increase the program's authorization over the next 5 years. After the fifth year, the program would be adjusted annually for inflation.

Mr. Speaker, I urge my colleagues to adopt the resolution so the House can debate the merits of this legislation.

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

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

Mr. Speaker, I thank my colleague from Tennessee [Mr. GORDON] for yielding and I ask unanimous consent to revise and extend my remarks and to insert extraneous materials into the record following my statement.

Mr. Speaker, I strongly support enactment of this bill to increase the Federal payment in lieu of taxes. The Federal Government owns over 760 million acres of land in the United States—land which would otherwise generate property taxes for local government use. In my home State of Tennessee, approximately 1.16 million acres are owned by the Forest Service, the Park Service and the Corps of Engineers. Over 40 percent of this land, almost 471,600 acres, is located in my district in east Tennessee, which I am proud to say is the home of the Great Smoky Mountains National Park, the Cherokee National Forest and other forest lands.

Currently the Federal Government pays only 75 cents per acre owned to the local governments—this amount has not been raised since the program began in 1976, and the Federal Government should pay a fair price for this loss in revenue. I have been a supporter of legislation to increase the payment in lieu of taxes for several years, and I am glad to see this measure finally considered by the House.

However, I must oppose this restrictive rule and I urge my colleagues to vote against it. There is no justifiable reason that we should not have an open rule for the consideration of this bill.

I can accept the blanket waiver. I could accept a reprinting requirement or a time limitation. Only one amendment was offered during markup by the National Resources Committee. That amendment is made in order under this rule, along with one other amendment.

Under an open rule, we might see another two or three amendments offered—I may or may not support any particular amendment, but I support each Member's right to offer amendments and I think we have sufficient time to deal with this bill under an open rule on the House floor.

Again, I urge my colleagues to vote against this rule and send a message to the Rules Committee that we deserve the opportunity to participate in a fair and open legislative process in the House of Representatives.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	102	31	30	71	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A.	
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A.	
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield 2 minute to the gentleman from Florida [Mr. GOSS], a valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, as a former mayor and county commissioner who has struggled with making ends meet at the local level, and as a cosponsor of the House version of S. 455, I am pleased that this bill is coming to the floor today. I do wish that the chairman of the Natural Resources Committee had acted sooner on this legislation, so that we could have this debate under a genuine open rule. However, with perhaps fewer than 3 days remaining in the 103d Congress, we need to move quickly on this important bill. Senate 455 seeks to address a federally imposed catch-22: On the one hand a local government is required to meet

environmental, educational, and other Federal standards; on the other, it loses the revenue needed to meet these requirements if the Federal Government owns land within its jurisdiction because the Federal Government does not pay property taxes. For example, I represent three counties in southwest Florida—all have Federal lands within their borders. The 728,866 acres of Big Cypress National Preserve alone are almost entirely contained within Collier County—the county cannot collect property taxes on any of this land. While the original 1976 legislation offset these losses to a small degree, the funding authorization has never been adjusted—meaning that fewer and fewer real dollars are available every year for this program. Today, PILT payments are worth less than half of their original amount. S. 455 would immediately adjust the authorized levels for PILT payments and provide that these levels are automatically adjusted in the future.

Mr. Speaker, while I do not like this rule, I urge my colleagues to support the bill, because, under the circumstances, we have run out of time, and I do not think it is the fault of the sponsors of this legislation.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I rise in strong support of the rule and the passage of S. 455, the bill to increase Payments in Lieu of Taxes to Local Governments.

Mr. Speaker, if we are going to ask rural America to provide wildlife habitat, natural resource protection, and recreational opportunities, we have to protect these rural communities and their local economies. Basic fairness dictates that we make sure that these rural communities receive fair and just compensation for their loss of tax revenue.

The Payments in Lieu of Taxes Act of 1976 was put in place to compensate local government for the taxable revenues they forego by having tax-exempt Federal lands within their boundaries. Unfortunately, PILT has not been adjusted for inflation, leaving the program with spending power that is less than half of what it was in 1976.

This bill revises the per-acre formulas and population caps used to calculate payments in lieu of taxes to compensate these local communities for the loss value due to inflation and other factors since 1976. There is no question that the PILT program is a successful program, but it is time to bring the programs' budget into the 1990's.

Those of us who keep in close contact with our local elected officials know that the demands on local government have increased enormously over the last 18 years. In my county of Colusa, where many State and Federal wildlife refuges are located, this situation has become a terrible fiscal burden. PILT funds are used for critical services like road repairs and maintenance, emergency services, law enforcement, fire protection, health, education, and social services. In short, PILT payments are vital to the continued health of rural communities across the Nation.

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The Federal Government owns millions of acres of land in California. PILT payments are a critical tool for making up for the foregone revenues resulting from the Federal tax-exempt status of Federal lands.

With our current State budget crisis, it is absolutely essential we not short the counties any more than they have been shorted by those at the State level.

Time is short in this session for passage of this measure. That is why we are being asked to approve the Senate measure. I am proud to be a cosponsor of H.R. 1181 by my friend Mr. PAT WILLIAMS of Montana, the House version of the PILT reform legislation, but I realize the urgency of the situation and the need to provide some immediate relief for rural America. This bill passed the other body by a vote of 78 to 20 and enjoys broad, bipartisan support in both Houses.

So I ask my colleagues to put aside their concerns and differences and support the basic essence of what was in the Williams bill, support the Senate bill so that we can take action before we leave on Friday. It is absolutely essential to the small rural counties and communities of our country.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of S. 455 and of the rule and encourage all Members of the House to support this vital piece of legislation. It seems to me what we are talking here is fairness and equity. We are talking about States that have anywhere from 50 to 75 percent of their State surface owned by the Federal Government. These are payments in lieu of taxes that offset some of the losses that communities and counties have as a result of that kind of ownership.

This is an update. The bill has been in effect since 1976. Great increases in cost have occurred to the counties. This is something to make that more fair and equitable.

Mr. Speaker, I rise in strong support of the rule and in strong support of the bill.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Montana [Mr. WILLIAMS].

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

Mr. Speaker, this is a companion bill from the Senate of legislation which I have introduced and had a good many of my colleagues cosponsor.

I first introduced this two Congresses ago, that is to say this is the third Congress that the House has had the bill before it.

I urge my colleagues to support this modified open rule so that we can get on with the consideration, with full consideration of the bill, payments in lieu of taxes, or PILT.

Mr. Speaker, PILT was first enacted in 1976, and county commissioners in this country have had not 1 penny of inflationary increase in those Federal dollars since the bill was first passed.

Consequently, the program's value has been cut in half during those years because inflation has gone on but PILT payments have not kept up with it, not only not kept up with it, they have not increased a penny because of inflation.

The other body passed the bill, as the gentleman from California [Mr. FAZIO] just noted, it passed the other body; that is, this bill passed the other body last April or this April by a vote of 78 to 20. It passed the Senate committee by a vote of 18 to 2.

This bill passed our committee, the Committee on Natural Resources, I guess now about a week ago, by a bipartisan vote of 31 to 10.

So this bill would provide your counties—if you come from any State in this Union, with the exception of Rhode Island—your counties get money under PILT. This bill would phase in an inflationary increase for your counties and your State during 5 years beginning next year end ending in 2001.

Of course, like all authorizations, increased funding for PILT will have to be weighted in the House and Senate Committees on Appropriation each year. They have to make tough choices, constantly, year after year. But if this authorization does not increase, the Appropriations Committee will have no choice but to not give your counties inflationary increases.

Finally, let me tell you how PILT monies are used by your counties. I think the Members of this House know this. They are used for road repair and maintenance, for emergency services, search and rescue and ambulance services on Federal lands; they are used for law enforcement, for fire protection. They are used for America's school children. They are used for health and human services. PILT monies are used for solid waste management.

Let me, in closing, tell you what some folks have said to us about PILT.

Mr. Speaker, the National Association of Counties executive director had this to say:

> The National Association of Counties, representing the Nation's 3,000 counties, fully supports this legislation and opposes any attempt to amend the measure when it reaches the floor of the House.

The director of the American Trucking Association has written this to us:

We urge the Members of Congress to support S. 455 without amendment.

The director of legislation for the American Federation of State, Counties and Municipal Employees, Mr. Chuck Lovelace, has written this to us:

On behalf of the 1,300,000 members of the American Federation of State, County and Municipal Employees, I strongly urge you to support S. 455, payments in lieu of taxes legislation, and oppose all amendments.

The mayor of Newark, who is the president of the National League of Cities, Mayor James, wrote us this:

Amendments to this legislation at this late date could doom this legislation. Congress has had a version of this legislation before it for more than 5 years. There has been plenty of time to make changes in the bill. Please support S. 455.

Finally, the former Governor of the State of Arkansas, back in 1991, now President Clinton, said this:

Achieving an appropriate and inflation-adjusted level of funding under the PILT program should be a priority among all the States involved.

I urge my colleagues to support this good modified open rule. And tomorrow when we finally vote on the bill, I urge you to oppose amendments and support this bill as the only way to get this needed inflationary increases to your counties.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, in 1976 I think people realized that the great areas that are owned by the Federal Government, that someone had to compensate them. As the gentleman from Montana pointed out, 49 States receive PILT payments.

I would like to tell you a little bit about out in my area. Seventy-three percent of the State that I represent is owned by the Federal Government. As you get down into the southern Utah area, you see areas like little old Garfield County, which is 93 percent owned by the Federal Government. What a lot of folks do not realize is that Garfield County has Bryce Canyon in it, it has part of Canyon Land, part of Zion. So people come from all over America because they want to see this gorgeous, beautiful area.

What do they bring in? They bring in garbage, they bring in a lot of people and create all kinds of problems. They go hiking up the canyon, and some, a 14-year-old boy, invariably falls and breaks his leg and he is up there so far no one can get at him.

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And so who do they turn to to come and get him? They do not turn to BLM, they do not turn to the Park Service, they do not turn to the Forest Service. They ask Garfield County to do it. So, Garfield County has to come out, send their sheriff out there, spend some time, and before long all they are doing is taking care of this impact of the people that are coming there.

The same time this body comes along, gives them wilderness areas, endangered species, all of these unfunded mandates that they are putting on them, and yet since 1976 these thousands of little counties have not had an increase.

It is most reasonable thing we have come up with in a long time, is to give them the opportunity to at least keep up with the cost of living and have some index to increase the money that is brought in.

Now, Mr. Speaker, we all know that this bill is not perfect. We all know it has got some problems with it, and everybody in this House would correct it somewhere, if they could. But that clock up there keeps spinning around. In a few more days someone is going to stand up and adjourn sine die, and it is all over. We strike the enacting clause on anything. If we ever had an opportunity now to help the people in these 49 States, and especially the West, now is the time to do it.

It really bothers me somewhat when I see people from all over the areas tell the folks in Utah, Nevada, California, Idaho, Montana, Wyoming how to run their show, but they do not want to do anything about it. They put bills in and never even seen our country. Now, if they are going to do that, let us ask them how they got their ground. Somebody came in and gave it to them before they had it. I say, "If you lived in Oklahoma, if you had the fastest horse, you got it," and now we are trying to just exist, and it will not come up and pay the amount of money to help us out when they own the ground. Now, if they wanted to fight their fires, they want us to rescue their people, they want us to take care of it, step up to the plate.

Mr. Speaker, that is all we are asking them to do, and I think it is a very reasonable piece of legislation, and I would strictly urge everyone to vote yes on this rule and also for the bill.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this closed rule, and I rise in opposition to the bill, S. 455.

Now, Mr. Speaker, I must say that I am responsible for part of the problem in terms of the timing of this bill. I, we, had held up consideration of it based on many of the faults and problems that were demonstrated during the hearings with this bill that we held in the last two Congresses. Earlier this year we had a hearing. I pointed out that the public lands, the public lands council commission that was designated in the 1970's, pointed out—in the 1980's pointed out what the problems were with the bill, that there are 11 different programs that raised revenue off the Federal lands for mining, and timber and other programs that return revenues to local and State government, and this bill, notwithstanding the fact that you raise such revenue, notwithstanding the fact that such revenue goes back, and many counties receive significant amounts of money from that source, makes no differential between those counties that raised small amounts of money and those that raised large amounts of money. This bill, there is no response to that on the part of the sponsors.

Finally, of course, as the time is slipping away, we tried to provide for a temporary increase for 2 years that would put the counties and put the local governments that have these large public lands within their areas, their States, in the same position that this bill would. That amendment is permitted under the rule with only 20 minutes of debate. It is permitted under the rule, but the difference in my amendment is that it would be a temporary increase for 2 years to alleviate or to address the problem, whether we come back and take another look at that particular proposal. But we cannot do that, we cannot adopt that amendment, the advocates of this say, because it might go back to the Senate, and we know what happens in the Senate. In the Senate we got a single Senator that can veto a bill. It is a new power. It is one they invented and arrogated unto themselves.

Mr. Speaker, that is not in the rules of the House or the Senate. That is not in the Constitution. But that is the way they intend to operate. Nevertheless it seems like we are sending many things back, but for some reason this bill cannot go back. We cannot adopt the amendment that is going to be proposed that would limit the cost-of-living increase, the inflation adjustment, in this that would go on forever in perpetuity. We cannot address that because it might go back to the Senate, and one Senator might object. Again, Mr. Speaker, with the newfound rules that have locked the Senate into a position where it cannot do anything that some Members in this House, apparently, or others, do not want them to do.

Mr. Speaker, I have sought to offer additional amendments. We are not trying to delay the bill. We thought when the bill came out of committee that we would have a fair opportunity on the floor because we know in the committee with the Members from the West, the Members that are the big beneficiaries of this bill, could not, would not, listen to reason or accept amendments. They were operating

under this goal of get it out at all expense and pass it without any modifications. We thought we would have a shot on the floor, but the third amendment we wanted to offer is, I thought, was a reasonable one, would not have delayed the bill. It simply would have said that we would not have had to pay payment in lieu of taxes on Federal lands that have been given to the State and sold to the private sector. This bill provides that we will continue to pay payment in lieu of taxes on lands that are private, lands that already are paying property tax.

Do we need an adjustment? The President says we need an adjustment. Did he mean that we need a 150 percent increase? As my colleagues know, it is not the 1970's anymore, Mr. Speaker. Today we have got a $4.4 trillion deficit. In the 1970's we had revenue sharing, we had other programs, were helping other municipalities and individuals across this country. It is not the 1970's anymore. This bill will increase spending by a half a billion dollars in just the first 4 years of the existence of this particular bill.

Mr. Speaker, I suggest this rule, because of its restrictions—I expect this bill because of—because of those shortfalls this bill should be defeated. This bill deserves to be closely analyzed and reviewed by the House.

As my colleagues know, those Members that have voted in this body, we voted for budgets, and we are doing a good job in terms of making progress on the budget. But this will be added in the discretionary spending authorization, and let me assure the Members that this becomes a No. 1 priority for those 11 Western States that are the major beneficiaries in terms of this bill. They are going to become the No. 1, the No. 1 priority in terms of what happens, in terms of the Interior appropriations bill, and it may just be an authorization in the minds and hearts of some of the Members that may be voting for it, but, believe me, these are authorizations that are going to turn into dollars in terms of our counterparts in the Senate and the Members in the House that are advocating. This will be their No. 1 priority.

I suggest they need an inflation adjustment, but I think it ought to be done in the context of reform. It ought not to be done in a vacuum. It ought not to be done with a rule that is unfair that does not permit the proper debate and consideration in an orderly manner for this subject on the floor today and tomorrow, Mr. Speaker.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. MILLER].

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VISCLOSKY). All Members are cautioned relative to their remarks about Members of the U.S. Senate.

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

Mr. MILLER of California. Mr. Speaker, this is a very unwise bill for Congress to be considering at this late date, and I hope every Member will think very carefully about voting for a huge increase—150 percent—in the Payment in Lieu of Taxes [PILT] Program—as well as an additional cost-of-living escalator to make sure costs continue to rise higher and higher.

This legislation would cost $484 million in new spending over the next 4 years, and over $1.3 billion in the next decade.

Once again, late in the session, we are being called on to pass legislation that will allow unlimited increases in a deeply flawed program that no longer serves the purposes for which it was designed. The vote on this legislation will be a good test of whether we are serious about controlling Government spending, or just spouting campaign rhetoric. And that is why the National Taxpayers Union opposes S. 455 as passed by the Senate.

The House Committee on Natural Resources reported this legislation last week with language identical to that contained in the Senate-passed bill. If S. 455 were to be approved by the House in its current form, therefore, the measure would go directly to the President.

I know that PILT is a highly popular program in several of the Western States; for all the rhetoric around here about cutting spending and reducing the deficit, few States or local communities oppose a big grant of Federal cash when it is offered to them. But that is not a sufficient reason to boost Federal spending by hundreds of millions of dollars.

I know that PILT funding has not increased since the program was created in 1976. That also is not a sufficiently compelling argument to justify passage of a huge spending increase.

We have cut, frozen, and eliminated dozens of programs since 1976. We eliminated general revenue sharing, which affected far more districts than PILT; we cut job programs, educational programs, military programs and bases, farm programs, all affecting more districts and more Americans than PILT. Why would we assume that PILT, unlike all others, is not only working fine, not only deserving of a 150-percent increase, but is also deserving of a permanent cost-of-living escalator that effectively ends hopes of reform?

Let us recall that PILT money is distributed very disproportionately to the number of citizens of a State. Of the $99.3 million distributed just last week, for example, Florida received just $1.3 million, Connecticut $25,000, Illinois $323,279, Indiana $225,433, and Massachusetts $51,554.

By contrast, Alaska received $4.4 million, Arizona $8.7 million, Colorado $6.2 million, Idaho $7.4 million, and Montana $8.2 million.

Michigan received $1.2 million, New Jersey received $48,442, New York $58,121, Ohio $249,079, and Pennsylvania $185,000.

By contrast, Nevada received $6.7 million, New Mexico $10.6 million, and Utah $8.9 million.

To get an increase of a few thousand dollars in your district, do you want to go on record voting for over a billion dollars in new spending and an uncapped authorization in the waning hours of the congressional session? I hope not.

Every dollar spent on a PILT increase is going to come out of one of the already strapped programs of the Department of the Interior: national parks, wilderness, forest programs, historic areas, heritage areas, and many more.

The issue is not whether PILT has increased since 1976, but whether an increase is warranted. Because of the many questions and uncertainties about the soundness of this program, a massive, uncapped increase at this time is profoundly unwise.

PILT, as originally proposed by the Public Land Law Review Commission, was supposed to replace streams of Federal funds for local governments derived from timber harvests, grazing, mining, and other activities. But instead of replacing the funds, Congress created a formula to add PILT to the existing payments and provided for the PILT payment to reflect some, but not all, of those other receipts.

PILT is also justified as compensation for services provided by local governments on Federal lands. But the PILT formula includes no consideration of whether counties that receive PILT funds actually are performing any services. Nor does it calculate the value of the services rendered or, conversely, the value of Federal services related to the Federal lands—for example, law enforcement, fire protection—that benefit local interests.

Other questions abound: Why are some Federal lands included among the definition of entitlement lands eligible for PILT while others are not?

Why are some Fish and Wildlife Service-managed acres carved from the public domain considered entitlement lands, but those on acquired lands are not?

In the East, mineral receipts from acquired lands are not eligible for PILT payments, but those from the public domain are.

And this legislation, far from answering these questions, ignores the problems and raises new ones. Under S. 455, which we are being asked to pass without change, we would continue to provide PILT funding to lands that are transferred from Federal ownership to State, or even private, ownership. The whole idea of PILT was to compensate

for Federal lands; now we are compensating for State and private lands. Why stop there?

If we grant unlimited funding to PILT now, in the last hours of the congressional session, we will never get a handle on that spending because westerners, and especially Senators of Western States, will on their indexed PILT funding as a birthright.

I will be offering a reasonable compromise to the House: a 2-year increase, combined with a mandate for a GAO study, that will give States some needed funding, but also provide us with the accounting we need to determine what reforms are required. As I have said, enactment of S. 455, by granting permanent and uncapped increases will, for all intents and purposes, make it virtually impossible to enact needed changes in the future.

Should that amendment fail, I would urge you to vote for Congressman VENTO's amendment to eliminate the cost-of-living escalator in S. 455. I cannot believe that the Members who have voted against every other COLA are going to acquiesce in an unlimited COLA for PILT that will cost taxpayers hundreds of millions of dollars.

Do not fall prey to the argument that we cannot change a comma in S. 455 because the Senate does not have time to pass an amended bill. Have you been watching the television? Do not tell me they do not have time to pass a bill that saves us the embarrassment of voting for a sky's-the-limit spending bonanza for a few small States.

If the Senate wants a PILT bill, they will vote to take our responsible, limited expansion. But no House Member should accept the argument that we must vote unthinkingly for the precise language sent us by the Senate without expressing our own concerns and preferences.

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

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. 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, rule I, further proceedings on this motion will be postponed.

INVESTMENT ADVISER OVERSIGHT ACT OF 1993

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 423) to provide for recovery of costs and supervision and regulation of investment advisers and their activities, 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 Massachusetts?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a bill which is going to protect the investors of this country against unscrupulous investment advisers. It is a good bill, and I hope that the House accepts it.

Mr. Speaker, the amendment in the nature of a substitute that I am offering to S. 423 (the amendment) represents the fruits of countless hours of discussions and negotiations between House and Senate staff. It is important legislation that would, at long last, bring regulation to the most underregulated part of the securities industry. Investment advisers currently inhabit a Wild West of poorly funded regulation, where nearly 30 years can elapse before an adviser is ever subjected to a routine inspection by the Securities and Exchange Commission [SEC]. Nearly anyone—including convicted murderers and drug dealers—can become investment advisers by simply paying a $150 entrance fee. That leaves the millions of people who each year entrust their futures to investment advisers at the mercy of an industry that, while the majority of its members are honest and above reproach, nevertheless harbors many who regard investors as sheep to be shorn. And the most common way that investors are fleeced is through product-driven salespeople who get fat commissions from customers who mistakenly believe that their adviser is acting in their best interest.

Since 1981, the number of investment advisers has increased from 5,100 to 22,000, and assets under their management soared from $450 million to $9.3 trillion. That is four times the amount deposited today in U.S. commercial banks. At the same time as this explosive growth, SEC staff assigned to inspect these advisers has increased by only 15 inspectors—from 36 to 51. Unfortunately, those who are forced to depend on the kindness of strangers are almost entirely without the protection of the SEC—the securities cops on the beat. Both the SEC and the GAO have in fact concluded that investment adviser registration gives investors a false sense of comfort, and if regulation is not increased, investors would actually be better off with no registration of advisers at all. In other words, when your police force is massively outmanned and outgunned, you may be better off not even pretending that you have one. That is a sad commentary on the woeful state of affairs in an industry that touches nearly every household in this country. The amendment we are offering up today would justify investors' faith in SEC registration and regulation: it would add more cops to the beat and equip them with better weapons against fraudulent conduct. It would also arm investors with information so that they can better protect themselves. It is tough legislation that is nonetheless carefully crafted to avoid being burdensome to those advisers that are respectful of the law and their obligations to their clients.

To help address these problems, this amendment, which contains consensus language supported by a bipartisan group of colleagues in the House and Senate, would provide the SEC with the annual funds it needs in order to inspect investment advisers more thoroughly and more frequently than they are able to do with the limited resources they have now. It would also provide enhanced protection for investors by establishing a mechanism for the identification of unregistered advisers; by allowing the SEC to designate a self-regulatory organization to conduct periodic examinations of certain advisers; by improving disclosures of conflicts of interest and other pertinent information; by authorizing the SEC to require fidelity bonds of certain advisers; by making provision for the establishment of a readily accessible telephonic or other electronic process for finding out about the disciplinary history of advisers; and by mandating prominent up-front disclosure of the convictions of advisers that have been or that employ persons that have been convicted of felonies.

Last year, the House passed H.R. 578, the Investment Adviser Regulatory Enhancement and Disclosure Act—the original House bill—from which many of the provisions and concepts contained in the present amendment derive. The original House bill and the original Senate bill differed in numerous ways, and the present vehicle represents our successful attempt to bridge those differences without losing the focus of the original House bill. Thanks to the extraordinary efforts of the chief sponsor of the original House bill, Representative BOUCHER, to the persistence of Chairman DINGELL, and to the bipartisan cooperation and assistance of Representatives MOORHEAD and FIELDS, we have been able to arrive at a solid solution to the regulatory and other deficiencies in the investment adviser sector and to address the concerns of our colleagues in the Senate.

To the extent that the amendment contains provisions that are substantially similar to provisions contained in the original House bill, the language of the House report accompanying H.R. 578—the House report—that describes those provisions shall continue to obtain. The purpose of my statement at this time is to explain and interpret changes between the original House bill and the language we are voting on today.

The SEC staff is comprised of hard-working, committed men and women who, but for resources, would be able to clean up many of the outstanding compliance problems in the industry. In section 2, this amendment provides for the collection of new fees that will be used to fund an enhanced program of inspections. But more money will not, without properly targeted use, improve regulation, in part because even with the estimated $16 million annual increase in funding, the SEC will still have to

perform regulatory triage and inspect the riskiest advisers first and most frequently. It is therefore critical that the SEC work to develop an inspection protocol that relies on an analysis of relative risk. It is clear that certain characteristics increase either the risk that an adviser is engaging in improper conduct or the temptation for an adviser to do so. For example, an adviser with custody of or broad discretion over funds has easier access to a client's assets. The receipt of commissions for the sale of investments recommended to a client likewise increases the risk that an adviser's recommendations may conflict with his fiduciary duties to his client. In addition, we expect that the SEC, in designing its inspection schedule and in developing a set of risk-based criteria for inspections, will take into account the conclusions and recommendations of the General Accounting Office [GAO]. The GAO, both in a 1990 report and in 1992 testimony before the Subcommittee on Telecommunications and Finance, argued forcefully that examinations of new registrants be conducted within a reasonable period of time following registration. It also made a compelling case for the SEC reinspecting advisers found to have deficiencies, rather than relying on the word of the adviser—whose word under the circumstances should be treated with skepticism—that any such defects have been corrected. Even a history of past deficiencies can represent in itself a risk factor for broader improprieties. In the notorious case, described at length in the House report, of Steven Wymer, the California investment adviser who bilked numerous cities and towns out of millions of dollars, the SEC conducted focused cause inspections in several instances before the fraud in which he had engaged came to light.

Section 3 of the amendment provides for the conduct by the SEC of surveys of unregistered investment advisers. This section is identical in its substance to that contained in the original House bill and its purpose and interpretation remain unchanged.

Section 4 of the amendment authorizes the SEC to designate an SRO to conduct inspections of certain advisers. This section is identical in its substance to that contained in the original House bill and its purpose and interpretation, like that of section 3, remain unchanged.

Among the changes to the original House bill that House Members agreed to in developing this consensus amendment was the deletion of a provision that would have expressly prohibited advisers from making unsuitable recommendations, as well as a requirement to make a reasonable inquiry about the financial circumstances of a client. The provision also included a record-keeping requirement designed to assist the SEC, in its inspections, in auditing for adherence to the suitability rule. The suitability provision contained in the House bill did not represent a new substantive requirement, but instead restated an existing requirement that is implicit in the antifraud provisions of the Advisers Act.

As a result of the inclusion of this provision in the House bill, the SEC, on its own initiative and because it has ample statutory authority to do so, embarked upon a rule-making proceeding designed to codify, in the same way as the House bill, the extant suitability requirement and to establish a recordkeeping requirement similar to that contained in the original House bill. To date, the SEC has proceeded apace with this rulemaking, and we expect that it will adopt a final rule, comparable in text and interpretation to that contained in the House bill, shortly.

Among the most important subjects of this bill is disclosure. The brevity of the provision set forth in section 5 relative to the more detailed provisions of the original House bill should not be interpreted as a lessened commitment to disclosure and the critical role it plays in equipping investors with the tools needed to protect themselves. From the outset of our efforts to ensure that the more rapacious elements of the investment adviser industry are not allowed to take advantage of investors, we saw conflicts of interest as perhaps the biggest obstacle. Advisers who receive commissions on the products they recommend, fees such as those paid by product sponsors or packagers in exchange for the sale of a unit of their product, or credits toward non-cash compensation such as trips or research have an interest in remuneration which conflicts with the interest of their client in receiving objective, disinterested advice. The magnitude of the conflict varies according to the extent or magnitude of the remuneration in question. If the remuneration is negligible, the conflict may be so minor as to be functionally nonexistent. If, however, it is not, and it may have an impact on the kind of advice rendered by the adviser, it is material. The nature and extent or amount of a commission or fee, or the value of a particular prize thus has a direct bearing on whether such conflict is material. A material conflict of interest conflicts with, among other things, the client's interest in receiving suitable investment advice, avoiding unnecessary or excessive transaction charges, and making informed investment decisions.

Accordingly, section 5 of the amendment requires the SEC, within one year from the date of enactment, to examine the nature of the conflicts of interest with an adviser's fiduciary duties that may arise when an investment adviser is compensated on the basis of commissions or fees from the sale of investment products to clients or receives credits toward non-cash compensation. Thus, the SEC must study all conflicts related to the receipt by an adviser of commissions, fees or other items of value paid in exchange for or as a result of the sale of investment products to clients. On the basis of this examination, the SEC must prescribe any rules that may be necessary and appropriate in the public interest or for the protection of investors and consistent with the purposes of the title to require that the existence and extent of any material conflicts of interest be fully disclosed.

Based upon the extensive hearing record in the House, compelling studies conducted by various groups such as the Consumer Federation of America, the American Association of Retired Persons, and the North American Securities Administrators Association, and based upon numerous media exposes, it is clear, even before detailed SEC examination, that grave deficiencies in current forms of disclosure exist. The House Report to accompany H.R. 578 cities examples of the kinds of disclosure problems that have plagued the industry. Some of the deficiencies in disclosure can and will be remedied in the SEC's revisions to the form required for the registration of investment advisers (Form ADV), part of which constitutes the brochure which is given to customers and prospective customers of an investment adviser. Other deficiencies, such as when clients are kept in the dark about the extent or magnitude of a conflict of interest—for example, the size of a commission—until after they make a purchase, will have to be addressed through SEC rulemaking. Full disclosure, as called for by this provision, would entail disclosure sufficient to permit a client to make an informed investment decision, a decision that does not subject him or her to unnecessary or excessive transaction charges, and a decision that is not influenced—without his or her knowledge of such influence—by the payment or promise of payment of prizes or other forms of non-cash remuneration to the recommending adviser.

Useful and relevant information is the touchstone of disclosure with respect to conflicts of interest. It is also critical with respect to pertinent information about an adviser's background. Some background information is provided in the Form ADV distributed to clients. Other important information—specifically, information pertaining to an adviser's disciplinary history—is not currently accessible to the average customer. This bill, therefore, requires that the entity designated by the SEC to create and operate a filing depository establish and maintain a readily accessible telephonic or other electronic process designed to provide such information. This electronic system would receive inquiries regarding the disciplinary and other information involving investment advisers and persons associated with investment advisers. Key to this provision are the twin concepts of ready access and low cost. Investors should be encouraged to find out about an adviser's disciplinary history, not discouraged through systems that are either difficult to use, costly, or not extensively available. Taking advantage of emerging technologies and on-line services is useful, but those should not be the exclusive means of obtaining such information unless all (or virtually all) households have ready access to them. Accessibility also has a cost component. Many of those most in need of protection, such as older investors, might be discouraged from making inquiry if they have to pay for the privilege. Making the system provider assume all reasonable costs associated with providing that service is therefore an important element of this provision. The system provider should establish a system for which the costs are unreasonable. Similarly, individual investors could not be charged a fee for obtaining written information responding to their inquiry, although other service users could be charged a reasonable fee.

Because this provision is analogous to a similar provision in the Penny Stock Reform Act, it is anticipated that it will be set up similarly and contain similar sorts of information as the system available with respect to registered broker-dealers. Specifically, it is expected that the toll-free telephone access investors are given through the NASD Hotline with respect

to broker-dealers will be replicated for investment advisers. We see no reason to discriminate between these two types of securities professionals either on the basis of the type of information available about them or on the basis of the cost or means of obtaining such information. Indeed, the market distortion that could occur if there were disparate systems, containing dissimilar kinds of information and available at a different cost, would cause confusion to investors. As in the broker-dealer context, the system could also include other information, such as bankruptcy history, in addition to information about disciplinary history.

Section 6 of the amendment also requires the SEC to include in each of the first three annual reports submitted after the date of enactment a statement describing the status of the SEC's proposals for the revision of Form ADV; consultations with State securities and other regulators concerning the collection and dissemination of information contained on such form; and implementation of systems to collect and disseminate such information to enforce compliance with the title. In addition, those reports must include an analysis of the methods by which the revisions of Form ADV will result in, first, the timely and effective disclosure to investment adviser clients of material facts concerning the background, compensation, services, and practices of the adviser, and, second, the prominent disclosure to such clients of (a) any conflicts of interest, (b) methods available for securing additional information concerning the adviser and its employees, (c) remedies available with respect to disputes arising out of the advisory relationship, and (d) any conviction of the adviser or any person associated with the adviser within 10 years preceding the filing of any application for registration or at any time thereafter of any crime that is punishable by imprisonment for 1 or more years, or of a substantially equivalent crime by a foreign court of competent jurisdiction.

This provision derives from the brochure provision contained in the original House bill, in which the elements of an enhanced brochure were set forth in the statute. Because the SEC is well on its way to revamping Form ADV, it was deemed unnecessary to include that portion of the provision. Certain important elements of that provision have been retained, however, so that Congress can ensure that they be incorporated in a prominent manner into the brochure distributed to investment advisory clients. Prominence would require that each of these disclosures must be readily noticeable to the client. Disclosure of methods available for securing additional information concerning the adviser and its employees would entail setting forth the toll-free number to call and, in addition, any other supplementary means (e.g., the Internet address) through which such information is available. With respect to disclosure of remedies, we do not intend a recitation of all available causes of action but, rather, a general statement in the brochure that makes clear the existence of remedies under State and Federal law where wrongs have been committed against a client by an adviser. In the absence of an express private right of action in the Advisers Act, it is especially important to inform clients that they are not without remedies.

Section 7 of the amendment contains a requirement that certain investment advisers obtain a fidelity bond. As in the original House bill, the fidelity bond would provide a source of funds to make clients who have been defrauded through larceny or embezzlement whole. Unlike the original House bill, however, the SEC's authority in this section of the amendment is permissive, rather than mandatory. The authority given to the SEC would extend to advisers with custody of client funds or securities, that have discretionary authority to direct client investments, or that advise investment companies.

Paragraph (2) sets forth the considerations the SEC must take into account in implementing this section: The degree of risk to client assets that is involved; the cost and availability of fidelity bonds; existing fidelity bonding requirements; any alternative means to protect client assets; and the results, findings, and conclusions of a study, described in paragraph (3), on the availability of fidelity bonds and the impact of fidelity bonding on the competitive position of small-scale investment advisers. Finally, the SEC is given the authority to exempt any person or class of persons from any fidelity bonding requirements under such terms or conditions and for such period as the SEC determines. In addition, the SEC is required to exempt any investment adviser from any bonding requirement if the SEC determines that fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment adviser is located or the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment adviser's competitive position.

This provision is not meant to permit an investment adviser that is marginally profitable to claim an exemption because it cannot afford a fidelity bond. Nor is it intended to permit an investment adviser that is charged a premium for or is refused a fidelity bond because its background, business practices, or lack of controls suggest a high degree of risk. Rather, we read this provision as requiring the SEC to exempt from the bonding requirement any class or group of advisers that for some reason other than normal and customary underwriting considerations is denied a fidelity bond at a reasonable cost.

Deleted from this amendment is the provision in the original House bill requiring the SEC to analyze the risks to investors when an investment adviser is made the sole recipient of communications from the custodian or when an investment adviser or affiliate thereof serves as the custodian. The purpose of this provision was to address an anomaly that surfaced in the course of hearings held by the Subcommittee on Telecommunications and Finance on the massive fraud perpetrated by Steven Wymer. Testimony by Wymer made it clear that crucial to his fraudulent scheme was either the witting or unwitting cooperation of custodians in making Wymer the sole recipient of all confirmations, account statements, and other communications concerning client accounts. Because clients received no independent reports of account activities, Wymer was able to fabricate false account statements to hide losses, unauthorized transactions, and defalcation of clients' cash and securities.

Because the SEC currently has the statutory authority to promulgate rules directly to address this problem, it has initiated a rulemaking process designed to address these concerns. This provision of the House bill was therefore deleted in anticipation of adoption by the SEC of a strong rule that would make it impossible for a comparable fraud to be repeated by the same means. The rule would prohibit an investment adviser registered or required to be registered under the Advisers Act from exercising investment discretion with respect to a client account unless it reasonably believed that the custodian of the account is providing account statements to the client no less frequently than quarterly. An adviser would be deemed to have a reasonable belief that the custodian is providing account statements if the adviser has received copies of client account statements indicating that they were sent to clients. We applaud the SEC's initiative in this area and expect to see the rule adopted in final form soon.

Mr. FIELDS of Texas. Mr. Speaker, I strongly support the gentleman from Massachusetts' request and want to associate myself with the gentleman's remarks.

By providing additional funds to the SEC specifically targeted for enhanced oversight of the adviser industry, S. 423 will go a long way toward improving the present situation.

I want to emphasize that the Wymer scandal and the increased attention our committee has given the inadequacy of the SEC Adviser Examination Program should underscore for the commission the fact that Congress is not simply writing a blank check to the agency. We demand significant improvement in the regulation of financial planners. In enacting this legislation Congress tells the SEC to do more with its appropriation than increase the number of employees on its payroll. We need better regulation, not just more regulation.

Earlier in the first session of this Congress, I cosponsored and the House passed H.R. 578, an investment adviser bill similar to the bill we are considering here today. Since then, House and Senate staff have been negotiating the differences between bills passed by both Houses and S. 423 represents the outcome of that long and arduous process.

Mr. Speaker, I want to compliment Congressman RICK BOUCHER for his efforts over the years on behalf of this bill. I am happy to be an original cosponsor of the legislation and to see it enacted by the House today. I also commend Subcommittee Chairman ED MARKEY, as well as Committee Chairman JOHN DINGELL and Ranking Republican CARLOS MOORHEAD for their leadership.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation and urge its immediate adoption.

At present, approximately 22,000 investment advisers are registered with the Securities and Exchange Commission (SEC) under the Investment Advisers Act of 1940, with a total of over $9 trillion of public savings under management. However, the resources available to

the SEC for inspecting and examining these advisers have remained seriously limited and totally inadequate to provide even minimally adequate deterrence against wrongdoing. At present, the SEC has a total of only 50 examiners nationwide to provide field examinations or other direct oversight of all investment advisers. Therefore, most advisers are examined only once every 25–30 years. This is an outrage. It is also very dangerous.

The General Accounting Office estimated in a June 1990 report (Investment Advisers: Current Level of Oversight Puts Investors at Risk, GAO/GGD–90–83) that investment adviser fraud costs investors between $90 million and $200 million a year. Since February 1993, the SEC has brought 53 fraud actions against investment advisers. This does not include the well-publicized case against a single adviser, Steven D. Wymer, who defrauded his clients, who were largely states, counties and municipalities, of more than $100 million.

Starting with the introduction of H.R. 4441 back in March 1990, Mr. BOUCHER has been doggedly pushing for legislation to improve investor protection in this area, and I commend him for his great leadership and perseverance. In the 102d Congress, the House passed comprehensive investment adviser reform legislation (H.R. 5776) only to see it die in the Senate under the weight of the nongermane-amendment demands of two Members of that body. This year we are back again because the stakes for American investors are very high and rising. We must pass this bill this year.

I also want to commend and thank Mr. MARKEY and Mr. FIELDS for their cosponsorship of H.R. 578 and for making it possible to put together and bring to the floor bipartisan legislation that is balanced and cost-effective.

On May 4, 1993, the House unanimously passed H.R. 578, the Investment Adviser Regulatory Enhancement and Disclosure Act, and, on November 20, 1993, the Senate passed S. 423, the Investment Adviser Oversight Act. Although no formal conference was convened to reconcile differences between the House bill and a Senate bill that was considerably more limited in scope, staffs from both bodies conducted extensive negotiations and ultimately reconciled the differences between the two bills. No formal conference was necessary due to the success of this process. I commend the staff for their hard work and diligence. The legislation before the House thus encompasses the amendments resulting from that process. In lieu of a conference report, our floor statements are intended to serve as the legislative history, along with House Report 103–75 (April 29, 1993) and CONGRESSIONAL RECORD (May 4, 1993) at H2212–2220, and Senate Report 103–177 (November 10, 1993) and CONGRESSIONAL RECORD (November 20, 1993) at S16861–16862.

The amendments before the House will provide additional resources for investment adviser supervision through user fees from registrants and applicants. The industry supports the fee schedule in this bill. The bill gives the SEC authority to designate one or more self-regulatory organizations [SRO] if necessary to conduct periodic examinations of the SRO's members and their affiliates that are registered or required to be registered as investment advisers. The bill requires surveys to be conducted to identify unregistered persons and requires SEC action to correct any patterns of noncompliance. The bill modernizes the Investment Advisers Act's disclosure requirements to provide better disclosure of conflicts of interest between investment advisers and their clients. The bill would authorize the SEC to develop a "one-stop" filing system that would reduce paperwork for advisers and regulators. The bill also provides for a toll-free telephonic or other electronic listing to provide investors with ready access to disciplinary and other information regarding investment advisers. The bill requires fidelity bonding to assure that, where losses from fraud do occur, there will be some source of compensation for defrauded clients.

Finally, I wish to express my support for the SEC rulemaking initiatives identified in Chairman Levitt's January 24, 1993, letter to the committee, a copy of which follows my statement. The SEC's current statutory authority encompasses these rulemakings (obviating the need for additional legislation on these subjects) and I encourage the SEC to complete action on these matters with all deliberate speed.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, January 24, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As the 103rd Congress prepares to return for the second session, I am writing to express my hope that the conference to reconcile House and Senate versions of legislation amending the Investment Advisers Act of 1940 ("Advisers Act") will convene and complete its work as soon as possible. Both H.R. 578 and S. 423 would, by imposing modest fees on investment advisers, raise revenues that are critically needed by the Commission to supervise the activities of over 20,000 investment advisers currently registered with the Commission.

As you know the House bill contains several amendments to the Advisers Act not include in the Senate bill. The amendments address a number of subjects that are of increasing concern to the Commission. We believe the Commission's current rulemaking authority is broad enough to address many of these subjects, and we have decided to go forward and develop the following rules:

Custody Rule. This rule would prohibit custodian arrangements under which only the investment adviser (and not the client) receives periodic account statements from the custodian. This type of arrangement facilitated the Steven Wymer fraud.

Suitability Rule. This rule would make explicit the requirement implicit in the general anti-fraud provisions of the Advisers Act that advisers must make a reasonable determination that the advice they give is suitable to their clients, based on a reasonable inquiry into the client's financial situation. Appropriate recordkeeping would also be required.

Improved Brochure. Under this proposal, the current disclosure brochure that an adviser delivers to its clients describing the adviser's business would be amended to place greater emphasis on the education, business background and business practices of the adviser, the means by which the adviser is compensated, and the conflicts of interest that may be created for the adviser in entering into various compensation arrangements (i.e., commission-based compensation). The "800" number contemplated by the House bill as a means by which clients may obtain adviser disciplinary information would be provided in the brochure.

Reports on Fees and Commissions. The rule would require an adviser to provide clients with periodic account statements that would include information concerning the sales commissions and other fees, if any, paid to the adviser or persons associated with or under common control with the adviser. These reports should provide clients with a better picture of the total cost of advisory services and the way compensation arrangements may affect investment advice.

The House bill, if adopted in its current form, would require the Commission to periodically conduct a survey to determine the extent to which persons fail to comply with the registration requirements of the Advisers Act. We are currently discussing with the North American Securities Administrators Associated the feasibility of conducting a joint inquiry of unregistered investment advisers in the states. We believe that their participation could be very helpful in enforcing the registration provisions of the Advisers Act.

We trust that the anticipated Commission rulemaking will assist the conferees in their efforts toward enactment of this important legislation. The resources the legislation will provide will permit the Commission to begin to examine the activities of the growing number of registered investment advisers on a more frequent and meaningful basis. Further, we believe the development of the rules described above will substantially enhance investor protection.

We appreciate your efforts in connection with developing this legislation, and we look forward to working with you toward final passage of a compromise bill. Please do not hesitate to contact us if we can assist you in any way.

Sincerely,

ARTHUR LEVITT.

Mr. FIELDS of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 423

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 "Investment Adviser Oversight Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the activities of investment advisers are of continuing national concern;

(2) increased supervision of investment advisers by the Securities and Exchange Commission (hereafter in this Act referred to as the "Commission") is necessary to protect investors from fraud and other illegal conduct;

(3) additional resources are necessary to recover the Commission's costs of an enhanced program for the oversight of investment advisers and their activities, including the costs of registration and inspections; and

(4) because the direct beneficiaries of these activities are investment advisers, it is appropriate for investment advisers to pay fees for much activities.

SEC. 3. REGISTERED INVESTMENT ADVISER FEES.

(a) IN GENERAL.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

"SEC. 203A. FEES FOR REGISTRANTS AND APPLICANTS.

"(a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of enhanced efforts to register all persons required to be registered under this title and enhanced supervision and regulation of investment advisers and their activities. Such fees shall be collected and shall be made available only to the extent provided in advance in appropriations Acts. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and shall remain available until expended. The costs covered by such fees shall be the costs of Commission expenses for the registration and inspection of investment advisers and related activities.

"(b) TIME FOR PAYMENT.—

"(1) APPLICANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee directed in advance in appropriations Acts to be collected as specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) INVESTMENT ADVISERS.—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay such fee to the Commission not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) SCHEDULE OF FEES.—The amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

"Assets under management	*Fee Due:*
Less than $10,000,000	$300
$10,000,000 or more, but less than $25,000,000	500
$25,000,000 or more, but less than $50,000,000	1,000
$50,000,000 or more, but less than $100,000,000	2,500
$100,000,000 or more, but less than 250,000,000	4,000
$250,000,000 or more, but less than $500,000,000	5,000
$500,000,000 or more	7,000.

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds (after notice) that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the fee (and any penalties due), if such suspension was based solely on the failure to pay the fee.

"(e) RULEMAKING.—The Commission may adopt such rules and regulations as are necessary to carry out this section.".

"(b) EFFECTIVE DATE.—This section (and the amendment made by this section) shall become effective upon the adoption by the Commission of implementing rules and regulations, under section 203A(e) of the Investment Advisers Act of 1940, as added by subsection (a).

SEC. 4. FACILITIES FOR FILING RECORDS AND REPORTS.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by inserting "(a)" after "Sec. 204."; and

(2) by adding at the end the following:

"(b) The Commission, by rule, may require any investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any person designated by the Commission for the purpose; and

"(2) to pay the reasonable costs associated with such filing.".

SEC. 5. BOND REQUIREMENT.

"(A) IN GENERAL.—Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end the following:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.

"(4) the Commission shall not require investment advisers to obtain a fidelity bond if—

"(A) fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment advisers are located; or

"(B) the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment advisers; competitive positions.".

MOTION OFFERED BY MR. MARKEY

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

The CLERK read as follows:

Mr. MARKEY moves to strike all after the enacting clause of the Senate bill S. 423, and to insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Advisers Amendments of 1994".

SEC. 2. ADDITIONAL RESOURCES FOR INVESTMENT ADVISER SUPERVISION.

(a) FEES FOR REGISTRANTS AND APPLICANTS.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

"FEES FOR REGISTRANTS AND APPLICANTS

"SEC. 203A. (a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of registration, supervision, and regulation of investment advisers and their activities. Any such fees shall be collected, and shall be available, only to the extent provided in advance in appropriations Acts. No appropriations Act may authorize fees to be collected under this section during any fiscal year after fiscal year 1995, unless the amount appropriated by such Act for such costs for such fiscal year equals or exceeds the aggregate amount that may reasonably be expected to be collected by such fees. Any such fees shall be deposited as an offsetting collection to the Commission's appropriation and may remain available for such purposes for the succeeding fiscal year. The costs covered by such fees shall be limited to the costs of Commission expenses for registration, examinations, and surveys of persons registered or required to register under this title.

"(b) TIME FOR PAYMENT.—

"(1) NEW REGISTRANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under subsection (c).

"(2) ONGOING REGISTRANTS.—Each investment adviser, the registration of which is effective on the last day of its fiscal year, shall pay the Commission the fee specified in subsection (c). Such payment shall be made not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) COST-BASED SCHEDULE OF FEES.—For any fiscal year for which fees are authorized to be collected by an appropriations Act, the amount of any fees due from investment advisers in accordance with subsection (b) shall be determined according to the following schedule:

"Assets under management	Fee due:
Less than $10,000,000	$300
$10,000,000 or more, but less than $25,000,000.	$500
$25,000,000 or more, but less than $50,000,000.	$1,000
$50,000,000 or more, but less than $100,000,000.	$2,500
$100,000,000 or more, but less than $250,000,000.	$4,000
$250,000,000 or more, but less than $500,000,000.	$5,000
$500,000,000 or more	$7,000.

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds, after notice, that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of

the fee (and any penalty due), if such suspension was based solely on the failure to pay the fee.

"(e) DEFINITION OF ASSETS UNDER MANAGEMENT.—As used in this section, the term 'assets under management' means the client assets with respect to which an investment adviser provides continuous and regular supervisory or management services.

"(f) RULEMAKING.—The Commission may adopt such rules as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective—

(1) in the case of section 203A(f) of the Investment Advisers Act of 1940 (as added by this section), upon the date of enactment of this Act; and

(2) in the case of subsections (a) through (e) of section 203A of the Investment Advisers Act of 1940 (as added by this section), upon the adoption by the Securities and Exchange Commission of implementing rules in accordance with section 203A(f) of such Act.

SEC. 3. SURVEYS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 222 the following new section:

"SURVEYS

"SEC. 223. (a) SURVEYS OF UNREGISTERED PERSONS.—

"(1) IN GENERAL.—The Commission shall, not later than 3 years after the date of enactment of this section, and thereafter as appropriate, provide for the conduct of a survey to determine the extent of, and reasons for, the failure of persons to register as required by this title.

"(2) ACTIONS BASED ON SURVEY.—The Commission shall, on the basis of the results of the survey conducted under paragraph (1), establish objectives for the reduction or elimination of any failures identified therein and shall include in any annual reports to the Congress under section 23(b) of the Securities Exchange Act of 1934 submitted after completion of the first survey—

"(A) a statement of such objectives;

"(B) an evaluation of the success in attaining those objectives during the preceding year; and

"(C) such recommendations as the Commission considers appropriate to assist in the attainment of those objectives.

"(3) PATTERNS OF NONCOMPLIANCE.—If the survey conducted under paragraph (1) identifies any pattern of noncompliance with the registration requirements of this title and the rules issued under this title, the Commission shall undertake such rulemaking proceedings as may be necessary to correct such patterns of noncompliance.

"(b) PROVISIONS NOT LIMITATION.—The provisions of this section shall not be construed to limit the authority of the Commission to issue rules under this title, to conduct an examination or investigation at any time, or to institute proceedings under this title or any other provision of law.".

SEC. 4. DESIGNATION OF SELF-REGULATORY ORGANIZATIONS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 223 (as added by section 3 of this Act) the following new section:

"DESIGNATION OF SELF-REGULATORY ORGANIZATIONS

"SEC. 224. (a) DESIGNATION TO CONDUCT EXAMINATIONS.—

"(1) IN GENERAL.—The Commission may by rule, consistent with the public interest, the protection of investors, and the purposes of this title, designate one or more self-regulatory organizations registered with the Commission under section 6 or 15A of the Securities Exchange Act of 1934, to conduct periodic examinations of its members, and affiliates of members, that are registered or required to register under this title, to determine compliance with applicable provisions of this title and the rules and regulations issued under this title. Any such rule shall specify the minimum scope and frequency for such examinations and shall, to the extent consistent with the protection of investors, be designed to avoid unnecessary regulatory duplication or undue regulatory burdens.

"(2) AUTHORITY OF ORGANIZATION.—Any self-regulatory organization designated under paragraph (1) may discipline the members and affiliates of members described in parargraph (1) for violations of the applicable provisions of this title and the rules and regulations issued under this title pursuant to the standards and procedures set forth in sections 6, 15A, and 19 of the Securities Exchange Act of 1934.

"(3) PENALTIES.—Any money penalties imposed by a self-regulatory organization for violations of this title shall not exceed those contained in section 203(i).

"(b) LIMITATIONS.—

"(1) PRIMARY BUSINESS LIMITATION.—The Commission shall not exercise the designation authority contained in subsection (a) with respect to a member or affiliate of a member if the primary business of the member and its affiliates is investment advisory activities.

"(2) LIMITATION WITH RESPECT TO AFFILIATES OF MEMBERS.—The Commission shall not exercise the authority contained in subsection (a) with respect to an affiliate of a member of a self-regulatory organization if—

"(A) the primary business of the affiliate is investment advisory activities;

"(B) the affiliate is an affiliate of the member solely as a result of the adviser's (or an associated person of the adviser's) registration with the member as a registered representative; and

"(C) the affiliate is a registered representative of the member solely to enable the adviser to execute transactions that are incidental to the investment adviser's primary business;

unless the Commission determines, in accordance with such other criteria as the Commission establishes by rule, that such exercise of designation authority is consistent with the public interest, the protection of investors, the purposes of this title, and the objectives of the Commission's investment adviser examination program.

"(3) LIMITATION WITH RESPECT TO SAVINGS ASSOCIATION AFFILIATES OF MEMBERS.—The Commission shall not exercise the authority contained in subsection (a) with respect to an affiliate of a member of a self-regulatory organization if the affiliate is a savings association, as such term is defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)).

"(4) DEFINITIONAL RULES.—For purposes of this subsection, the Commission may, by rule, establish criteria for defining the terms 'primary business' and 'incidental to the investment adviser's primary business'.

"(c) AUTHORITY TO IMPOSE FEES.—

"(1) IN GENERAL.—Any self-regulatory organization designated by the Commission to perform the examinations specified in subsection (a) shall have the authority to collect fees in accordance with this subsection.

"(2) LIMITATION.—The total fee paid by a registered investment adviser under this subsection shall not exceed an amount determined in accordance with rules prescribed by the Commission. Such rules shall require that the fees collected by a self-regulatory organization under this subsection—

"(A) cover only the costs of the self-regulatory organization's expenses for examinations conducted pursuant to subsection (a);

"(B) as to any investment adviser, bear a reasonable relationship to the costs of conducting an examination of that adviser pursuant to subsection (a); and

"(C) not exceed such portion of the fee authorized under section 203A as the Commission determines is allocable to the Commission's expenses for conducting such an examination.

"(3) REDUCTION OF SECTION 203A FEES.—The amount of any fee that a registered investment adviser is required to pay to the Commission under section 203A with respect to any fiscal year shall be reduced by the amount paid to a self-regulatory organization in accordance with this subsection with respect to such fiscal year.

"(d) EFFECTIVE DATE OF RULE.—A rule issued by the Commission under this section shall become effective not earlier than 90 days after the date on which the Commission submits to the House of Representatives and the Senate a report—

"(1) containing the text of the proposed rule and the reasons therefor;

"(2) describing the procedures to be used to coordinate the collection of fees by the Commission under section 203A and by a self-regulatory organization under the rule; and

"(3) containing such other information as may be necessary to describe the implementation and enforcement of the rule.

"(e) DEFINITION.—For purposes of this section, the term 'affiliate' means any person directly or indirectly controlling, controlled by, or under common control with a member of a self-regulatory organization.".

SEC. 5. ADDITIONAL DISCLOSURE OBLIGATIONS OF INVESTMENT ADVISERS.

(a) DISCLOSURE OBLIGATIONS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by striking the section heading and inserting the following:

"PERIODIC REPORTS AND OTHER DISCLOSURE REQUIREMENTS";

(2) by inserting "(a) PERIODIC AND OTHER REPORTS.—" after "SEC. 204."; and

(3) by adding at the end the following new subsections:

"(b) REVIEW OF CONFLICTS OF INTEREST.—

"(1) EXAMINATION.—The Commission shall, not later than 1 year after the date of enactment of this subsection, examine the nature of the conflicts of interest with an investment adviser's fiduciary duties that may arise when an investment adviser is compensated on the basis of commissions or fees from the sale of investment products to clients or receives credits toward non-cash compensation.

"(2) RULES.—On the basis of the examination conducted under paragraph (1), the Commission shall prescribe any rules that may be necessary and appropriate in the public interest or for the protection of investors and consistent with the purposes of this title to require that the existence and extent of any material conflicts of interest between investment advisers and their clients be fully disclosed. Such rules shall take into account the rules applicable to registered brokers and dealers and their associated persons under the Federal securities laws (including the rules of self-regulatory organizations registered thereunder).

"(c) FACILITIES FOR FILING RECORDS AND REPORTS; ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

"(1) FILING DEPOSITORIES.—The Commission, by rule, may require any investment adviser—

"(A) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

"(B) to pay all reasonable costs associated with—

"(i) such filing; and

"(ii) the maintenance of a process to receive and respond to inquiries under paragraph (2).

"(2) RESPONSE TO INQUIRIES.—

"(A) IN GENERAL.—An entity designated by the Commission under paragraph (1) shall—

"(i) establish and maintain a readily accessible telephonic or other electronic process to receive inquiries regarding disciplinary actions and proceedings involving investment advisers and persons associated with investment advisers; and

"(ii) respond promptly to such inquiries.

"(B) FEES.—An entity designated by the Commission under paragraph (1) may charge a person, other than an individual investor, reasonable fees for the cost of providing written responses to inquiries.

"(C) LIABILITY.—An entity designated by the Commission under paragraph (1) shall not be liable for any action taken or omitted in good faith under this paragraph.".

SEC. 6. COMPLETION OF RULEMAKING INITIATIVES REQUIRED.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4), as amended by section 5, is amended by adding at the end the following new subsections:

"(d) REGISTRATION FORM REVISIONS.—

"(1) STATEMENTS IN ANNUAL REPORTS.—The Commission shall include in each of the first 3 annual reports submitted pursuant to section 23(b) of the Securities Exchange Act of 1934 after the date of enactment of this subsection a statement describing the status of—

"(A) the Commission's proposals for the revision of the form required for the registration of investment advisers under this title;

"(B) consultations with State securities commissions and other State authorities concerning the collection and dissemination of information contained on such form; and

"(C) the implementation of systems to collect and disseminate such information to enforce compliance with this title.

"(2) ANALYSIS REQUIRED.—The first statement required by paragraph (1) shall include an analysis of the methods by which the revisions of such registration form will result in—

"(A) the timely and effective disclosure to investment adviser clients of material facts concerning the background, compensation, services, and practices of the adviser; and

"(B) the prominent disclosure to such clients of—

"(i) any conflicts of interest;

"(ii) methods available for securing additional information concerning the adviser and its employees;

"(iii) remedies available with respect to disputes arising out of the advisory relationship; and

"(iv) any conviction of the investment adviser or any person associated with the investment adviser within 10 years preceding the filing of any application for registration, or at any time thereafter, of any crime that is punishable by imprisonment for 1 or more years, or of a substantially equivalent crime by a foreign court of competent jurisdiction.".

SEC. 7. BOND REQUIREMENT.

Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-8) is amended by adding at the end the following new subsection:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.

"(4) If the Commission adopts any rule or regulation pursuant to paragraph (1), the Commission may, by rule, exempt any person or class of persons from the requirements of this subsection and the rules issued under this subsection, under such terms or conditions and for such period as the Commission shall prescribe. The Commission shall exempt any investment adviser from the requirements of this subsection if—

"(A) fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment adviser is located; or

"(B) the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment adviser's competitive position.".

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY].

The motion was agreed to.

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

MOTION TO ADJOURN

Mrs. BENTLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion

The Clerk read as follows:

Mrs. BENTLEY of Maryland moves that the House do now adjourn.

The SPEAKER pro tempore. Does the gentlewoman insist on her motion?

Mrs. BENTLEY. Mr. Speaker, I do.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. BENTLEY].

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

Mrs. BENTLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays are refused.

So the motion was rejected.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask for this time that I might inquire of the distinguished majority leader how we intend to proceed for the balance of the evening, and possibly the schedule for tomorrow.

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

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

□ 1950

Mr. GEPHARDT. Mr. Speaker, it would be our intention to now go to the rule on the General Agreement on Tariffs and Trade and to go to a vote on that rule. We expect this to be the last vote of the night. The other vote that was called for here will be postponed until tomorrow.

We also would say to Members that there is an agreement between the leadership in a letter going to the President from the leadership on both sides calling for a postponement of the vote on the General Agreement on Tariffs and Trade, assuming the rule were to pass tonight, until November 29. No other business would be anticipated at that time other than that one vote and one issue on that one day.

We would then go tonight to general debate on the Haiti resolution, 4 hours under a unanimous-consent agreement and no vote.

Tomorrow we would meet at 10 a.m. We would recess until 11 a.m. for the Joint Session for the President of South Africa, Nelson Mandela.

We would reconvene after the speech at approximately noontime for resolution, which will take about 5 or so

hours. And then go to the rule and conference report on the California Desert legislation.

We have the following matters which will be for the balance of the time that we will be here tomorrow and Friday: The conference report on the Nanny tax, the congressional reform resolution, congressional compliance coverage resolution, and payment in lieu of taxes complete consideration.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman. It is not our intention then to adjourn sine die by Friday night sometime?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, that is our intention. Obviously, we would have to include in the adjournment resolution some language about coming back on November 29, only for the matter of the General Agreement on Tariffs and Trade.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 423, the Senate bill, just considered and passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5110, URUGUAY ROUND AGREEMENTS ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 564 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5110) to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed four hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151(d) of the Trade Act of 1974, after general debate the Committee shall rise and report the bill to the House. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

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

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

Mr. Speaker, House Resolution 564 is a rule providing 4 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee.

All points of order are waived against the bill and against its consideration.

The rule provides that general debate shall proceed without intervening motion. The rule also provides, pursuant to section 151(d) of the Trade Act of 1974, that after general debate the committee shall rise and report the bill to the House.

Finally, the rule provides for no motion to recommit, pursuant to section 151(f)(2) of the Trade Act of 1974.

Mr. Speaker, H.R. 5110, the Uruguay Round Agreements Act, is the most comprehensive trade agreement ever considered by this body.

It is legislation which will benefit the American people and the American economy. The success of our domestic growth is intimately linked with the success of the world economy, and this legislation will give a boost to the world economy of unprecedented proportions.

The Uruguay Round Agreements will cut foreign tariffs on manufactured products by over one-third. This amounts to the largest global tax cut in history. This agreement, when fully implemented, should add $100 billion to $200 billion to the U.S. economy annually.

The Uruguay Round goes farther than any previous agreement by addressing areas of trade long ignored. For the first time, the intellectual property of U.S. entrepreneurs will be protected. For the first time, services are covered.

This means there will be open markets for U.S. exporters of accounting, advertising, computers, tourism and engineering and construction services.

In agriculture, it will greatly expand export opportunities for U.S. products by reducing the use of export subsidies and eliminating foreign government barriers.

Mr. Speaker, throughout my tenure in this body, I have fought to ensure fair trade policies for the textile and apparel industries, businesses which are important to my district and my State. This legislation includes vital provisions for the U.S. textile and apparel industries.

The agreement requires that, as of July 1, 1996, imported apparel items will be labeled as originating in the country in which they were assembled, rather than the country in which they were cut.

This provision is aimed at those countries which continuously by-pass reasonable rules of international trade—particularly countries like Hong Kong, which have their clothing exports assembled by cheaper labor in China. Until now, the United States has been the only major trading country with a rule of origin.

Textile and apparel companies will also benefit due to the greater market access provisions negotiated by U.S. negotiators. I would like to see these provisions strengthened—especially with regards to countries with strong protectionist policies like India and Pakistan—but this agreement is a giant step in the right direction.

Under the agreement, U.S. workers will gain major new employment opportunities. U.S. companies will gain major new export opportunities. And U.S. consumers will gain greater access to lower priced, high quality goods and services.

In brief, the Uruguay Round Agreement will benefit the U.S. by strengthening the trade rules of other nations.

Mr. Speaker, House Resolution 564 is a fair Rule that will allow us to adequately debate and implement H.R. 5110. I urge my colleagues to support the Rule and the Uruguay Round Agreement Act.

I reserve the balance of my time.

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

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

Mr. Speaker, I thank my very good friend from Edgefield for yielding time to me.

Mr. Speaker, I should say at the outset that this just may be the last rule under the management of my very good friend from South Carolina, and I would like to say how much I have appreciated the opportunity to co-manage rules with him over the past several years. He will sincerely be missed.

Mr. Speaker, I strongly support this rule. The Uruguay round is the largest and most comprehensive trade agreement in world history. I believe it should be called the GATT American Round.

The major initiatives of this agreement are the direct result of U.S. proposals originating in the prior two Republican administrations to reduce trade barriers that block our most competitive industries. This agreement protects the intellectual property rights of American artists, writers, musicians, software creators, and inventors.

Service industries, agriculture, and investment will finally be brought into the multilateral trade regime.

The United States is the international leader in all of these fields. The result is that more good jobs will be created right here at home in the United States. Make no mistake, the GATT Uruguay Round is a good deal.

□ 2000

However, as a strong advocate of free trade, I believe that H.R. 5110 is not as good as the trade agreement itself. The antidumping provisions could violate the Uruguay agreement. The textiles provisions are a step backwards that penalize American families. The administration made a number of deals with protected industries which are contrary to the spirit of free trade that is the hallmark of the Uruguay round.

Last year when we overcame the mountainous hurdles that obstructed the North American Free Trade Agreement, nearly every observer believed that passing GATT would be comparatively easy. We could have completed the GATT by the July 4 recess. Now we must redouble our bipartisan efforts to ensure victory.

Rather than quickly putting a bipartisan bill together that could move through both Houses this summer, the administration waited until September 27 to finally introduce the bill. Rather than line up the votes and get all the Democrat committee chairmen in order to ensure smooth sailing, they got bushwhacked in the other body by one of their own chairmen. That has fundamentally changed the schedule, and clearly thrown this House into a state of disorder.

Mr. Speaker, it appears that the administration's legislative strategy has been to confuse the opposition by having no discernible strategy at all. They have done it so well that friends and foes alike have been confused.

Mr. Speaker, I believe that many Democrats and Republicans want this operation to slow down. The other body is going to vote for GATT on December 1st. The Senators have 65 days to evaluate the bill. House Members have had only eight. No matter where one stands on GATT, it is very hard to argue that, although House Members are quicker studies, they do not deserve the same amount of time to review legislation as Senators.

Mr. Speaker, we have all heard the term "speed kills." My fear is that rushing the GATT bill itself onto the floor could have been one of those cases. Of all things, I do not want to see GATT defeated. That is why I strongly applaud the bipartisan leadership decision to pass this rule and then bring the GATT bill up in a special session after the election. GATT supporters can use some time to build stronger support for the GATT, as we did for the North American Free-Trade Agreement.

Mr. Speaker, I urge my colleagues to support this rule, and when we return later this year, I urge strong support for the GATT.

At this point, Mr. Speaker, I would like to share with my colleagues the letter which was just sent to the President by the Speaker of the House, the Majority Leader, the Republican leader, and the Republican Whip. It reads as follows, Mr. Speaker:

As strong supporters of an expanding economy through free trade, we believe the GATT legislation currently before the Congress should become law. Because of problems in the Senate, the vote in that body will not be held until early December. The Senate decision to postpone the vote has quite frankly undermined our ability to guarantee strong bipartisan support for this effort in the House at this time.

With the ultimate goal of GATT enactment in mind, we would prefer that consideration of GATT in the House be delayed until later this year. In our view, attempting to pass the legislation in the current atmosphere will weaken the strong bipartisan spirit we want to see for final passage.

We, therefore, take this opportunity to urge that the GATT vote in the House be postponed until November 29th, just before the Senate acts. At that time, we will be working with you and with all those who believe in the importance of this legislation to assure that GATT overwhelmingly passes the House.

Mr. Speaker, I include for the RECORD the letter referred to:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1994.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As strong supporters of an expanding economy through free trade, we believe the GATT legislation currently before the Congress should become law. Because of problems in the Senate, the vote in that body will not be held until early December. The Senate decision to postpone the vote has quite frankly undermined our ability to guarantee strong bi-partisan support for this effort in the House at this time.

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Sincerely,

THOMAS S. FOLEY.
RICHARD A. GEPHARDT.
ROBERT H. MICHEL.
NEWT GINGRICH.

Mr. Speaker, as I have said, I strongly urge my colleagues to support this rule, and I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. I rise in support of this rule and to express my disappointment that we have deferred a vote on the underlying GATT legislation until after the election. I fear that delay will lose votes and increase partisanship around an issue that should be bipartisan.

Mr. Speaker, there is no excuse for allowing partisanship to sacrifice increasing American exports and creating new American jobs. The GATT bill is a good bill, one economists overwhelmingly agree will boost the American economy. Unfortunately, there are even GATT supporters who are seeking to delay final consideration tonight for political advantage. This is not our proudest moment.

I want to recognize the special contributions of a bipartisan group of Californians who are critical to this effort: Special Trade Representative Mickey Kantor, Mr. DREIER, and Mr. MATSUI. Their best efforts will continue to be needed to assure passage of the legislation, legislation which will be of enormous benefit to California, the largest exporting State.

California's $68.1 billion of exports in 1993—almost 15 percent of total U.S. exports—make the State the Nation's largest exporter. California is also the fastest-growing exporter in dollar terms, with $15 billion growth during 1989–1992.

According to the International Trade Administration, nearly 800,000 California jobs are supported by the State's export of manufactured goods. This includes both direct jobs and indirect employment in supporting sectors. Almost one in every five manufacturing jobs in the State were attributable to exports; and given the State's export growth since that time, export-related jobs have probably increased beyond that number.

As a result of the Uruguay round, California's key export sectors will benefit from reduced foreign tariffs, strong intellectual property protection and improved trade rules protecting United States industries against unfair trade practices and removing burdensome obstacles, including:

Producers of civil aircraft benefit from better protection against unfair subsidization by foreign governments;

The elimination of duties on beer, brown distilled spirits, furniture, pharmaceutical, medical instruments, and toys in key foreign markets;

Import tariff reductions greater than 50 percent on industrial machinery and electronic equipment, including the complete removal of tariffs by the European Union and Korea on semiconductor manufacturing equipment; and

Computer exports will benefit by significantly improved intellectual property protection for computer programs and databases for a minimum of 50 years.

The Uruguay round agreement is the product of the labor of three administrations. The process was initiated by President Ronald Reagan, negotiated by George Bush, and concluded by President Clinton. The agreement has wide bipartisan support here in the Congress. Across the country virtually every sector of American business supports GATT. So do the Los Angeles

Area Chamber of Commerce, the South Bay Area Chamber of Commerce, 41 State Governors including California's Governor Pete Wilson, numerous South Bay businesses such as Hughes, TRW, Dow, and Mattel, the California Council for International Trade, the National Association of Manufacturers, Biotechnology Industry Organization, and the American Electronics Association.

Mr. Speaker, during each session of the Congress there are a few pieces of legislation of unquestioned importance to the United States and other Nations of the world. The legislation addressed by this rule falls in that category.

The implementation of the Uruguay round of the GATT will have significant and far-reaching economic affects here at home and across the globe. GATT has the potential to move the world to the verge of a totally open market. The positive economic impact in the next decade in terms of jobs and economic growth will be substantial.

GATT's benefits—including a $36-billion tax cut over the next 10 years—are recognized in a recent editorial in the New-Pilot, a paper in my congressional district. I ask unanimous consent to insert its text in the RECORD following my remarks.

Unlike the NAFTA agreement which confers special rules that give Mexico unfair trade advantages, GATT opens markets to American products on an equal basis with our foreign trading partners. A vote for this rule and for GATT is a vote for America's workers, for a tax cut, and for bipartisanship. I urge an "aye" vote.

TRADE ACCORD IS TOP PRIORITY—CONGRESS SHOULD OK GATT

As the world's largest economy, the United States stands to gain more than any other country from the increased commerce that would be generated by a new global trade pact. That's why the No. 1 priority of Congress should be to approve the treaty before it adjourns.

The agreement, negotiated under the General Agreement on Tariffs and Trade (GATT), constitutes a huge tax cut for American consumers in the form of lower tariffs on imported products. It is the culmination of nearly a decade of bipartisan efforts to reduce trade barriers around the globe.

If the Senate and House approve the measure, it is projected to add $100 billion a year to America's gross domestic product over the next decade. That growth would churn out an additional 500,000 jobs for American workers.

Why, then, is the agreement a long way from being a done deal on Capitol Hill? The short answer is that an election is drawing near, and that means nothing can be taken for granted in Congress.

Senate Commerce Committee Chairman Fritz Hollings has erected the latest obstacle to the treaty. The South Carolina Democrat is promising to bottle up the accord in his committee in order to press for changes sought by textile producers in his home state.

Meanwhile, such Republican champions of free trade as Senate Minority Leader Bob Dole of Kansas and Sen. Phil Gramm of Texas have urged that the agreement be put off until next year. The obvious suspicion is that both Senators—who say they support the agreement—want to deny President Clinton and Democratic lawmakers a legislative victory just a month before the election.

It is essential that the treaty be approved by Congress this year.

The United States and other participating nations have agreed to implement the liberalized trade rules by Jan. 1. If lawmakers leave town without approving the deal, other countries almost certain will pull back their support, jeopardizing a complex and fragile agreement that took seven years to negotiate.

The long-term economic benefits to be gained from the global trade accord would magnify the surge in U.S. exports that have resulted from the North American Free Trade Agreement. Congress should not leave town until it is approved.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my very good friend, the gentleman from Peoria, IL [Mr. MICHEL], our revered Republican leader.

Mr. MICHEL. Mr. Speaker, I rise in strong support of this rule, which will set the stage for a vote on GATT in November. Since we are all a bit weary as we engage in the usual end of Congress chaos, let me make my message as briefly and clearly as I can.

Mr. Speaker, I believe it is in the best interests of all the American people to pass the rule tonight with strong support on both sides of the aisle. I am not going to bore you with details of how we got to this moment. Members all know the pressures and the problems and the conflicts that have brought us to this particular point.

Suffice it to say that working with the Democratic leadership, we were able to come to an agreement as to the time when we would actually debate GATT and vote on it in November, just prior to its being considered in the other body.

Mr. Speaker, I specifically want to praise the gentleman from Missouri [Mr. GEPHARDT], the distinguished Majority Leader, and, of course, the Speaker, for their willingness to sit and listen to our concerns and discuss the issue as we did in calmness today.

Mr. Speaker, I want to commend them on their fine judgment and wisdom in agreeing to the compromise. This is neither a time nor place to debate GATT, but what I would like to say to my Members, Mr. Speaker, particularly, is that we oppose rules on occasion for several reasons. If we are absolutely opposed to the consideration of a bill, we vote against the rule to let it be known that that is what our feelings are. Other times we oppose rules because we feel they are probably too tightly structured and we would like to open them up for amendments.

However, I have to tell all Members that under the procedure for a trade agreement such as this, the rule will be the same today, tomorrow, next week, next year. It is not that it is a difference of a rule. It is going to be the same rule, so we would appreciate very much having the support of as many Members on our side of the aisle as feel comfortable in voting for the rule to make it a purely bipartisan approach.

Mr. Speaker, this does not commit a Member definitely in voting for the rule. You are voting to consider and debate it. I thought on our side we always countenanced full debate on any issue, as controversial as that may be. That is why I would urge Members to vote for the rule, take our chances when it comes up, then, the day before the Senate considers it over in the other body.

There will be that time, I hope, during the debate which normally might very well be a 4-hour stint. Those of us who feel strongly about GATT can make our case at that time.

Just one final point again, to our Members on the Republican side, because traditionally, traditionally our party has been for free and open trade, breaking down tariff barriers, and improving the commercial intercourse between countries to provide jobs, jobs, jobs. That is what this bill does do over a long haul.

Mr. Speaker, I would surely hope that having come to this agreement, as we have, in a bipartisan way, that we can assure our democratic counterparts and colleagues that there will be a significant body of support here on our side for the rule tonight.

I thank the gentleman for yielding such time that the leader might make these comments, hoping it will convince a sufficient number to carry the day.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I think there was an appropriate term used here on the floor. It was "intercourse." I think it really fits well with our trade policy. Forty years ago our factories were booming, our government invited the Japanese in. They took tours. We allowed them to take photographs. We let them take blueprints of our factories and machinery. Then we lent them money so they could build some factories. Then they could not repay, so we converted the loans to grants. Now Japan has factories, America has photographs, and we are going on with the same trade program.

□ 2010

Mr. Speaker, I am for free trade, but how in God's name can you have free trade when they can make it for 10 cents an hour in China and send it over here?

If GATT is so great, why does Japan love it? If GATT is so great, why does China love it? This bill, it is projected, will cost 1 million textile and apparel jobs. All I want to say is this: This is

not a General Agreement on Tariffs and Trade. This is a Great Ambush to Taxpayers. It is another God awful trade treaty. It is nothing special. You cannot separate our trade deficit from our budget deficit. We have record highs.

It this was a good trade program we had been practicing, we would be doing better. The Democrat Party is abandoning the American worker and the Democrat Party is going to send the American worker to the Republicans, because the Democrat Party is not standing up today for the American worker. In my district when American workers and our workers start questioning the leadership and the direction of our trade policy, the Democrat Party is beginning to turn their back on the average working man. I oppose this rule, I oppose these trade policies and I wish there could be some common sense around here because we will be lucky to have a damn job left.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Indianapolis, IN [Mr. BURTON].

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

Mr. Speaker, I agree with my colleague from California that this is the largest trade agreement that we have ever negotiated. I agree with him that we should not rush it because it is inadvisable to rush something of this magnitude through this body. But what I do not agree with is coming back in a lame duck session with probably 50 to 100 Members who will be voting on this no longer Members of this body and not answerable to the electorate. It is the same in the other body. This is a heck of a way to run a railroad.

There are questions about the impact of this trade agreement on U.S. sovereignty. There are questions about us being able to unilaterally impose trade sanctions against people who unfairly treat us in trade areas. There are questions about the constitutionality of the World Trade Organization. There are questions about the impact of this agreement on the patent system in this country. All of those questions need to be well thought out and voted upon by the people who are elected to represent the people of this country. To come back in a lame duck session when all the pressure is off and to vote on an issue of this magnitude is just simply wrong. Some of my colleagues have said that the fast track provisions run out and the Senate will not extend them if we wait until January. I say to that, baloney. Baloney. They will extend fast track if they know there is no alternative.

We must in my opinion, if we are going to hold this thing over and not vote on it before we adjourn, carry it over until the next session and let the newly elected representatives of Congress, the elected representatives of the people, vote on this, not 100 Members who are no longer Members, who do not have any accountability to the people, who can succumb to political pressure if they choose to do so, for whatever reason, without any accountability to the electorate in this country. It is just wrong.

If it was not something of this magnitude, if it was something that was relatively insignificant, I would say, well, maybe it is all right to have a lame duck session. But this is the most important piece of trade legislation that is ever going to come before this body. And to have 100 Members of the House of Representatives who are no longer in this House, who are no longer accountable to the people to vote on it, is just wrong. I think everybody here knows it. It is going to be the same in the other body. I would just like to say to my colleagues, whether you are for it or whether you are against GATT, if we are not going to vote on this before we adjourn sine die now, then let us wait until the newly-elected Congress and bring this up and debate it thoroughly and let the American people have some input and not have a lot of unelected, former Members of this body making major decisions for the people of this country when they have no accountability.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Mr. DEFAZIO. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I have read most of this agreement, I think, more than most of my colleagues and I am unalterably opposed to it. I think it is going to be the death knell of the United States as a great trading power or industrial power and I am not going to be allowed to speak for more than 15 seconds tonight.

This is a gag rule, it is ridiculous, and I would urge people to vote down this rule.

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to this rule because a vote on this rule is the only real vote on GATT, because this rule means that fast track prevails and whatever comes down here in November will have the opportunity for no amendment. Think about it, my friends. Why the rush to pass a 4,000 page bill, plus supporting tariff schedule that was 7 years in the making and now is allowed only 1 hour of debate on the rule tonight and 4 hours, if we are lucky, in November? This vote tonight on the rule strictly sets the terms of debate. Fast track was supposed to mean 45 days of deliberation, not 45 minutes tonight, and maybe 4 hours in November. Think about it. GATT creates a new World Trade Organization. Nations that have consistently voted against us in the United Nations, like China, Cuba, India, North Korea, will have voting power in trade disputes equal to us as the United States and we will have no veto power. What does that mean? It means that under GATT, other nations will have the power to impose sanctions on us for our environmental, labor, and consumer protection laws already on our books including child labor laws. Under this proposed GATT, our laws protecting children could be challenged so that those who profit from child labor can continue to do so.

My friends, if you are not familiar with the recent softwood lumber dispute in Canada in which Canada subsidized their lumber industry, dumped their product in the United States and then stacked the dispute resolution panel with 2 jurists with proven ties to the Canadian lumber industry, you have a little idea of what is going to happen. There is more here than you might imagine at first blush. The World Trade Organization's secret dispute resolution process will not be open, nor will it be subject to American style appellate review. If other nations try to bribe panel members, who will defend the integrity of the process? Beyond this, if you have noticed that this bill weakens protections for U.S. patentholders and inventors, you cannot do anything about it once you vote for this rule tonight because you cannot amend the basic bill. This bill is too important to be passed without being thoroughly reviewed. In this post-cold war world, trying to pass massive trade agreements through the narrow eye of the needle of the House Committee on Ways and Means is antiquated. In a world where we see economic interests governing political relationships, the spillover effects of trade should be dealt with by the other important committees in this institution, like the Committee on the Judiciary, the Committee on Education and Labor, the environmental subcommittees, the budget and joint tax committees. Every one of them is effectively neutered in this process.

If you believe, as Michael Schrage from MIT states in the Washington Post, that "to talk about global economic development without addressing the challenges posed to the U.S. workforce is disingenuous, a marriage of bad policy to bad politics," then you will vote no on this rule tonight. For a change, stand up for American workers. Do not even swing at this fastball. Vote no on the rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, Florida [Mr. GOSS], my Committee on Rules compadre.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the greater San Dimas metropolitan area for yielding me the time.

Mr. Speaker, it is clear Members harbor mixed feelings about taking up the GATT implementing language.

With the other body on hold for extended review and the House clock ticking down toward adjournment, there came an escalating drumbeat in favor of taking more time on this landmark legislation.

Many Members and many Americans still have serious, legitimate questions about this agreement that deserve thoughtful and specific answers.

I have been deeply troubled that this administration—which has shown itself willing to jam a highly unpopular and questionable military misadventure in Haiti down the throats of the American people—was again attempting to stomp out opposition to a policy, rather than take the time to educate and lead the public opinion.

There seem to be reasonable answers to most of the questions that have been raised by GATT. But the administration—and frankly this Congress—has not gotten the message out to the people we work for. That is one reason why this House has been so skittish on the subject of GATT—and that is why now is not the best time to force the issue.

Americans want a better idea of if and how our laws and trade policies might be constrained by GATT. They want to understand how this agreement came about and who will have a say over enforcing it down the road.

They want assurances that some international conglomerate is not going to be able to dictate American policy. And, having seen reports of giveaways to large corporations including apparently to the Washington Post, they are wondering if there are still surprises tucked into this 651 page implementing bill.

I know many Members have been dealing with the Uruguay round for more than 8 years, but most Americans have not had that type of detailed exposure to this complex process.

Mr. Speaker, I recognize the importance of world trade and drawing down barriers to free markets and am pleased to support this rule with the understanding that the leadership will hold further consideration until later this year.

I think that is a wise step to avoid risking the demise of the entire GATT process on a poorly timed effort to ram this thing through.

□ 2020

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the distinguished gentleman from Michigan [Mr. BONIOR] the majority whip.

Mr. BONIOR. Mr. Speaker, once again we are engaged in a debate about the trade policy of this Nation.

And once again, supporters of this agreement are trying to portray this debate in very simple terms: Are you for or against free trade?

But to portray this debate in those simple terms is to turn our backs on all this country has stood for, and to close our eyes to the real challenge we face in the global economy today.

We can never forget that the only reason we are able to bargain from a position of economic strength today is because of all the sacrifies made by the people who went before us.

People who had the wisdom to know that if we gave people the right to organize, and the fight to bargain for better wages, it would raise the standard of living in America.

And in doing so, in giving people the ability to make enough so they could afford to buy the products they made, we would create a middle class that would propel this Nation forward.

For over 100 years, we clung to that vision, and we succeeded.

But today, the rules have changed.

Our success as a nation today no longer depends solely on whether or not we can afford to buy the products we make, but whether or not other nations can afford them as well.

The challenge we face today is whether or not we can use our trade agreements to raise the standards of other nations to our level, rather than lowering ours to theirs.

But as I look over the list of the 123 nations that signed this GATT agreement, I see many nations where people work for a dollar an hour or less—where people work within arms reach of toxins and poisions—but yet they are denied the right to bargain for better wages and a better life.

We cannot continue to pretend that these conditions do not have a direct impact on our own families and businesses.

Mr. Speaker, it is naive to think that just opening the border to so-called free trade will fix these problems. Because history has shown us just the opposite.

History has shown us that if we do not address the environment, and wages, and working conditions directly in our trade agreements, they never get addressed at all.

But sadly, this agreement does not address them. On each and every one of these issues, GATT is silent.

Here we have an agreement that is over 20,000 pages long—signed by 123 other countries—that will affect every sector of our economy, and influence our trade policy for generations to come, and not one of these issues is addressed.

Mr. Speaker, by passing this agreement, we run the risk of seeing more companies pack up and move overseas, more Americans having their purchasing power eroded, and more nations unable to buy the products we make.

Yet we continue to ignore the stark reality facing us today. I believe this is the same mistake we made with NAFTA.

To this day, we continue to close our eyes on NAFTA, and only look at half of the story.

The Commerce Department tells us that United States exports to Mexico are up 17 percent. What they do not say is that imports from Mexico are up 21 percent, and that has cost us jobs.

They point out that the United States has exported 22,000 vehicles to Mexico through July. What they do not say is that we have imported 221,000 vehicles from Mexico, and that has cost us jobs.

What they don't say is that 35,000 workers from 224 firms in 37 States have already applied for benefits due to jobs lost from NAFTA, and that's just through August.

What they do not say is that Mexico continues to devalue its peso—making our products that much more expensive in Mexico, and Mexican products that much cheaper in the United States.

Yet we keep closing our eyes.

Last fall, many dismissed our warnings that Germany and Japan would use Mexico as a platform to export cars duty-free into the United States. Yet, since NAFTA passed, Honda, BMW, Nissan, Volkswgen, and Toyota have all announced plans to build new plants in Mexico—and have vowed to drastically increase their imports to America.

When you look at both sides of the story, it is easy to understand why our trade surplus with Mexico has dropped by over 30 percent in the past year alone—and continues to shrink.

That's the reality of NAFTA today.

Don't get me wrong—now that it's the law of the land, we all hope it succeeds. But it never will succeed until we open our eyes to both sides of the story.

It doesn't have to be this way. We can do better in our trade agreements—and we must.

I supported the Canadian Free-Trade Agreement. And I believe I will be able to support an agreement with Chile. Agreements that are carefully crafted, that achieve a real balance on wages, working conditions, and living standards. That is where our future lies.

But that is not what we have before us today.

I will support this rule. I believe we should have this debate. But I will be voting against this GATT.

I believe both NAFTA and GATT will come back to haunt us.

But regardless of what happens on GATT, I promise you this: We have not heard the last of this issue.

Not until we open our eyes and face the future with the same vision that built this great Nation.

In the end, unless we remember the rights that we fought for, unless we fight for those rights for others, we will lost those rights ourselves.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from Lutherville, MD, [Mrs. BENTLEY], who will also be retiring at the end of this term.

Mrs. BENTLEY. Mr. Speaker, let me say to my colleagues tonight, please read carefully the remarks of the gentleman from Indiana [Mr. BURTON], and the gentlewoman from Ohio [Ms. KAPTUR], before they vote.

Mr. Speaker, all of you who are voting on this rule tonight—whether for or against—must remember the golden rule of politics, "Never waffle!" I predict to anyone of you thinking of voting one way on the rule for political reasons and, then, voting another way on the GATT for PAC reasons, that you cannot have it both ways.

There are literally millions of Americans across this country who will know how you voted on both votes. As long as you are in politics those people will remember and your waffle will dog your campaign days.

It is a historic vote tonight. Every one of our names will forever be engraved on this watermark legislation—to our pride—or, ultimately, to our shame. If there is one Member, who like the Washington Post or the Atlanta Journal, has a vested interest in the passage of GATT—a future job with one of the companies heavily lobbying this legislation—large personal investments in companies that will be profiting from the opening of foreign markets—not the average American manufacturing company with 100 or less employees—I hope they will recluse themselves from the vote.

Mr. Speaker, the Clinton administration has changed the terms for patents in the general agreements on tariffs and trade [GATT] at the request of Japan. Clinton's deal shortens the lifespan of a patent, robs Americans of royalties, and robs Americans of jobs. With these patent changes in the GATT, we are giving away our technological lead for the next 100 years.

If for no other reason we should reject this rule and ask for more time because the whole world of inventors will effectively be shut down. The United States has the largest body of patents or intellectual property—but under the terms of GATT only the Federal Government can bring a lawsuit to protect our patents.

The fate of American inventors will be decided by foreign members in an international dispute panel, instead of being heard in American courts in front of American juries as guaranteed by the 7th amendment of the Constitution.

My friend, Prof. James Chandler, president of the Intellectual Property Law Institute states, "Without intellectual property there are no jobs." Save our patent system—save our jobs. Vote "no" on GATT.

A no vote states loudly and clearly that we the U.S. Congress will continue to legislate and carry out the will of the American people. Not the will of Sri Lanka, or Singapore, or Peter Sutherland, director general of the world GATT organization. We should not bow on our knee, or our head to Geneva!

A no vote tonight is a no vote against foreign interference in our national affairs.

America is watching.

I believe America will remember.

□ 2030

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

Mr. DOOLEY. Mr. Speaker, I rise in support of the rule and in support of GATT. This trade agreement represents the most significant opportunity in years for the U.S. economy to grow.

The benefits of GATT are clear. The U.S. Department of the Treasury estimates that 10 years after implementation of the Uruguay round agreement, United States total annual incomes should be greater by $100 to $200 billion. In California alone, estimates are that $10.1 billion in new manufactured goods exports will be generated between 1995 and 2005, creating as many as 200,000 more jobs. U.S. agricultural exports are expected to increase from $1.6 to $4.7 billion by the year 2000 and up to $8.7 billion in 2005.

The GATT agreement improves market access for U.S. products by requiring our trading partners to lower tariffs and other nontariff trade barriers. It expands protection for intellectual property, which will benefit the U.S. computer, entertainment and other industries. The agreement establishes an improved dispute resolution mechanism and new rules on import licensing that will benefit U.S. industries.

The United States provides the most open market in the world. Unfortunately, up to now, all we have received in return from our trading partners are increased tariffs and non-tariff trade barriers and increasing unfair government subsidies. The Uruguay round agreement puts in place specific reductions in all three of these areas, which will lead to a more level playing field for American exports.

I have no doubt that American farmers, manufacturers, and workers can compete and win in the world market, However, for too long we have had to compete in an unfair market. This GATT agreement represents a golden opportunity for U.S. exports to break into new markets and expand existing markets.

All of the criticism that has been leveled against this agreement pales in comparison to the benefits that will accrue to the United States. Don't let the scare tactics being used by the opponents of GATT obscure the concrete benefits of this agreement.

The Uruguay round does not increase taxes, as some opponents of the agreement will argue. Rather the agreement will lower global tariffs by $744 billion over the next 10 years. However, the budget rules require Congress to provide offsets for the $12 billion of lost tariff revenue to the U.S. Treasury—even though in reality GATT will increase the gross domestic product [GDP], and thus revenues to the Federal Treasury. The bipartisan financing package for GATT is more than 60 percent spending cuts. The remaining financing is primarily changes in current revenue and compliance items—not new taxes.

Opponents of the agreement have also misrepresented the role of the World Trade Organization [WTO] under the agreement. This is the organization that will be charged with oversight of the GATT agreement, and will replace the current GATT structure. The WTO is like a contract among member countries. Under the contract, a country found to be in violation of the agreement can choose to, first, pay compensation, second, negotiate a settlement with the complaining party, or third, take no action and allow the complaining government to withdraw some equivalent level of concessions. Under no circumstances would a country be required to change an existing law. In no way does the WTO threaten U.S. sovereignty.

The population of the United States will increase by 30 million over the next 20 years, and the world population will increase by 2 billion over that same period. Clearly, the U.S. must find ways to gain access to the international market. GATT will facilitate U.S. access to this fast growing world market.

I am alarmed by increased pressure to enact protectionism trade policies in the United States and around the world. Closing our markets is not the solution. Increasing productivity, improving quality and meeting international demands are the solutions. American business can meet this challenge, if given the chance. I believe the GATT agreement is a step in the right direction. Vote for the rule and for the implementing legislation.

Mr. DREIER. Mr. Speaker, there is no one in this House who is a stronger proponent of free trade than my friend, the gentleman from Arizona [Mr. KOLBE].

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the opportunity to talk to the House this evening about this. I rise in strong support of this rule, as I will rise in strong support next month when we debate the agreement itself.

I am disappointed, and I know many of my colleagues on both sides of the aisle are disappointed, perhaps some on

both sides of the issue, that we will not debate this issue tonight or this week, that we will not have a vote on it now.

As my colleague from California explained, it is because of action in the other body, it is because of action of the Senators that they will not be voting on it before this election that compelled us to take the same action over here.

Ladies and gentlemen, the GATT agreement is important. Make no mistake about that. If you have any doubt about it, you only need to watch what has been going on the last 2 days on the markets to see the kind of indicators that we have seen and the drop in the market values. Make no mistake about it, whether you are for it or against it, the world is watching this debate and will be watching the debate that we have next month.

We live in a world that is interdependent economically, and we cannot take lightly the vote that we cast.

Why must we do this this year? Because we will lose much of the benefits of NAFTA if we do not act this year. We will lose the benefits, and we will lose the value, because we lose fast track, and we will not have the ability to debate it under the same circumstances.

This represents the biggest tax cut in history, $750 billion over the next several years. It will result in a 2- to 3-percent increase in the gross domestic product in the United States. It will put thousands of dollars in the pockets of every American. It will result in better jobs, more jobs, better-paying jobs. We need to have GATT.

Before I close, let me pay tribute to my distinguished leader, the gentleman from Illinois [Mr. MICHEL], for the role that he has played, the Speaker, and to the gentleman from Missouri [Mr. GEPHARDT] for the willingness to work out the arrangement that we have here tonight, and I want to especially pay tribute to my good friend and colleague on the other side of the aisle, the gentleman from California [Mr. MATSUI], whom I have had the privilege of working with on this issue, and, of course, to the gentleman from California [Mr. DREIER].

I look forward to coming back next month, debating this issue, and I look forward to the passage of GATT, the largest tax decrease in American history.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, I rise to ask my colleagues to support this rule. The world economy has reached an historic juncture. The economic interdependence of countries throughout the world has grown dramatically. The old GATT rules, if not modernized and expanded, will soon be overwhelmed.

The new GATT agreement addresses the emerging trade issues of the future and readies us for the twenty-first century. Once in place, the new rules will lead to a vast expansion in world trade.

I wish we were voting tonight to ratify the agreement as well as the rule.

Washington State has embraced the opportunities international trade offers. It is the most trade dependent State in the Nation. The result has been $28 billion in exports and 600,000 jobs—more than one out of every five jobs in the State.

The computer software and aerospace industries in my State, in particular, will greatly benefit from the new GATT rules protecting intellectual property rights and controlling unfair trade practices.

Yearly losses from piracy of U.S. intellectual property are estimated to be a staggering $12 billion. The new GATT agreement will finally give U.S. copyright and patent holders a means to enforce and capitalize upon their legitimate intellectual property rights throughout the world.

The new GATT agreement is the right agreement for my State and the right agreement for America.

I urge my colleagues to support the rule tonight.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Warren, PA [Mr. CLINGER], the ranking member of the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, I rise in strong support of this rule, and only regret that we have to wait until November to vote on the bill itself.

Mr. Speaker, the sooner we vote on opening markets worldwide, the sooner we quench the fires of protectionism now going out of control. Europe and the rest of the world are closely watching what we do tonight. Let us not flinch.

Mr. Speaker, my home State, Pennsylvania, ranked 10th among the States in exports of merchandise in 1993, with $13.2 billion worth of goods sold abroad.

Frankly, I think we can do better, and the Uruguay Round agreement will help Pennsylvania exporters by opening markets overseas—markets in which Pennsylvania products may have been uncompetitive because of a high tariff at the border or markets where our pharmaceuticals or software could not be sold due to weak or nonexistent protection for intellectual property rights. New sales there means more jobs here.

Lest the noise of the debate over peripheral issues drown out that fundamental truth, let me repeat it: by opening new markets to American products we will strengthen our own economy and put more of our own people back to work. This is an American jobs bill.

The opportunity we have today, to pry open markets across the globe, is rare and fleeting. Let us not squander this opportunity; indeed, seize it.

The General Agreement on Tariffs and Trade has provided an orderly and stable system for trade for the last 45 years. Our exports in this period have provided significant numbers of American workers with relatively high-paying jobs. Our economy is far stronger and more robust than it would have been if we had never joined GATT.

Too much is at stake for us to forget how these economic benefits came about or to take them for granted. In 5 or 10 or 50 years from now, as our children and grandchildren are enjoying the economic fruits of a healthy trading system, the superficial, petty disputes aired here today will be long forgotten. This vote, however, and the vote on the implementing bill that will occur later today, will have a place in history.

A vote to adopt this rule recognizes that the United States has spent nearly a decade negotiating, arguing, cajoling, and sometimes threatening our trading partners in order to secure an unfettered world trade system. A vote against this rule signals our trading partners that they need not heed us the next time we complain about the rules or about a country's failure to comply with those rules. A vote against this rule is a vote to weaken the position of future American presidents.

In sum, Mr. Speaker, a vote on this rule is a vote for jobs today, for strong underpinnings for the U.S. economy now and into the future, and to advise other nations of our trade policy with a strong, clear voice. For Pennsylvania workers today and tomorrow, I ask for a "yea" vote.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Simi Valley, CA [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I am normally very supportive of all of the issues that the gentleman from California [Mr. DREIER] brings before this body.

As a free-trader, I must speak out in strong opposition to this rule, because I think it is plain unconscionable that we bring this back in a lame-duck session. This important legislation should not be decided by Members who have no political stake in the outcome.

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

Mr. MATSUI. Mr. Speaker, I rise in support of the rule.

If this GATT becomes law, it will produce an additional $100 billion–$200 billion worth of additional GDP to the American economy on an annual basis.

The GATT can basically be divided into four areas. First of all, it is a continuation of the existing world trade treaty that determines rules on goods and services that cross borders in the world today that has actually given a great rise in the world standard of living over the last 50 years since the end of World War II.

First, this new GATT will expand protection in the intellectual properties. As you know, when software goes across U.S. borders into countries right now, we do not have adequate protection of software and intellectual property. China, for example, steals $1

billion worth of U.S. intellectual properties on an annual basis. This, over a 10-year period, will give U.S. protection and protection worldwide to our copyrights, to our intellectual properties.

Second, the GATT will reduce tariffs worldwide by one-third, which will means there will be a tremendous increase in trade back and forth across the borders.

The third area, of course, is the first time we will have trade in the area of services such as financial services, such as insurance, such as securities. This is an area that will help expand the U.S. economy, because we are the leaders in these particular areas.

The fourth is for the first time we will have a World Trade Organization that will solve disputes, and as you know, since we will be dealing with less-developed countries, countries, that probably will have nontariff barriers, the United States will be the country, along with the countries of Europe and Japan, that will be using the World Trade Organization more than it will be used against us.

□ 2040

This agreement is in the interest of the United States, it is in the interest of progress and growth in our country.

Mr. Speaker, I urge a vote on the rule so that we can get to the point of voting on the GATT in November of this year.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Millbrook, NY, Mr. FISH, the ranking member of the Committee on the Judiciary.

Mr. FISH. I thank my colleague for yielding time, and I rise in support of the rule for H.R. 5110, the implementing legislation of the General Agreement on Tariffs and Trade.

Mr. Speaker, I rise in support of the rule for H.R. 5110, the implementing legislation of the General Agreement on Tariffs and Trade [GATT] Uruguay Round Trade Agreement.

By passing this rule we will be able to consider legislation that will allow American companies to have access to foreign markets that will bring anticipated growth of $1.1 trillion to the U.S. economy over the next 10 years. This agreement will cut foreign tariffs on manufactured products by more than one third, the largest reduction in history.

I am also pleased with the intellectual property standards included in the legislation that will give new protections to American pharmaceutical, entertainment, and software industries. Without the intellectual property protections in this agreement, U.S. producers will continue to lose billions of dollars in U.S exports to piracy and counterfeiting.

Agriculture will also benefit from this agreement. By reducing export subsidies and by limiting the ability of foreign governments to block agricultural exports through quotas, subsidies, and tariffs, export opportunities for U.S. agricultural producers will increase.

Failure to approve the Uruguay round of GATT would serve a blow to the world leadership of the United States and our traditional commitment to free trade. We cannot allow the ever growing global economy to leave America and with it New York State behind, as other nations capitalize on the benefits of this agreement. We must realize our role as a world leader. We must not let the door to hundreds of thousands of new jobs for the people of this country close.

When you cast your vote on the implementing legislation of the Uruguay round of GATT look forward to the promise of increased economic growth and job creation offered by free trade. Do not deny the people of the United States the opportunity for a more prosperous future.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Palm Harbor, FL [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I plan to vote against this rule. While I favor efforts to eliminate the trade barriers and other unfair trade practices, I have a number of questions regarding the implementing legislation which the originally planned rule would not have afforded me the opportunity to get answers to. While I am pleased that we are delaying votes on the basic bill, my constituents and I must get answers to the following questions and the answers thereto shall determine my vote on the bill.

Mr. Speaker, will the United States sovereignty be undermined by the creation of the World Trade Organization? Can the WTO dispute settlement panels strike down U.S. law? Does the fact that each country has one vote in the WTO mean the United States will be outvoted on important trade issues? Will unilateral action by the United States be prohibited under the WTO?

How will U.S. environmental laws be impacted by the GATT Agreement? Will the rules of the WTO promote the reduction of strong food safety laws to weaker international standards? Can U.S. food safety standards stronger than those of the WTO be challenged by other nations as illegal trade barriers?

How much will the Uruguay round cost the American taxpayers? How is the agreement financed and will it increase the Nation's budget deficit?

Does the implementing legislation weaken the Nation's patent system? Will U.S. competitiveness be weakened if we change our patent system? Is the change required under the GATT Agreement or was it added to H.R. 5110 by special interests?

Before Congress voted on NAFTA, the administration made a lot of side deals to secure votes in favor of that trade agreement. Are any similar deals attached to H.R. 5110?

These are just a few of the questions that my constituents and I have regarding the implementing legislation for the GATT Agreement, and I do not believe that 4 hours of general debate will be sufficient to provide adequate answers to our questions.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. I thank the gentleman for yielding, and I rise in opposition to the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the rule governing debate on H.R. 5110, the implementing legislation for the General Agreement on Tariffs and Trade. My own preference would be to vote on this legislation this week. Delay could cost U.S. workers and firms billions of dollars in benefits and lost opportunities.

But in light of the situation in the other body and the various views that we must reconcile in this body, a vote in late November seems to be the best that is achievable. I urge passage of this rule to set the terms of that debate and to allow us to pass this legislation well in advance of January 1 of next year.

America needs the GATT Agreement, a bipartisan agreement negotiated by three administrations over a 7-year period. It will cut global tariffs by some $744 billion, it would create hundreds of thousands of high-paying American jobs, and it will contribute over $100 billion to the U.S. economy each year.

Mr. Speaker, H.R. 5110 contains provisions critical to the adjustment of the textile and apparel industry in this country during the 10-year phaseout period of the multifiber agreement. The so-called Cardin rule of origin amendment establishes that the country of origin for purposes of import, labeling, and other customs purposes will be determined by where apparel or other textile products are assembled rather than where they are cut. Secondly, the circumvention of textile and apparel quotas through illegal transshipments is addressed in this bill. Finally, authority is extended for the President to continue to regulate imports of textiles and apparel from countries that are not part of the World Trade Organization and to whom we do not grant Uruguay round benefits.

Mr. Speaker, the GATT implementation bill is a crucial step for our country and for the world economy, and I urge passage of this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my friend, a hardworking member of the Trade Subcommittee, the gentleman from Bakersfield, CA [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, as is usually the case in these matters, virtually all of the people who are opposed to this measure speak tonight and the vast majority who are in support of it are not down in the well talking.

To my friend from Florida, with whom I have worked long and hard on

bipartisan legislation in the area of health care, all of his questions are answered "no." Is U.S. sovereignty affected? No. Is U.S. law affected? No. Are we to be outvoted? No. Unilateral change of U.S. laws? No, no, no, no, no. The fact of the matter is I agree with all my colleagues who say we should be voting on the substance of GATT now. But because of a single Member over in the other body, we are not.

Let me tell you, when you have 4 signatures on a letter 2 days before adjournment and those 4 signatures are TOM FOLEY, RICHARD GEPHARDT, ROBERT MICHEL, and NEWT GINGRICH, and all of them say vote for the rule, vote for the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

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

Mr. Speaker, I just want to say that when we were standing here on the floor last year, we were talking about NAFTA, and everybody told us about all the wonderful things that were going to happen. But in my State of Pennsylvania we have been the number one State in applications for NAFTA trade adjustment assistance. Nearly 3 dozen companies have made that effort. I mention that because if NAFTA were an ant, GATT is an elephant. That is the difference between these bills.

Yet in the committees that I serve on in this Congress Committee on Banking, Finance and Urban Affairs, Committee on Education and Labor, Committee on Small Business we had hearings on NAFTA. We have not had hearings on GATT.

Yet in the committees that I serve on in this Congress Committee on Banking, Finance and Urban Affairs, Committee on Education and Labor, Committee on Small Business we had hearings on NAFTA. We have not had hearings on GATT.

Yet we are expected to come here tonight, coming from an area where in the past 2 decades in southwestern Pennsylvania we have lost 160,000 manufacturing jobs because of the investment and trade practices of this country, I am expected in 1 minute to make my plea against this rule. I make the plea, and I say do not have a continuation of this service.

We have people like the continuation of this service.

We have people like the CEO of Alleghany Ludlum, in a letter to MIckey Cantor, saying,

> I am extremely disappointed with the Administration's proposals to implement the weakening provisions contained in GATT. These measures are not required. It is even more alarming that the Administration has not attempted to address the balance of trade.

Ladies and gentlemen, do not keep this situation exacerbated, vote "no" on the rule and kill GATT.

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

Mr. Speaker, every shred of evidence that we have received has demonstrated a dramatic increase, even beyond our expectations, for exports and improved relations with Mexico as a byproduct of the North American Free Trade Agreement.

Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from California, [Mr. ROHRABACHER].

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

Mr. Speaker, I rise with a heavy heart to oppose this rule. I voted for fast track, and, yes, I voted for NAFTA with all of this discussion.

When I voted for fast track, I thought we were going to get 45 days to examine the treaty. Instead, in a total breach of faith, this administration submitted the GATT implementation legislation in the final days of this session, hoping to force us to a vote without even consideration that such a vital issue requires.

Why the rush job? That is why I am opposing the rule even now and opposing GATT even now, because the administration snuck into this legislation items that should not be part of the implementation legislation, because they are not required by GATT, especially the item that would particularly reduce the patent protection now enjoyed by Americans.

□ 2050

The most disturbing of all of these provisions was that, but there are other things in GATT as well, the GATT implementing legislation, that are not required by GATT. This stealth rip-off of American patent rights hits directly at our competitiveness. Foreign competitors will now be able to use, if GATT passes and this remains in the bill, foreigners will be able to use our technology without paying royalties. They can use our technology against us. It is a crime that provisions like this are in the legislation in the first place.

Mr. Speaker, that is why I am voting against this rule. That is why I am going to vote against GATT unless they are taken out. I hope in the upcoming election every candidate is asked to oppose this crime by voting against GATT unless the provisions limiting American patent rights are taken out.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Mount Prospect, Illinois [Mr. CRANE], the ranking minority member of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague, the gentleman from California [Mr. DREIER] for yielding this time to me.

Let me just remind some of my colleagues on this side of the aisle that the one fundamental division between our parties historically from their inception was our positions on trade, and it was Grover Cleveland who reflected on the thought that, when we impose tariff barriers, we inflict the greatest injury on that man who earns his daily bread with the sweat of his brow, and it was the McKinley tariff in 1890, the biggest protectionist measure in history, that caused the panic in 1893, and Smoot-Hawley guaranteed the Depression went worldwide.

Support free trade.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my good friend and another member of the committee, the gentleman from Corning, New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, my colleagues, there are a million reasons why we should vote against this. I thought of them myself. I have anguished it myself. But the gut issue is whether it does good for the United States, and it does, and I do not care what sort of intellectual approach is being used over here. I do not know what the ghosts are that come out of the closet. From a business standpoint, Mr. Speaker, it makes sense, it creates jobs, it is good for my district, and I say to my colleagues, It's good for your district.

We ought to support this rule. Let us get at it.

Mr. DREIER. Mr. Speaker, I yield one minute and a half to the gentleman from Lincoln, Nebraska [Mr. BEREUTER], who is my former colleague on the Committee on Banking, Finance and Urban Affairs.

Mr. BEREUTER. Mr. Speaker, my colleagues, I had not planned to speak on this issue tonight, but for balance I think it is important that I have a chance to say I am strongly in support of this rule and the agreement, and I would like to see the GATT agreement voted on this evening, if possible.

There was a great deal of hyperbole about NAFTA, but let me tell my colleagues that the approval of the GATT agreement is the most important step we can take to stimulate the economy of this country. That is true of the world economy as well. The GATT agreement is ideally suited for the benefit of the United States.

In fact we achieved all of our primary Uruguay Round objectives. We were the country that initiated the Uruguay Round. Manufacturing, agricultural, service sectors; all of these sectors benefit from year one. We are going to generate more individual and corporate income tax from year one under the GATT agreement than we will lose in reduced tariffs; there is no doubt about that fact. When it comes to the improvement of intellectual property rights, we are the big beneficiary. When it comes to dispute mechanism settlements, change is here. The reforms that we have are going to benefit the United States; there is no question about it.

Now we are going to have a school of red herrings swimming out there, I suppose, in the time remaining, but it is important to remember this GATT agreement is good for the United States, every sector benefits, and I hope my colleagues will support this legislation. It is too bad we could not vote on the agreement tonight, but let us remember when we take up the agreement in late November, the basic arguments are for the United States to approve the GATT agreement produced in the Uruguay Round.

Mr. Speaker, this Member rises in strong support of legislation to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations. On deciding whether to vote for or against this historic trade agreement, it is not even a close call; this trade agreement (which took 7½ years to negotiate and which has been agreed to by in the history of the world. It is the single best economic stimulus for the United States and the 125 countries who have signed it and therefore is a good prescription for an ailing and stagnant world economy.

During the recent debate over the Uruguay Round trade agreement, many have forgotten that President Reagan led the call for the Uruguay Round trade negotiations, President Bush skillfully negotiated a majority of the provisions, and President Clinton concluded the arduous negotiations. This bipartisan effort has sustained itself over 7½ years for one simple reason; each and every citizen of the United States stands to benefit greatly from the opening of foreign markets to U.S. goods and services exports, the worldwide reduction of tariffs, the protection of intellectual property rights, and the systematic adjudication of international trade disputes.

The Uruguay Round Trade Agreement—the most ambitious and comprehensive trade agreement in history—attempts to remedy current world trade inequities by forcing foreign countries to open their markets to U.S. goods and services. In short, the Uruguay Round agreement would enhance export opportunities for agricultural products, manufactured goods, and many services, and it would create a World Trade Organization [WTO] to implement the agreement.

Specifically, the Uruguay Round Trade Agreement:

Adds a predicted $100–$200 billion annually to the United States Gross Domestic Product [GDP] according to the Office of the United States Trade Representative;

Requires the conversion of nearly all nontariff barriers to tariffs and significantly reduces these tariffs on nearly 85 percent of world trade;

Expands GATT rules to cover Government procurement of goods and services and export of many services. This expansion will enable United States service exporters to continue to dominate this fast growing, lucrative sector of the United States and world economy, and it will help United States service providers compete for billion dollar infrastructure projects in the world's fastest growing regions like India and China;

Expands protection of Intellectual Property Rights in the world's developing countries. This is especially beneficial to U.S. high-technology exports and to the U.S. entertainment industry which currently loses billions in annual exports because of piracy and copying.

Strengthens the WTO to arbitrate trade disputes between members and thus avoid costly and destabilizing bilateral trade conflicts among member nations.

Includes agricultural trade under world trade rules for the first time ever.

Mr. Speaker, for my home State of Nebraska, the Uruguay Round Trade Agreement is also overwhelmingly positive. For Nebraska's grain and livestock-dominated agricultural industry, the Uruguay Round is expected to boost export sales of these products from $3.5–$6.5 billion over 10 years. Additionally, it is expected to increase net farm section income by as much as $1.3 billion in 2000 and by as much as $2.5 billion in 2005. This could help to reduce Government spending on agricultural subsidies by roughly the same amount.

Immediately, this agreement will help Nebraska cattlemen sell their beef in Japan. Koreans will put more Nebraska pork and corn flakes on their breakfast table, and Nebraska grain producers will better be able to compete against European grain barons, who will find their government export subsidies greatly reduced. Additionally, Nebraska's small-town manufacturers, like Valmont Industries in Valley, NE, will be able to exploit lucrative markets in the developing world where the thirst for Valmont's irrigation equipment is immeasurable. Clearly, Mr. Speaker, the Uruguay Round Trade Agreement is good for Nebraska and it is good for the United States as a whole.

This Member acknowledges that there are many easy reasons to vote against legislation. In fact, this Member has objected to the Clinton administration's retreat on agriculture export subsidy reductions, its stubborn resistance to waiving pay-go rules, its decision to unnecessarily cut U.S. agriculture export subsidies, and its inordinate delay in submitting this legislation. Nevertheless, Mr. Speaker, this body's consideration of the Uruguay Round Trade Agreement, is simply too important to get sidetracked by the special interest groups who oppose this legislation.

The Clinton administration's, and frankly Congress' stubborn reluctance to not waive pay-go budget rules—despite the overwhelmingly acknowledged fact that this trade agreement will pay for itself through greatly increased revenues from corporate and individual Federal income taxes—has undoubtedly caused several questionable provisions and seemingly absurd additions to this legislation. Nevertheless Mr. Speaker, even with these unnecessary provisions, this trade agreement and this legislation should be approved by this body.

Mr. Speaker, those Members who believe they can take the easy way out by voting against this agreement, should strongly consider the implications of their actions today. Congress' seemingly benign neglect of the proposed International Trade Organization immediately after World War II defeated that organization and forced us to live with the interim GATT agreement, which has been largely ineffective in forcing countries to open their markets to U.S. goods and services for the past 40 years.

In closing Mr. Speaker, as a member of both the International Economic Policy and Trade Subcommittee and the Export Task Force, this Member has strongly supported efforts to liberalize world-trade rules because this Member believes American individuals and companies can effectively compete in world markets if they are permitted to compete under fair-trade rules. In principle and within reason, individuals and companies of different nations should be able to trade with one another without governmental interference. This type of free trade is the most efficient way to promote world-wide economic growth because it permits individuals—not bureaucrats—to make international trade decisions on sound business principles. Therefore, this Member strongly supports this legislation and urges his colleagues to overwhelmingly approve this historic and important trade agreement by adopting this legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from El Cajon, CA [Mr. HUNTER], a true spokesman for what I am happy to say is a small minority of the Republican Party on trade.

Mr. HUNTER. I hope my friend, the gentleman from Illinois [Mr. CRANE], is still in the room because in the Teddy Roosevelt room across the street one can see this gentleman that he studied, Grover Cleveland, Democrat President of the United States, in a political cartoon flat on his back in a boxing ring holding those gloves which the gentleman from Illinois has labeled free trade, and the Republicans are standing over him with their boxing gloves labeled fair trade and reciprocity, so do not put too much behind Grover Cleveland's career and credibility with respect to where we are going, my Democrat friends.

Let me just say this is a bad business deal. We are going to talk about the substance later on. But this is a bad business deal because it gives away the most important American economic assets, which is our bilateral trading leverage, country to country, one on one, and it gives it away to a committee, and I say to my colleagues, "If you look at the roster of that committee, it's a committee that doesn't like us very much."

This is President Clinton's GATT. This is his international year. He is sending our troops to Haiti, our Government to the United Nations, and our jobs to Asia and Europe.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Speaker, I come before my colleagues today with reservations on both this rule and the implementation bill of the Uruguay round of GATT. This agreement will encourage companies to continue to exploit low-paid workers, and in the United States it will cost over a million jobs in the textile sector alone,

and, according to both the Office of Management and Budget and the Congressional Budget Office, the agreement's price tag for the first 10 years is over $40 billion.

Mr. Speaker, are we really in a position to give away $40 billion? Or will the people of this country end up paying for this agreement—paying for it as they see important programs stripped away one by one? I ask you, will this be the real price of GATT?

Mr. Speaker, I ask and I urge my colleagues to think long and hard about their vote and then cast it against this constraining rule and this harmful implementation bill. It is up to us to show the American people that this Congress can work for them.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentlewoman from New Britain, CT [Mrs. JOHNSON], another member of the committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the rule.

Mr. Speaker, this country is at a crossroads, and the stakes are high. Today we decide whether to take the road of insularity and fear or the high road to greater growth and prosperity for our country.

My colleagues and I on the Committee on Ways and Means spent many months holding hearings and negotiating to bring forth a very good bill that creates a far fairer trading system, preserves American sovereignty fully, and protects our world-famous inventiveness, a bill that will guarantee successful American participation in international trade for decades to come.

Mr. Speaker, the GATT agreement means jobs for Americans. It means growth in personal income and our standard of living. It means greater certainty and fewer disputes with world neighbors.

For my own State, GATT means increases in the $5.4 billion in goods and services sold to other countries. It means we will add to the nearly 200,000 jobs in Connecticut that create speciality metals, jet engines, chemicals, and a host of other products.

I say to my colleagues, "I urge your support of the rule."

Mr. DREIER. Mr. Speaker, to close debate on our side, I yield 1½ minutes to the gentleman from Houston, TX [Mr. ARCHER], my good friend with whom I have been working over the last several months on the Uruguay round. No one has been more diligent on behalf of free trade.

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Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to speak to my colleagues, to tell them that there should be no controversy over this rule. There may be controversy over the substance of the GATT ratification implementing the legislation, but the rule clearly should not be controversial. Yes, it waives points of order, as I say to my Republican colleagues, but that is always the case under fast-track. It is the exception to prove the rule. It gives perhaps what some might think of as limited debate time of 4 hours, but after this debate on the rule, and after all the other discussion that is going to occur between now and November 29, there will be plenty of time for people to understand what they are voting on.

The rule should not be controversial. This rule should pass. This rule is important to the future of this country, to more and better paying jobs for Americans. Make no mistake about it. And it is destructive to this country as well as to the world if it fails to pass, because history teaches us that protectionism, no matter how seductive, inflicts a wound upon those who implement it on themselves. The one thing we seem to learn from history is that we never seem to learn from history and, as a result, we must relive it.

But history tells us that since the Industrial Revolution, every country that has been seduced into protectionism has seen a decline in the standard of living of its people, and every country that has reduced its trade barriers has witnessed an increase in the standard of living of its people.

America today is lean, strong, tough, competitive, to take advantage of a world marketplace which is willing to reduce its barriers to our products and our services as never before. We should not turn our back on this opportunity, not just for ourselves, but for our children and their children.

Mr. Speaker, I urge a vote for this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from the State of Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Speaker, I rise in support of the rule and the bill.

Mr. Speaker, it is time to pass the GATT bill. It is time to stop complaining about the timetable. It is time to stop pretending we can dictate the terms of trade to the rest of the world. It is time to stop listening to the paranoid fears of the far right and the far left.

Of course, every one of us thinks we could have written a better agreement. Every one of us would like to see something different in this bill. But every one of us knows that, in the end, this is the best agreement three Presidents could reach over 8 years of negotiating.

Make no mistake—trade is where our economic future lies. Half our economic growth in the last 5 years was in exports. Trade-related jobs have increased three times faster than overall jobs in the last 40 years.

In my State of Washington, one out of every four jobs depends on trade. This bill will help our exporting industries—aerospace, software, agriculture, forest products. It will open up markets and bring down world prices. It will be good for American industry, American workers, and American consumers.

We hear a lot about taxes in this body, especially from the other side of the aisle. Well, this is the biggest tax cut in history. It will bring down prices all over the world.

We hear a lot about over-regulation of business, especially from the other side of the aisle. Well, this is a massive deregulation bill, knocking down barriers to trade all over the world.

But instead of cutting tariffs and opening up world markets, instead of seizing this chance to expand trade, some of our friends across the aisle have apparently decided to go for gridlock one more time, even if it jeopardizes the trade agreement Ronald Reagan, George Bush, and Bill Clinton fought to achieve.

Some of us came to Congress to fight for change. Nobody said change would be easy, or happen overnight. Change means choosing hope over fear. This is such a choice.

Now is the time. This is the place. Vote "yes" on the rule and "yes" on the bill.

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

The SPEAKER. The gentleman from South Carolina is recognized for 2 minutes.

Mr. DERRICK. Mr. Speaker, I could not agree with the previous speaker more that the controversy is not the rule. I have heard a number of speakers get up tonight and say we need more time to consider it. My goodness gracious alive, we have been talking about the GATT Agreement for the last 6 years. If you do not understand the GATT Agreement tonight, you are certainly not going to understand it in another 2 months, if we have had it for 6 years.

The fact of the matter is do you believe in the economic might of this country? Do you believe in the future of this country? Do you believe that America can get out there in a free trade situation and compete with the rest of the world?

I believe that. I think most Americans believe that. All we are doing tonight is voting on a rule to give their elected representatives an opportunity to express the will of the people. And I firmly believe the will of the people is that we have what it takes to compete throughout the world in a fair trade situation that will be granted under the GATT Agreement.

Mr. KLECZKA. Mr. Speaker, I rise in strong support of the rule for the Generalized Agreement on Tariffs and Trade [GATT]. Since the Uruguay round was completed on December 15, 1993, opponents have brought waves of false criticisms against it. The most common target of these distortions is the World Trade Organization [WTO], which is the disputes settlement body. I would like to take this opportunity to set the record straight regarding the WTO.

The most often heard criticism of the WTO is that it threatens U.S. laws and U.S. sovereignty. Let me say, once and for all, this is simply not true. Nothing that the WTO does or says can affect Federal or State laws. Once GATT is on the books, what is true today will be true tomorrow: only the Congress or the

State legislature is empowered in our system of government to enact laws. Thus, there simply is no threat to our sovereignty.

When confronted with these facts, the naysayers respond that the WTO could require the United States to pay trade sanctions forever if a law is found to be a trade restriction. As is typical of their distortions of GATT, this is smoke and mirrors. U.S. laws based on scientific principles cannot be overturned. If there is a proven basis for the existence of a law, such as food product safety standards, other countries will not be able to successfully challenge it. In fact, under GATT, international health and food safety standards will rise. GATT even permits States to enact higher levels of protection than those specified by the Federal Government. What GATT does not let nations do is pass a law under the pretense of health and safety, but whose real purpose is to prohibit trade. Thus, contrary to what the critics say, GATT was negotiated with maintaining our Federal and State laws in mind.

Aside from the technical aspects of the law, it is no secret that the United States has the largest economy in the world. Under the present system, the United States can legally block unfavorable rulings, and while complaining countries can still retaliate, they are extremely unlikely to do so out of fear of triggering a self-destructive trade war with us. We will continue to command this economic might under the new agreement. With such a vast and strong economy, the United States could easily retaliate and do serious damage to the economies of other countries. Consequently, there is no reasonable basis for arguing that the United States is surrendering its sovereignty in fact or in practice.

In addition to considering one particular aspect of GATT, like the WTO, it is important to look at the larger picture. This agreement is really about a choice. A choice as to whether the United States will participate in the world economy or retreat to a position of isolationism. To my mind, the answer is clear. The benefits of participation far outweigh retreat. We should pass this rule and the agreement because it is good for my district, it is good for Wisconsin, and it is good for the United States of America.

For example, most economists estimate that GATT will create between $100 million and $200 million in U.S. economic growth each year for the next decade. It is also expected to create as many as 1.4 million jobs in this country over the same period. And, the global tariff reductions will benefit U.S. consumers in the form of lower prices. In my State of Wisconsin, GATT is likely to build on our success in exporting goods and services. Wisconsin has experienced a 98 percent rise in merchandise exports in the last 6 years, largely on the strength of growth in industrial machinery and computers, scientific instruments, and electric and electronic equipment. These sectors, and all businesses, will benefit from lower foreign tariffs and protection against intellectual property infringement.

In contrast, we know the results of a decision to isolate ourselves; economic depression. When the Smoot-Hawley Act of 1930 was enacted creating very high tariffs in an effort to protect domestic industries, the United States sank into the Great Depression, and for those of you old enough to remember, the average person paid an awful personal price. We must guard against the seductive charm of critics seeking to ply us with tales of the virtues of isolationism. Retreat will only sap our economic might and make us weak. Engagement in the world economy will make us strong, and participation with other nations will bring increased prosperity for all.

The importance of passing the GATT does not mean I did not have problems with the implementing legislation. I did. Perhaps my foremost concern about the GATT was that the WTO's dispute resolution process would occur behind closed doors and at the whim of international bureaucrats. I worked with the administration to amend the legislation so that the WTO's activities are more open to public view. One of my proposals which became part of the legislation requires the USTR to open any dispute before the WTO involving the U.S. to public scrutiny by printing it in the Federal Register. Another amendment I worked to include in the bill requires the USTR to take the public's written comments into account in preparing its submissions to the WTO.

I also sought to ensure that the USTR does not ignore public input during the dispute resolution process. Thankfully, a provision was included at my urging establishing a framework for close and continuing consultations between the USTR and interested U.S. parties. Finally, my proposal to require that the USTR make all U.S. written submissions to the WTO public was also included.

The GATT Agreement before us also made substantial progress on my two final areas of concern—the environment and financing. First, while the agreement will not end all environmental problems, it elevates environmental considerations to the highest levels of trade policy making for the first time. Second, despite the fact that GATT will generate tremendous new business revenue and the jobs that go with it, current budget rules cannot account for these expected economic benefits. Thus, $12 billion in revenue measures was found to pay for the reductions in U.S. tariffs in order for the legislation to be fully paid for within the 5-year estimating period required by the rules of the House.

Creating jobs and opportunities for businesses in Wisconsin and across this great Nation are two of my primary objectives, and GATT is expected to come through on both. While I never had doubts about the importance of the GATT, I did about the implementing legislation. However, I was able to get my leading concerns addressed during congressional consideration, which is why this GATT Agreement will receive my strong support.

Mr. HUGHES. Mr. Speaker, I rise in support of the rule on H.R. 5110, the Uruguay Round Agreements Act, a bill to approve and implement the Uruguay Round of the General Agreement on Tariffs and Trade [GATT]. The Subcommittee on Intellectual Property and Judicial Administration, which I chair, held hearings in August of this year, on the intellectual property component of GATT.

While I was disappointed that our negotiators were not able to eliminate some of the more blatantly discriminatory practices of European trading partners, especially those directed toward United States motion pictures, we should not overlook the significant gains made in the GATT/TRIP's text. The 123 signatories of GATT are now obligated to grant a high level of protection to intellectual property, an obligation that should assist U.S. patent and copyright owners in their worldwide fight for protection.

Piracy costs U.S. copyright owners hundreds of millions of dollars a year in revenue, revenue that would otherwise be spent in creating new works and new jobs in the United States, revenue which would reduce our foreign balance of payments.

H.R. 5110 contains a number of changes to U.S. copyright and patent laws, which I would like to explain.

COPYRIGHT

Computer software rental—H.R. 5110 repeals the sunset in the Computer Software Rental Amendments Act of 1990, scheduled to expire in October 1997. The repeal does not make any substantive changes in section 109 of the Copyright Act.

Bootlegging of live musical performances—H.R. 5110 also contains Federal antibootlegging provisions in order to comply with article 14(1) of the GATT agreement. In new chapter 11 of title 17, United States Code, a civil cause of action is provided to performers to prohibit the unauthorized fixation of their live musical performances. The remedies available are those under chapter 5 of title 17. The right is granted to "the performer or performers." This means that where there are multiple performers, permission to fix the live musical performance must be obtained from each and every performer.

Of course, normal agency principles apply, so that if the performers have authorized an agent to grant permission, that agent may do so. This no doubt will be important in large ensembles, such as orchestras, since the work-for-hire provisions of chapter 2 of title 17 do not apply.

The basic right granted is to prohibit the unauthorized fixation of "the sounds or sounds and images" of a live musical performance. This right covers individuals who use audio equipment or video cameras. The basic right to prohibit unauthorized fixations is supplemented by the right to prevent unauthorized reproduction of copies or phonorecords of live musical performances made from an unauthorized fixation, the right to prevent unauthorized transmissions or other communications to the public of the sounds or sounds and images of a live musical performance, as well as distributions, offers to distribute, sale or offers to sell, or trafficking in any copy of phonorecord of a live musical performance fixed without the authorization of the performer or performers involved.

The rights granted in new chapter 11 of title 17, United States Code do not preempt any civil State laws.

At the same time, title 18, United States Code, is amended by adding a new section 2319a, which makes it a felony to knowingly or for purposes of commercial advantage or private financial gain to engage in the same acts specified in new chapter 11 of title 17, United States Code.

RETROACTIVITY

Article 18 of the Berne Convention obligates members, when they join the Berne Union, to

provide protection to works of already adhering members. The only exceptions to this obligation are when the work is in the public domain in the country of origin or in the country where protection is claimed through expiration of the term of protection. Because of the United States unique history of depriving authors of their copyrights for failure to comply with formalities, there are works of foreign Berne origin that are in the public domain in the United States for reasons other than expiration of term.

Section 514 of the Uruguay Round Agreements Act addresses the issue of retroactivity by granting, automatically, protection to works whose source country is a Berne or World Trade Organization country other than the United States, for the term of protection the work would have otherwise enjoyed in the United States but for the failure to comply with a formality, lack of national eligibility, or in the case of sound recordings, sound recordings published before February 15, 1972, the date Federal protection was first granted.

Protection vests initially in the author or right holder of the work. The term "rightholder" was inserted due to the treatment in most countries of sound recordings under neighboring rights regimes. The term does not refer to a transferee of a work. Where the author has transferred rights in a work that is restored under section 104A, it is an issue of contract law to determine the extent to which, if any, the transferee receives rights for the restored term of protection.

Unlike the retroactive protection provided in the North American Free-Trade Agreement Implementation Act, which was dependent upon filing a notice with the copyright office within a 1-year period, restored copyright under the Uruguay Round Agreements Act is automatic. However, in order to take into account the legitimate interests of individuals who had relied on the public domain status of a work, called reliance parties, section 104A establishes a number of safeguards.

Reliance parties are defined in section 104A(h)(4) as any person who:

First, before the restoration of protection, engaged in acts which would have constituted infringement if the work had been subject to copyright and who continued to engaged in such acts after the date of restoration. A key to the reliance party status under this provision is the requirement that the person has continued to engage in the described conduct. This requirement incorporates the continuing infringement doctrine and is also relevant to section 104A(4) concerning statutory damages and attorney's fees. Under this doctrine and section 104A, the defendant must have engaged in an ongoing series of acts. Cessation of that activity for an appreciable period of time will deprive one of reliance party status.

Second, before restoration of protection, made or acquired one or more copies or phonorecords of the work which was restored.

Also included within the definition of reliance party are certain assignees, successors, or licensees of reliance parties. Persons who acquire significant assets, a term that encompasses, for example, a book publishers' entire division and not merely a number of titles published by that division, of a reliance party or who acquire from a reliance party a derivative work based on a restored work, succeed to the reliance parties' selloff period. Such successors, assignees, or licensees, of course, acquire only the right to sell off copies or phonorecords for the duration of the period of the reliance party. Thus, where a reliance party sells off copies of a restored work 6 months into the selloff period, the successor, assignee, or licensee may sell off the copies only for the remaining 6 months of the selloff period.

The term "derivative work," as used in section 104A (d)(3) and (h)(4), has the same meaning as defined in section 101 of title 17. Thus, there must be a recasting, adaption, or transformation of a preexisting work in order to qualify as a derivative work. Uses such as reproduction of a photograph or poem in a textbook, or any use that does not involve a recasting, adaption, or transformation of the preexisting work itself, as opposed to inclusion of the preexisting work in a new work, will not result in reliance party status.

If a person is a reliance party, notwithstanding the fact that the copyright has been restored automatically, the reliance party may continue to exploit the restored work without liability until the restored copyright owner either serves actual notice on the reliance party under section 104A(e)(2), or the copyright office publishes in the Federal Register a notice of intent the restored copyright office filed pursuant to section 104A(e)(1). Once either of those events occurs, the reliance party has 1 year to sell off his or her stock. During that year, the reliance party may not make further copies of phonorecords of the work. If the reliance party continues to engage in acts that violate the restored copyright owner's rights, the reliance party is subject to the full remedies provided under the Copyright Act, although only for those acts that occur after the selloff period.

Section 104A(3) provides a special exception for existing derivative works. Where a reliance party, before the date of enactment of the Uruguay Round Agreements Act, created a derivative work based on a restored work, the derivative work owner may continue to exploit the derivative work for the duration of the restored copyright provided the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the exception. Where the parties cannot privately agreed on the amount of compensation, either party may bring an action for declaratory relief in U.S. District Court. In determining the amount of reasonable compensation due, the court shall take into account the relative contributions of the author of the restored work and of the author of the derivative work.

The rationale for the exception is that persons who have contributed their own creativity to a restored work, as for example, where a motion picture is based on a short story, should be permitted to exploit their own contributions. At the same time, Congress recognizes that such continued exploitation is still an exploitation of the restored copyright for which payment should be made. Because of the wide variety in derivative and original works, it is impossible to establish a rule of thumb that can be applied to all cases. By directing the courts to weigh the relative contributions of both authors, a fair accommodation can be reached.

The courts are also directed to issue an award that reflects any harm to the actual or potential market for or value of the restored work from the reliance party's continued exploitation of the work. There may be cases, as where a compilation of greatest hits of a singer is slapped together as a single sound recording sold inexpensively, that the sale of that compilation will cause harm well beyond the price of the compilation, such as for one or more full-priced phonorecords of the restored sound recording copyright owner. In such a case, the court has authority to set compensation that takes into account the harm to the full-priced phonorecords.

To qualify for the derivative works exception, there must, of course, be a derivative work and a reliance party, the meanings of which were discussed above.

Section 104A will, when effective, replace current section 104A, which extended retroactive protection to motion pictures and works first fixed in motion pictures whose country of origin is Canada or Mexico and that fell into the public domain for failure to comply with the notice provisions of the 1976 Copyright Act.

PATENTS

The Uruguay Round Agreements Act, H.R. 5110, changes patent law in a way that will benefit American inventors and the public. The most significant change to U.S. patent law is a change in the term of a patent from the present 17 years measured from date of grant to a 20-year term measured from the date of filing of the patent application. The GATT agreement required that patent protection be at least 20 years measured from date of filing. This decision to change to a 20-year term of protection measured from the application filing date is the best patent policy. This change alone will benefit the vast majority of patent owners by providing a longer term of protection instead of a shorter term as claimed by opponents.

The Patent and Trademark Office [PTO], on the average, processes patent applications in less than 20 months. Under the new system, most patents would receive a term over 1½ years longer than the 17 years presently received.

Even for the more complex and difficult patent applications, such as biotechnology applications, the PTO is able to complete patent applications in less than 3 years. A General Accounting Office report on biotechnology patent pendency issued in September 1990, factored in the original application date to calculate pendency at the PTO from that date. The factor added approximately 9 months to the PTO pendency time which would mean that average pendency for biotechnology applications would be about 29.5 months. This means that even for biotechnology patents the term of protection will be longer.

The present system encourages applicants to deliberately delay the processing of patent applications by permitting the filing of unlimited continuations and changes to an original application. Such permissive delays under the present system frustrate the goal of bringing innovation to the American public on a timely basis.

The proposed changes in H.R. 5110 recognize that there will be delays beyond the control of the patent applicant as well as a need to develop the application. The legislation compensates for these potential delays in several different ways.

First, a provisional application is provided for the first time. The legislation allows for the filing of an application up to 1 full year before a complete application is filed. It will be a simple, low cost application. The year will not be counted against the 20-year patent term. Additional development and research can occur during this year as well as the search for investment capital.

Second, extensions of the patent term, for eligible patent holders, are included in the legislation. Delays caused by interference proceedings, secrecy orders, and appellate review by the board of patent appeals and interferences of Federal court may permit an extension of the patent term for up to 5 years.

Third, limited reexamination of pending applications is required. Applicants with patent applications that have been pending for a certain period of time will be guaranteed the right to submit additional information for review instead of a new application after final rejection, as required under present practice, to ensure that the PTO has considered all relevant materials in making its decision.

H.R. 5110 and the implementation of GATT will provide benefits to American patent owners and provide much greater protection abroad than that presently enjoyed by American inventors and industry. H.R. 5110 is in the public interest and provides better patent policy for the country.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. DREIER. 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. 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 298, nays 123, not voting 14, as follows:

[Roll No. 492]

YEAS—298

Abercrombie
Ackerman
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blackwell
Bliley
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Bryant
Bunning
Byrne
Calvert
Camp
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Cooper
Coppersmith
Cox
Coyne
Crane
Darden
de la Garza
DeLauro
DeLay
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (TX)
Engel
English
Eshoo
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Foglietta
Foley
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gingrich
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kim
King
Kleczka
Klein
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Olver
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Serrano
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Solomon
Stark
Stearns
Stenholm
Studds
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torres
Torricelli
Towns
Unsoeld
Valentine
Vento
Visclosky
Walker
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wolf
Wyden
Wynn
Young (FL)
Zimmer

NAYS—123

Allard
Andrews (ME)
Andrews (NJ)
Applegate
Barcia
Bartlett
Bentley
Bilbray
Bilirakis
Blute
Boehlert
Bonilla
Browder
Brown (OH)
Burton
Buyer
Callahan
Canady
Coble
Collins (GA)
Condit
Conyers
Costello
Cramer
Crapo
Cunningham
Danner
Deal
DeFazio
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Ehlers
Emerson
Evans
Everett
Fingerhut
Gallegly
Gillmor
Gilman
Glickman
Goodling
Gunderson
Hall (TX)
Hamburg
Hastings
Hefley
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hunter
Hutchinson
Inglis
Inhofe
Istook
Kaptur
Kildee
Kingston
Klink
Klug
Lantos
Lewis (FL)
Lewis (KY)
Lipinski
Livingston
Lucas
McHugh
McInnis
Mica
Mollohan
Moorhead
Murphy
Myers
Obey
Owens
Pallone
Payne (VA)
Peterson (MN)
Pombo
Quillen
Quinn
Rahall
Ravenel
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Sanders
Schaefer
Schiff
Scott
Sensenbrenner
Shuster
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stokes
Strickland
Stump
Stupak
Swett
Taylor (MS)
Taylor (NC)
Thurman
Torkildsen
Traficant
Upton
Velazquez
Volkmer
Vucanovich
Walsh
Wise
Woolsey
Young (AK)
Zeliff

NOT VOTING—14

Carr
Clement
Edwards (CA)
Ford (MI)
Gallo
Martinez
Ridge
Sharp
Slattery
Sundquist
Tucker
Washington
Whitten
Yates

□ 2126

Mr. COBLE and Mr. QUINN changed their vote from "yea" to "nay."

Mr. THOMPSON of Mississippi changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 564.

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

There was no objection.

□ 2130

AFRICAN CONFLICT RESOLUTION ACT

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2475) to authorize assistance to promote the peaceful resolution of conflicts in Africa, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the gentleman from Florida to explain the measure.

Mr. JOHNSTON of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of S. 2475, which I believe will make a lasting contribution to peace on the African continent.

Since the House is today considering the Senate version of the African Conflict Resolution Act and is waiving a conference, I am submitting the following to complete the legislative record in the House. The following language is slightly revised from Report 103–723, which accompanied H.R. 4541, to reflect minor changes made in the Senate bill.

The following is a detailed analysis of the provisions of S. 2475.

PURPOSE

In the last decade, between 2 million and 4 million Africans have died because of war. There are now nearly 7 million refugees and 15 million displaced people in Africa. This problem does not appear to be diminishing; looming or ongoing conflicts threaten millions more Africans. War and civil conflict have also caused untold damage to the economies of the nations of Africa. Economic development, even food production, is impossible in a nation at war.

The foreign affairs committee believes that conflict resolution and demobilization of African armies should be a priority for U.S. foreign policy in Africa. A relatively small U.S. investment in African conflict resolution and remobilization can help save lives and help the United States avoid huge future expenditures on war-related humanitarian disasters. The need for United Nations intervention in African conflicts will also diminish if African institutions develop the ability to resolve African conflicts. Reductions in the size of African armed forces will enhance political and economic stability and enable the reallocation of scarce African resources to development needs.

The purpose of S. 2475, as amended, is to help institutionalize conflict resolution capability in Africa. Toward this end, S. 2475, as amended, authorizes assistance for:

(1) the Organization of African Unity and subregional organizations established by countries of sub-Saharan Africa to strengthen their conflict resolution capabilities;

(2) Strengthening the mediation and reconciliation capabilities of nongovernmental organizations in Africa.

(3) demobilization and reintegration into civilian society of former military personnel;

(4) establishing a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel; and

S. 2475, as amended, draws almost exclusively on funds already allocated to Africa; no new funding is authorized by this legislation.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

Section 1 establishes a short title of the "African Conflict Resolution Act" for purposes of this act.

Section 2—Findings and statement of policy

Section 2 contains congressional findings regarding the need for improved African conflict resolution capabilities and declares that a key goal of U.S. foreign policy should be support for institutionalization of conflict resolution capability in Africa.

Section 3—Improving the conflict resolution capabilities of the Organization of African Unity

Section 3 authorizes the President to provide assistance, including technical assistance, to strengthen the conflict resolution capability or the Organization of African Unity (OAU). Assistance under this section may be provided to the OAU or may be used for the expenses of sending individuals with expertise in conflict resolution to work with the OAU. Section 3 also states that, of the foreign assistance funds allocated for sub-Saharan Africa, not less than $1.5 million in each of the fiscal years 1995 through 1998 should be used to carry out the purposes of this section.

The committee notes that the OAU, under the leadership of Secretary General Salim Salim, last year established new conflict resolution mechanism and approved an enhanced role for the OAU secretariat in conflict resolution. The committee is encouraged by these developments, and believes U.S. assistance is warranted.

Consistent with the committee's initiative of last year, the executive branch made $1.5 million available in fiscal year 1994 for assistance to the OAU. These funds will provide critical computer and communications equipment, negotiation support, and other assistance to the OAU's conflict resolution unit. The committee commends the executive branch for its efforts in this regard to date. The authorization in this section of funds for four additional years should enable the OAU to deal with conflict situations more effectively.

The committee believes that effective conflict resolution in Africa also requires coordination between the United States and multilateral institutions. The committee recognizes the United Nations Development Program's (UNDP) efforts in conflict resolution in Africa, especially in providing resources and technical assistance to the OAU.

Section 4—Improving conflict resolution capabilities of multilateral subregional organizations in Africa

Section 4 authorizes the President to provide assistance, including technical assistance, to strengthen the conflict resolution capabilities of subregional organizations in sub-Saharan Africa. Assistance under this section may be provided to such an organization or may be used for expenses of sending individuals with expertise in conflict resolution to work with such organizations. Section 4 also provides that of the foreign assistance funds allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be made available to carry out the purposes of this section.

In recognizing the potential of subregional organizations to contribute to conflict resolution, the committee notes the potential to strengthen the conflict resolution capabilities of the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Drought and Development (IGADD), and the Southern African Development Community (SADC). The committee recommends that the executive branch allocate up to $1.5 million for this purpose in each of the fiscal years 1995 through 1998.

Section 5—Improving Conflict Resolution Capabilities of Non-Governmental Organizations

Section 5 authorizes the President to provide assistance to non-governmental organizations (NGOs) that are engaged in mediation and reconciliation efforts in Africa. Section 5 also provides that of the foreign assistance funds allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out the purposes of this section.

In authorizing the use of such sums as may be necessary for the purposes of this section, the committee recommends that the executive branch allocate not less than $500,000 in each of the fiscal years 1995 and 1996 for this purpose.

The committee believes that in some cases crisis situations can be best addressed by non-governmental organizations or private mediation efforts. Africa has a long tradition of mediation by eminent figures acting informally. It is the committee's intention that assistance under this section build on that tradition. In addition to African organizations and initiatives, examples of relevant NGOs include, but are not limited to, the Carter Center, the Global Coalition for Africa, the Free Africa Foundation, the International Peace Academy, and the African-American Institute.

The committee also supports the establishment of an informal conflict prevention network in Africa. Such a network would link senior African and international statesmen, both active and retired, and non-governmental organizations that could provide trained mediation experts. This network could provide early warning and help prevent conflicts. The committee believes the proposed joint venture between the OAU and the Global Coalition for Africa—"Africa Reconciliation"—is a good example of this type of network. The network would coordinate its activities with the Secretary General of the OAU, and its purpose would be to provide early warning and conflict mediation.

Section 6—African demobilization and retraining program

Section 6 authorizes the President to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa by providing assistance for encampment and related activities for the purpose of demobilization of forces and for the reintegration of demobilized military personnel into civilian society. This section also authorizes the President to promote civilian involvement in the planning and organization of demobilization and reintegration activities. Section 6 states that of the foreign assistance funds allocated for sub-Saharan Africa, $25 million in each of the fiscal years 1995 and 1996 should be used to carry out the purposes of this section, if conditions permit.

The committee believes that demobilization, retraining, and reintegration activities are particularly important to the success of conflict resolution activities. These activities will require a close cooperative relationship between the Agency for International Development (AID), the Department of State, and the Department of Defense, and should be undertaken in conjunction with the United Nations, international financial institutions, and other bilateral donors.

Section 7—Training for Africans in conflict resolution and peacekeeping

Section 7 authorizes the President to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa. Section 7 also provides that of the foreign assistance funds that are available for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

The committee expects that training for African military and civilian professionals under this section will be conducted in both the United States and Africa.

To further build Africa's indigenous conflict resolution expertise, the committee also recommends that the United States Information Agency (USIA) fund a linkage program between an American university and

an African university to develop a conflict management program in an African university. The program should help design curricula in the African institution, provide for lecturing and program consultation by American faculty, and provide conflict management training for African faculty. The committee believes that by institutionalizing Africa's ability to train African experts, the need for U.S. assistance will diminish.

Section 8—Plan for United States support for conflict resolution and demobilization in sub-Saharan Africa

Section 8 requires the President to develop an integrated long-term plan to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa. Section 8 requires the President to submit a report to the appropriate congressional committees containing a description of such a plan within 180 days of enactment.

Section 9—Reporting requirement

Section 9 requires the President to submit a report to the appropriate congressional committees within 180 days of enactment describing the efforts and progress made in carrying out the provisions of this Act.

Section 10—Consultation requirement

Section 10 requires the President to consult with the appropriate congressional committees prior to providing assistance under sections 3 through 7.

Section 11—Appropriate congressional committees defined

Section 11 defines "appropriate congressional committees" for purposes of this Act to mean the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his explanation.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H. Res. 60, concerning United States support for the new South Africa. I join with my colleagues in welcoming President Nelson Mandela to the United States, and I too wish him the best in his endeavors to establish a nonracial, prosperous, free-market democracy.

I wish to clarify my position on the final provision of the resolution which was the subject of negotiation between majority and minority staff and among the Members. The final version reads: "Steps should be taken to increase trade, investment, and development in South Africa."

I would like to clarify my own understanding of the meaning of this phrase and to expound on the reasons why I was not prepared to support other formulations. My intent is to ensure that we do not open the door to giving away any more taxpayers' dollars to a country which we all support but which is very richly endowed with minerals and other resources.

South Africa is a country that deserves massive investment by business, and I support such investment wholeheartedly. It is an insult to the citizens of South Africa to imply, in the aftermath of apartheid—which we all opposed vehemently, albeit in different ways—that they can only succeed by being on the dole.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2475

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 "African Conflict Resolution Act".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(A) FINDINGS.—The Congress makes the following findings:

(1) It is in the national interest of the United States to help build African capability in conflict resolution. A relatively small investment of assistance in promoting African conflict resolution—

(A) would reduce the enormous human suffering which is caused by wars in Africa;

(B) would help the United States avoid huge future expenditures necessitated by Somalia-like humanitarian disasters; and

(C) would reduce the need for United Nations intervention as African institutions develop the ability to resolve African conflicts.

(2) Africa, to a greater extent than any other continent, is afflicted by war. Africa has been marred by more than 20 major civil wars since 1960. Rwanda, Somalia, Angola, Sudan, Liberia, and Burundi are among those countries that have recently suffered serious armed conflict.

(3) In the last decade alone, between 2,000,000 and 4,000,000 Africans have died because of war. There were 5,200,000 refugees and 13,100,000 displaced people in Africa in 1993.

(4) Millions more Africans are currently at risk of war-related death. Looming or ongoing conflicts in Zaire, Angola, Sudan, Rwanda, and other countries threaten Africa's future.

(5) War has caused untold economic and social damage to the countries of Africa. Food production is impossible in conflict areas, and famine often results. Widespread conflict has condemned many of Africa's children to lives of misery and, in certain cases, has threatened the existence of traditional African cultures.

(6) Conflict and instability in Africa, particularly in large, potentially rich countries such as Angola, Sudan, and Zaire, deprive the global economy of resources and opportunities for trade and investment. Peace in these countries could make a significant contribution to global economic growth, while creating new opportunities for United States businesses.

(7) Excessive military expenditures threaten political and economic stability in Africa while diverting scarce resources from development needs. Demobilization and other measures to reduce the size of African armies, and civilian control of the military under the rule of law are in the interest of international security and economic development.

(8) Conflict prevention, mediation, and demobilization are prerequisites to the success of development assistance programs. Nutrition and education programs, for example, cannot succeed in a nation at war. Billions of dollars of development assistance have been virtually wasted in war-ravaged countries such as Liberia, Somalia, and Sudan.

(9) Africans have a long tradition of informal mediation. This tradition should be built upon to create effective institutions through which Africans can resolve African conflicts.

(10) The effectiveness of U.S. support for conflict resolution programs requires coordination and collaboration with multilateral institutions and other bilateral donors.

(11) African institutions are playing an active role in conflict resolution and mediation utilizing the experience of elder statesmen. Groups such as the All African Council of Churches have assisted in defusing conflicts. The Economic Community of West African States (ECOWAS) has sought to address the conflict in Liberia by deploying an African peacekeeping force. The Southern African states have been working to prevent a crisis in Lesotho. The Intergovernmental Authority on Desertification and Drought (IGADD) has been engaged in attempting to resolve the conflict in Sudan.

(12) The Organization of African Unity, under the leadership of Secretary General Salim Salim, has established a conflict resolution mechanism and has been active in mediation and conflict resolution in several African countries.

(b) UNITED STATES POLICY.—The Congress declares, therefore, that a key goal for United States foreign policy should be to help institutionalize conflict resolution capability in Africa.

SEC. 3. IMPROVING THE CONFLICT RESOLUTION CAPABILITIES OF THE ORGANIZATION OF AFRICAN UNITY.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capability of the Organization of African Unity, as follows:

(1) Funds may be provided to the Organization of African Unity for use in supporting its conflict resolution capability, including providing technical assistance.

(2) Funds may be used for expenses of sending individuals with expertise in conflict resolution to work with the Organization of African Unity.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, not less than $1,500,000 for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

SEC. 4. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS IN AFRICA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capabilities of subregional organizations established by countries in sub-Saharan Africa, as follows:

(1) Funds may be provided to such organizations for use in supporting their conflict resolution capability, including providing technical assistance.

(2) Funds may be used for the expenses of sending individuals with expertise in conflict resolution to work with such organizations.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be used to carry out subsection (a).

SEC. 5. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF NON-GOVERNMENTAL ORGANIZATIONS.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

SEC. 6. AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.

(A) AUTHORIZATION OF ASSISTANCE.—In order to facilitate reductions in the size of

the armed forces of countries of sub-Saharan Africa, the President is authorized to—

(1) provide assistance for the encampment and related activities for the purpose of demobilization of such forces; and

(2) provide assistance for the reintegration of demobilized military personnel into civilian society through activities such as retraining for civilian occupations, creation of income-generating opportunities, their reintegration into agricultural activities, and the transportation to the home areas of such personnel.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, $25,000,000 for each of the fiscal years 1995 and 1996 should be used for the assistance described in subsection (a), if conditions permit.

(c) CIVILIAN INVOLVEMENT.—The President is also authorized to promote civilian involvement in the planning and organization of demobilization and reintegration activities.

SEC. 7. TRAINING FOR AFRICANS IN CONFLICT RESOLUTION AND PEACEKEEPING.

(a) AUTHORIZATION.—The President is authorized to establish a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa.

(b) FUNDING.—Of the funds made available under chapter 5 of part II of the Foreign Assistance Act of 1961, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used for the purposes of subsection (a).

SEC. 8. PLAN FOR UNITED STATES SUPPORT FOR CONFLICT RESOLUTION AND DEMOBILIZATION IN SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Pursuant to the provisions of sections 3 through 7, the President should develop an integrated long-term plan, which incorporates local perspectives, to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa.

(b) CONTENTS OF PLAN.—Such plan should include:

(1) The type, purpose, amount, and duration of assistance that is planned to be provided to conflict resolution units in sub-Saharan Africa.

(2) The type and amount of assistance that is planned to be provided for the demobilization of military personnel of countries of sub-Saharan Africa, including—

(A) a list of which countries will receive such assistance and an explanation of why such countries were chosen for such assistance; and

(B) a list of other countries and international organizations that are providing assistance for such demobilization.

(3) The type and amount of assistance that is planned to be provided to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(4) A description of proposed training programs for Africans in conflict resolution and peacekeeping under section 7, including a list of prospective participants and plans to expand such programs.

(5) The mechanisms to be used to coordinate interagency efforts to administer the plan.

(6) Efforts to seek the participation of other countries and international organizations to achieve the objectives of the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing a description of the plan developed under this section.

SEC. 9. REPORTING REQUIREMENT.

(a) REQUIREMENT.—The President shall submit to the appropriate congressional committees a report describing the efforts and progress made in carrying out the provisions of this Act.

(b) DATE OF SUBMISSION.—The first report submitted under subsection (a) shall be submitted no latter than 180 days after the date of the enactment of this Act, and shall be submitted annually thereafter.

SEC. 10. CONSULTATION REQUIREMENT.

The President shall consult with the appropriate congressional committees prior to providing assistance under sections 3 through 7.

SEC. 11. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

For purposes of this Act, the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

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

GENERAL LEAVE

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2475, the Senate bill just passed.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you that pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Municipal Court of the State of California, in and for the City and County of San Francisco, in connection with a criminal case involving constituent casework.

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

Sincerely,

SAM FARR,
Member of Congress.

LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 416.

□ 2136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 416), 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, with Mr. MAZZOLI in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the order of the House of today, the first reading of the joint resolution is dispensed with.

The text of House Joint Resolution 416 is as follows:

H.J. RES. 416

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Limited Authorization for the United States-led Force in Haiti Resolution".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) On September 18, 1994, the special delegation to Haiti succeeded in convincing the de facto authorities in Haiti to sign the Port-au-Prince Agreement under which such authorities agreed to leave power.

(2) On September 18, 1994, after the Port-au-Prince Agreement was reached, the President ordered the deployment of United States Armed Forces in and around Haiti.

(3) On September 21, 1994, the President submitted a report, consistent with the War Powers Resolution (50 U.S.C. 1541 et seq.), on the introduction of United States Armed Forces into Haiti.

(4) The Congress fully supports the men and women of the United States Armed Forces who are carrying out their mission in Haiti with professional excellence and dedicated patriotism.

(b) STATEMENT OF POLICY.—The Congress declares the following:

(1) The United States-led force in Haiti should use all necessary means to protect United States citizens, to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti, and to facilitate the provision of humanitarian assistance to the people of Haiti.

(2) Transfer of operations in Haiti from the United States-led force in Haiti to the United Nations-led force in Haiti should be facilitated and expedited to the fullest extent possible.

(3) United States Armed Forces should be withdrawn from Haiti as soon as possible.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—Subject to subsection (b), United States Armed Forces are authorized to participate in the United States-led force in Haiti only—

(1) to protect United States citizens;

(2) to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti; and

(3) to facilitate the provision of humanitarian assistance to the people of Haiti.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORIZATION.—The authorization provided by subsection (a) shall expire on March 1, 1995.

(2) PROHIBITON ON FOREIGN COMMAND.—United States Armed Forces described in subsection (a) shall remain under the command and control of officers of the United States Armed Forces at all times.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the Congress reports on—

(1) the participation of United States Armed Forces in the United States-led force in Haiti and the United Nations-led force in Haiti, including—

(A) the number of members of the United States Armed Forces that are participating in such United States-led force and such United Nations-led force;

(B) the functions of such Armed Forces; and

(C) the costs of deployment of such Armed Forces; and

(2) the efforts to withdraw United States Armed Forces from Haiti, including—

(A) for the purpose of achieving a transition from the United States-led force in Haiti to the United Nations-led force in Haiti, the status of efforts to implement the Port-au-Prince Agreement and to otherwise carry out the terms of Untied Nations Security Council Resolutions 917 (May 6, 1994) and 940 (July 31, 1994);

(B) the status of plans to accomplish such transition to the United Nations-led force in Haiti; and

(C) the status of plans to withdraw United States Armed Forces from Haiti.

(b) REPORTING DATES.—A report under this section shall be submitted—

(1) not later than November 30, 1994, covering the period since September 18, 1994;

(2) not later than December 31, 1994, covering the period since the report described in paragraph (1); and

(3) not later than February 1, 1995, covering the period since the report described in paragraph (2).

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this section do not supersede the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 5. REASSEMBLY OF CONGRESS.

It is the sense of the Congress that the Speaker of the House of Representatives and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House of Representatives and the minority leader of the Senate, respectively, should monitor closely events in Haiti in considering whether to exercise any authority that may be granted to reassemble the Congress after the adjournment of the Congress sine die, if the public interest shall warrant it.

SEC. 6. JOINT RESOLUTION PROHIBITING CONTINUED USE OF UNITED STATES ARMED FORCES IN HAITI.

(a) IN GENERAL.—If a joint resolution described in subsection (b) is enacted, the President shall remove United States Armed Forces from Haiti in accordance with such joint resolution.

(b) DESCRIPTION OF JOINT RESOLUTION.—For purposes of subsection (a), a joint resolution described in this subsection is a joint resolution the matter after the resolving clause of which is as follows: "Pursuant to section 6 of the Limited Authorization for the United States-led Force in Haiti Resolution, the Congress hereby directs the President to remove United States Armed Forces from Haiti not later than 30 days after the date of the enactment of this joint resolution, except for a limited number of members of the United States Armed Forces sufficient to protect United States diplomatic facilities and personnel.".

(c) PRIORITY PROCEDURES.—

(1) INTRODUCTION OF JOINT RESOLUTION.—Paragraph (2) shall only apply to a joint resolution described in subsection (b) and introduced on or after the date on which the President submits, or is required to submit, the report required by section 4(b)(3).

(2) CONSIDERATION OF JOINT RESOLUTION.—Only one joint resolution described in subsection (b) and introduced in accordance with paragraph (1) shall be considered in accordance with the procedures described in section 7 of the War Powers Resolution (50 U.S.C. 1546), except that, for purposes of such consideration, the term "calendar days" in such section shall be deemed to mean "legislative days".

SEC. 7. DEFINITIONS.

For purposes of this joint resolution, the following definitions apply:

(1) LEGISLATIVE DAYS.—The term "legislative days" means days in which the House of Representatives is in session.

(2) PORT-AU-PRINCE AGREEMENT.—The term "Port-au-Prince Agreement" means the agreement reached between the United States special delegation and the de facto authorities in Haiti on September 18, 1994.

(3) UNITED NATIONS-LED FORCE IN HAITI.—The term "United Nations-led force in Haiti" means the United Nations Mission in Haiti (commonly referred to as "UNMIH") authorized by United Nations Security Council Resolutions 867 (September 23, 1993), 905 (March 23, 1994), 933 (June 30, 1994), and 940 (July 31, 1994).

(4) UNITED STATES-LED FORCE IN HAITI.—The term "United States-led force in Haiti" means the multinational force (commonly referred to as "MNF" authorized by United Nations Security Council Resolution 940 (July 31, 1994).

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] will be recognized for 2 hours, and the gentleman from New York [Mr. GILMAN] will be recognized for 2 hours.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Chairman, the House tonight begins debate on one of the most serious foreign policy questions we have faced this year: United States intervention in Haiti.

It is vitally important that we have this debate, and that we act. Twenty-thousand United States troops are in Haiti tonight. The House has not yet voted on this question. Tomorrow Members will have an opportunity to vote.

Tomorrow, Members will have a chance to vote on House Joint Resolution 416, which was reported out by the Committee on Foreign Affairs. Tonight, I would like to spend a few minutes describing this resolution.

House Joint Resolution 416 is a straightforward piece of legislation. It does three things. It authorizes the United States military operation in Haiti until March 1, 1995. Second, it sets out the limited purposes of that operation. Third, for those who oppose the United States presence in Haiti beyond March 1, it guarantees a vote on a resolution directing the President to withdraw the troops.

I believe the House should act on this resolution because the United States has important interests in Haiti. I have consistently believed that force should be used in Haiti only as a last resort, after all diplomatic and political approaches had been exhausted. Now that the intervention has taken place, however, we want it to succeed.

U.S. STAKES IN HAITI

What are United States interests in Haiti today? First, a stable environment in Haiti will reduce the flow of refugees to the United States and elsewhere in the region, and secure our borders. Second, ousting the de facto military leaders and restoring Haiti's duly elected leaders protects democracy in the hemisphere. Third, the U.S. has a strong humanitarian interest in ending human rights abuses and alleviating suffering in Haiti.

Fourth, the United States has an interest in proving that we mean what we say. Two Presidents endorsed the objective of returning the legitimate government to power in Haiti. The intervention authorized by this resolution meets these objectives and promotes these interests.

CONGRESS SHOULD AUTHORIZE

Three weeks ago, just before the President sent United States troops to Haiti, Members said the President should not commit troops without an authorization.

In voting on this resolution, Members have an opportunity to exercise their constitutional responsibility. Congress should share responsibility any time U.S. troops are deployed abroad for possible combat purposes. Congress should be on the record. If Congress is to play a role in these very difficult decisions, Members must be willing to step up to the plate. We do that by voting on the question of authorization, not simply by expressing our views through a sense of Congress resolution.

The fact that we are authorizing after the operation has begun makes no difference. The House faces a clear choice: Do United States troops in Haiti continue to operate solely on the President's authority, or do they also have the support and authorization of Congress? I believe we ought to authorize.

MARCH 1 DEADLINE

Some of my colleagues believe that U.S. troops should come home immediately. Others say they ought to be

home by the end of the year. I believe that is too soon. The President has committed the United States to an important mission: to bring stability to Haiti so that the Haitians can try to restore peace and civil order. We ought to give the Haitians some time to accomplish this. I believe March 1 is an acceptable deadline for this authorization.

Other says that March 1 is too soon, or that it is wrong to set any kind of deadline. I think most of my colleagues would oppose an open-ended authorization. They do not want the United States to get bogged down in Haiti. They want to see some limit to our presence there.

In short, the deadline in this resolution makes sense.

First, it should provide enough time. The Pentagon has said that the job of the United States-led mission can and should be completed within 6 months. This resolution provides the time our military has said they need to get the job done.

Second, the March 1 deadline provides some pressure to make sure the job gets done in that time frame. It is intended to provide incentive to avoid mission creep or any plans to keep the United States-led force in Haiti indefinitely.

Third, this resolution does not tie the President's hands. The authorization provided by the joint resolution expires March 1. The Congress can vote to extend that authorization, or take any other action at that time.

LIMITED MISSION IN HAITI

This resolution does make clear, however, that we are authorizing the deployment in Haiti for limited purposes: To protect United States citizens; to stabilize the security situation so that progress can be made in transferring the functions of government to the democratically elected government in Haiti; and to facilitate the provision of humanitarian assistance.

House Joint Resolution 416 does not authorize nation-building. It does not authorize U.S. troops to rebuild democracy. United States Armed Forces should not be running Haiti, or rebuilding it. That is the responsibility of Haitians themselves, with help and support from the international community.

EXPEDITED PROCEDURE

Finally, this resolution guarantees that Members of Congress will have the opportunity to vote again, after March 1, 1995, if they do not approve of the President's plans for a U.S. role in the United Nations-led force.

I know some of my colleagues wish the President had never committed troops to Haiti. But the troops are there and it is unwise to pull them out immediately. Passage of this resolution will guarantee a chance to vote on this issue again after Congress reconvenes early in 1995.

Specifically, this resolution provides expedited procedures for consideration of a joint resolution that would direct the President to withdraw all United States troops from Haiti, after March 1, 1995.

CONCLUSION

I urge my colleagues to support this resolution. It sets a responsible middle course for our policy in Haiti.

It supports United States troops in Haiti, while clearly defining the limited role they will play; it gives U.S. troops a reasonable period to accomplish their mission, while not tying the President's hands; and it puts Congress on record in support of the President's policy, while retaining our prerogatives to pass judgment on the continued wisdom of this operation at a later date.

□ 2140

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

Mr. GILMAN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, as we meet today, 25,000 United States troops are bearing the burden of an extremely difficult mission in Haiti, performing the mission in an outstanding manner with the excellence we have come to expect of them.

We often speak abstractly of "the use of force" or "American military might." But, we all know that those vague expressions boil down to our young men and women at the bottom of the chain of command, turning down blind alleys in Haiti, trying to police and restore order in a place that has never known it.

In the course of this debate, I ask my colleagues to search their consciences as to whether, on this day, we will concern ourselves with the security of those young men and women in our military who defend our interest each and every day.

Let us ask ourselves whether we will defend the constitutional prerogatives of this Congress. And, let us also consider, after all is said and done, whether we will just go along with a fateful decision to put U.S. lives on the line in a mission that most of us believe to be ambiguous and ill-conceived.

All of us support the ideals of constitutional democracy and the respect for human rights in Haiti. And I strongly support President Aristide's early return. He has become a powerful symbol to Haitians who hope that, at long last, representative democracy might be respected and the promise of economic stability and social justice might be kept.

However, along with many of my colleagues, I have not been convinced that the use of American military force was necessary to achieve those worthy objectives.

Mr. Chairman, the President should have come to the House before deploying troops in Haiti. Instead, he rushed to launch an invasion even while his own negotiators were in the clutches of potentially hostile elements.

Mr. Chairman, I oppose the proposal by the gentleman from New Jersey [Mr. TORRICELLI] House Joint Resolution 416, because it retroactively provides congressional authorization for the unilateral decision by the President to deploy United States Armed Forces in the occupation of Haiti. Moreover, like the policy that it blesses, this resolution ignores the will of the American people. Congress should move instead to call for the immediate, safe, and orderly withdrawal of United States troops from Haiti.

I cannot, as House Joint Resolution 416 would have it, sign onto any foolhardy strategy that neglects the bitter lessons of the fruitless United States occupation of Haiti from 1915 to 1934 or our recent costly experience in Somalia.

Let there be no doubt: By approving House Joint Resolution 416 we would be authorizing a mission and I quote from the Torricelli resolution, "to stabilize the security situation in Haiti" in the course of the transition back to a democratic government.

This language accepts President Clinton's definition of the United States mission in Haiti, despite the fact that ambiguous objectives, improvised rules of engagement, and ever-expanding tasks assumed by the United States military have rendered this definition virtually meaningless.

This vague authorization could lead our troops down a blind alley with unintended consequences.

Moreover, the President has made it absolutely clear that, in his view, he does not need congressional authorization to continue the occupation of Haiti.

The only real effect of the Torricelli resolution, therefore, is to authorize the mission through March 1, after which the President can be expected to proceed with his plan to deploy 2,000 to 3,000 United States troops in Haiti through February 1996 under a U.N. peackeeping force. The March 1 date in this resolution, in sum, also is meaningless.

Also, under this resolution, Congress would not have an opportunity even to reconsider the long-term deployment of United States forces in Haiti until early April 1995.

If Congress were to move as quickly as possible, as provided for under this resolution, to disapprove the deployment of United States forces, those troops might still be in Haiti—with the implicit blessing of Congress—more than 7 months from now.

Moreover, this resolution does not ensure that United States forces in Haiti will remain under the operational command and control of United States military officers at all times, because

it carefully exempts the planned U.N. peackeeping phase from its prohibition on foreign command.

Our colleague from California, Mr. ROYCE, has authored a worthy amendment to address that glaring defect.

Mr. Chairman, we have developed a substitute to the Torricelli resolution on Haiti with the following key provisions that better reflect the will of the House: It expresses the sense of the Congress that the President should not have ordered the occupation of Haiti. It says that the President should immediately commence the safe and orderly withdrawal of United States forces from Haiti and should conclude that withdrawal as soon as possible in a manner consistent with the safety of those forces.

It expresses the same of the Congress that the President should take diplomatic steps to set up a U.N. peackeeping operation in Haiti composed of military personnel from other countries.

In the event that the President has failed to respect the will of Congress by withdrawing the forces, this substitute also provides for House and Senate votes no later than January 21, 1995, on a resolution requiring the withdrawal of U.S. forces within 30 days.

This substitute also prohibits foreign command or operational control of United States forces in Haiti at all times. It also requires Presidential reports on the costs of all Haiti expenditures, on human rights, and on plans for withdrawing United States forces.

Mr. Chairman, President Clinton made a unilateral decision on Haiti. Now, we are each called upon to decide for ourselves whether the President's policy is worthy of our support. Of all the ambiguity about our mission in Haiti, there is one immutable fact before us today: A vote for Mr. Torricelli's resolution, House Joint Resolution 416, is a vote for the President's policy to put American lives on the line in Haiti.

My colleagues, I believe we can better respond to the will of the American people by supporting the substitute to the Torricelli resolution that I will offer during the course of this debate.

□ 2150

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

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I have always believed, and I have said this many, many times, as a member of the House Committee on Foreign Affairs, that foreign policy ought to be bipartisan, and I do not believe we ought to use serious events in foreign policy to bash the President. I believe when the President is right, he is our President, and ought to be supported.

During the Persian Gulf war, I broke with my party and supported President Bush, because I felt that he was right, and let me just say I think we need to give credit where credit is due. President Clinton sent envoys to Port-au-Prince. They negotiated a settlement. As a result, our troops occupied Haiti without having to shoot their way through and, indeed, we have seen during the course of events that the Haitian people have welcomed our troops and that the President really has done a good job here.

Now, I wish that the President had come to Congress prior to sending the troops to Haiti, because I think that Congress does have ultimate authority in making these decisions. But the fact of the matter is that right now we are faced with the fact that we do have troops in Haiti who are performing a mission and who, so far, have performed it very admirably, and the mission has been successful.

I think it is very, very important that Congress now authorizies that mission, and that is what H.J. Res. 416 is doing. I think that it is very important to have this resolution. We can debate the merits of it. We can debate whether or not the March 1 deadline is something that ought to be there, and quite frankly, I have some doubts about that, because I think that we have gone into Haiti to do a job, and we ought to do the job, we want to get out as soon as possible, but I think that we need to stay until the job is done.

I believe that we do have vital interests in Haiti. Ask anybody in south Florida, ask anybody who has looked at our immigration policies that have fallen apart. We understand that when Haitian boat people come to this country trying to get into this country to flee tyranny and oppression in their country that certainly we do have a vital interest in who comes to our shore.

This is not something that is on the other side of the world. This is very close to us in our own Western Hemisphere, and what goes on in Haiti certainly affects us here in the United States.

Let me say to my colleagues that I think in some quarters of this Congress there is a dangerous attitude of isolationism, and while it might be very nice to say we have pressing problems at home, and we should take care of those problems first, and I do agree, I think as a superpower, we certainly have an interest in what goes on in the rest of the world, particularly when it is in our hemisphere right here at home.

I do not think we should cut and run or pass resolutions that say we made a mistake or the President made a mistake. I do not think the thing here is to score political brownie points. The thing here is to say we have our troops in Haiti who are doing a job, who have done it admirably; we support them; we want to continue the mission and then get out. That is what H.J. Res. 416 provides, continue the mission and get out, authorize the U.S. operation in Haiti, sets the limited presence in Haiti, provides for a resolution, if we need to stay beyond March 1. I think that what this Congress ought to do now is responsibly, in a bipartisan approach, support our forces in Haiti and say that we have a job to do, and when that job is completed we ought to get out.

I think that is in the best tradition of bipartisan foreign policy that Congress has done through the years, and I think that is what we ought to do now.

Let me again say the President should have come to Congress first, but let us also give credit where credit is due. The operation has been a success. It is continuing to be a success. This Congress needs to support our troops in Haiti.

I will certainly support H.J. Res. 416, and will look at any amendments, and I commend the gentleman from New Jersey, my friend, for putting forth this resolution.

Mr. GILMAN. Mr. Chairman, I yield 9 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, let me address some of the comments of the former speaker, and I am sure that the gentleman is sincere in his statements.

But I would like to take a look at what has happened in the past. I remember when George Bush wanted us to support Desert Storm, and the majority of the Members on the other side of the aisle turned their backs on our men and women in uniform in Desert Storm. It was not until after that mission was successful that we were forced to come back here and vote so that Democrats could have a cover vote on Desert Storm. Those are the facts.

When they talk about bipartisanship, let us make sure that we talk bipartisanship. Because when it fits the other shoe, that is not the case under this body.

Let me take a look at what has happened. The President had months to prepare. He scaled down two aircraft carriers, loaded helicopters, loaded Army, brought all the equipment on, went to the United Nations for approval, went to the U.N. How about the U.S.? How about this body?

□ 2200

How about this body? The gentleman stated he should have come to Congress. If the President even felt he was right in being able to invade Haiti, why did he bypass this body and yet go outside of it? So when you say we cannot say that the President made a mistake, let me tell you why the President made a mistake. Did you know that by not coming to Congress, our men and women do not fall under the Geneva

Convention? Just that little fact. If we had had anybody taken prisoner, just like in Vietnam, because it was not an act of Congress, they would not be covered; they would be called jailbirds, not prisoners of war.

I remember we wanted to look at domestic policies, Members on that side of the aisle every day look at the billions of dollars we spent in the extension of Somalia, and we got 22 Rangers killed and 77 wounded because we had an administration that would not give them the armament.

Now put yourself in those situations, put yourself in the situation of a father given the Medal of Honor by the President of one of those Rangers. When you talk about mistakes, when Dante Caputo, an emissary who wrote the memo on the 23d of May, saying that the President was doing this to boost his polls, on the 23d of May, gentlemen, he spelled out the whole thing. We want to bring Mr. Caputo back here and under oath have him testify about Strobe Talbott and the mission in Haiti.

So, yes, we do need to take a look at what happened.

What about the multinational force the President said was out there? Do you know that until day 5 we did not have a single multinational force? Where was that multinational force when our men and women were taking the risk going into Haiti? They were nowhere to be found.

Do you know how many there are today? Ten. Ten of them in a safe haven in Haiti.

We are out there taking the risk.

You say what about the Haitians, what about the boat people who are coming across? How about the Caribbean Nations we have been so good to and have taken care of? It would be less expensive until we can force a peaceful resolution in Haiti.

You say not to say the President made a mistake. I disagree.

I take a look at the commitment and the things we are trying to do in this Congress, and it is wrong. I do not like our troops under U.N. Control. President Bush in Desert Storm had our troops under Colin Powell, Schwarzkopf, and we had control of them, not the U.N., not the Boutros/Boutros-by-golly.

But we had control of our troops.

I will fight and do everything I can to take that control away.

So, yes, I think the President did make mistakes. I think we need to point it out so we do not make these same mistakes in the future.

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

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

Mr. ENGEL. I thank the gentleman for yielding.

Mr. Chairman, I want to remind the gentleman and point out the fact that I believe 87 Democratic Members did vote for the Persian Gulf support.

Mr. CUNNINGHAM. The gentleman is exactly right.

Mr. ENGEL. And I was one of those 87 Members.

I also remind my friend that I do not think any of the Republican Presidents came to Congress for the invasion of Grenada, for the invasion of Panama, or for the bombing of Libya.

Mr. CUNNINGHAM. Let me deal with the question. We were in a different time in the history of this world and of this Nation. In Grenada, you remember the Soviet Union was still the Soviet Union and Cuba was still a definite threat to the United States. You remember the Cubans in Grenada were building hardened runways for bombers that could reach the United States. To me that is a national security threat. And the Cubans themselves.

Then you look at Panama, there is a little thing called the Panama Canal, which was a national security threat. At the same time some Members of this body supported the Sandinistas, which we were afraid that the same individual in Panama was supporting, and at the same time the Panama Canal was a threat and a tie to the drug cartel. So I do not think you can draw any parallel.

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

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. Chairman, I want to identify myself with the gentleman's comments about the American forces remaining under American control. We have that right and responsibility to our Armed Forces.

Those of us who drafted the resolution felt so strongly about that point that we inserted the following: "U.S. Armed Forces described in section A shall remain in the command and control of the officers of the United States Armed Forces at all times."

I therefore suggest to the gentleman one way to make sure these forces are kept under U.S. control is to vote for the resolution.

Mr. CUNNINGHAM. I thank the gentleman.

Is this true during the peacekeeping forces? Second, who is going to pay for it? Who is paying for the guns, the buyback, who is paying the Haitian soldiers, how much is the United States going to pay in this peacekeeping force? All of these questions, when we take a look at and, in my opinion, we are in a place where we do not belong in the first place.

Haiti could sit there for the next two decades and not be a threat to the United States.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield further?

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. Chairman, the question of command under the peacekeeping forces of course is not addressed in our resolution or, in my understanding, in the gentleman's. Indeed if the gentleman, at a future time, wants to have a resolution dealing with that, I think many of us would be sympathetic. We have dealt only with U.S. forces in the occupation.

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

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

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, in our resolution, the substitute resolution we address that issue and we demand that our U.N. peacekeeping forces, the U.S. part of that would be under U.S. command.

Mr. CUNNINGHAM. Let me just tell the gentleman sincerely, we look at Somalia and Bosnia and Haiti, and I look at the Navy. We have had to send back 35 ships for repair. We have had three air wings stand down because they do not have fuel or parts to fly. Top Gun, the famed Top Gun, did not fly all this month because it did not have fuel to fly against this one class.

This is what we are doing, we are cutting training, cutting readiness, taking money out of the budget to support things like this. When the President says he wants a well-trained force highly equipped, and you push out and beyond the year 2010 a new airplane, the inventory is going down. My problem is we have as many operations today as we had in Vietnam and in Desert Storm, but we are killing our troops.

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. Chairman, this is a nonpartisan debate. I want to emphasize that. It can be very useful in throwing light on the circumstances surrounding the liberation of Haiti. The debate can make an immeasurable contribution to the making of foreign policy for this hemisphere in the future. It is not partisan, because there are Democrats who disagree with the actions being taken in Haiti as well as Republicans.

We would like the American people to listen very seriously to the principles involved here, to the comparison of this particular action in Haiti with other actions that have been taken in this hemisphere; Grenada, Panama. It is very important because if we want to decide suddenly it is wrong to do it this way, it was wrong to do it that way in Grenada, Panama and maybe we will set some standards for the future that all Presidents will follow.

In setting those standards, I think we should consider very seriously the following: This is not an invasion of

Haiti. This is a liberation of the people of Haiti. It is not even an intervention because the head of state of Haiti, the democratically-elected President of Haiti, has been here in Washington for the last 2 to 3 years. We took back and are taking back the government that was elected by the people of Haiti, the democratically-elected government.

That is not an invasion. That does not compare to Grenada. Grenada is a little island with 100,000 people at that time. We moved in there overnight with something like 17,000 troops, for an island of 100,000 people.

You know, there was no discussion, there were no negotiations with the leaders of Grenada. Whether you like them or not, at least there should have been some kind of negotiations. There was no consultation with the United Nations. That is totally different from what happened in the case of Haiti. For 3 years, for 3 years negotiations have gone on, deliberations with respect to Haiti. The use of force was undertaken only after all other efforts had failed.

It was only as a last resort.

This is a liberation not an invasion, not an intervention. This is military assistance for a democratic ally in this hemisphere.

When we liberated Paris, we did not call that an invasion, when we liberated France, we did not call that an invasion. They were being held captive, an allied occupied nation. The greatest, riskiest undertaking was the landing at Normandy and that was undertaken to liberate a continent, to liberate Europe.

□ 2210

As my colleagues know, we did that because it was necessary to save democracy in Europe, because it had a bearing on our own Nation, a liberation of an occupied allied nation. This is a hostage rescue operation. We had hostages. Seven million people in Haiti were being held hostage by an armed forces of 7,000, but that armed forces had all the guns, they had all the armor, they had all the equipment. That armed forces had been trained.

Listen. It was trained by the United States of America. Most of the officers were trained at Fort Benning, GA. The Haitian army is a creation of the United States of America. General Powell said in a debriefing at the White House after the negotiations that on the walls of the military compound in Haiti there are the pictures of all the commanders of the Haitian armed forces, and the first two people on that wall are American Marines, white American Marines who commanded the first armies of Haiti. They established the army.

We cannot say that Haiti does not matter to us. We created the armed forces. We have dominated Haiti commercially, politically, militarily, since Haiti came into existence. That has been the history.

As we have always been concerned about any nations in this hemisphere, suddenly we cannot become unconcerned. We have to be concerned about Haiti also because of the large number of refugees that have come from Haiti in an attempt to get into this country. We cannot turn our back on refugees. We are party to international conventions. We have a long history of accepting refugees.

We have done things to the Haitians that were never done to anybody else, especially laws that have been erected in order to keep the Haitians out, in order to stop our country from behaving in a most inhumane way, in a totalitarian way. It was necessary to resolve the conflict in Haiti and allow a situation to exist in Haiti where the people of Haiti would want to stay at home and those who were outside would go back home, as they will now. They will go back home. This is not an invasion, and I say, You can look at your television sets and see that it's not an invasion. We're not an occupying army. We are a liberating army. The people have welcomed this liberating army. They are jubilant that they can again breathe free as human beings who are not under the domination of a set of military criminals. There wasn't an invasion, not a declaration of war.

The action in Haiti must not be compared to Korea, or Vietnam, or world War II. It must be compared to Grenada, to Panama, Nicaragua. We have a tremendous amount of military assistance we gave to the Contras in Nicaragua.

Actions taken by the United States in this Western Hemisphere is what we are talking about. Let us decide how we are going to behave. Are we going to go it alone in this hemisphere and not be concerned about all the other nations, and to what extent shall we be concerned? If criminals took over Puerto Rico tomorrow, and Puerto Rico is a part of the United States, but if criminals took over any island close to the United States tomorrow, are we just going to turn our backs and say the criminals can have the island? If they are using the island for the transshipment of drugs, are we going to turn our back and say that they can continue to transship drugs into this country? The great rationale for the invasion of Panama was the transshipment of drugs into our big cities going through Panama. We have not even talked about the extent to which they have gone through Haiti and the criminals who control Haiti, how they enrich themselves through the drug transshipment industry.

President Clinton has acted with the noblest of motivations. There was no political gain from going into a situation to liberate a people who can do nothing for him politically, to liberate a people when the polls showed that they were not in favor of it, to liberate a people when most of the Members of Congress were against it. There was no political motivation here. It was the noblest of motivation, the kind of motivation that Abraham Lincoln had when he set the slaves free. He had nothing to gain politically. he was criticized around it. Everybody else opposed it. When Abraham Lincoln acted to set the slaves free, it was the right thing to do.

A great nation like the United States should use its power, use its prestige, to help the least of the nations among us, and Haiti is the least, represents the least, of the nations among us. We have done the right thing in saving Haiti from a group of military thugs who are holding the people of Haiti hostage in order to set a good example for what we do in the future. It ought to be an example which will guide foreign policy in the future. We have more to fear from criminals now than we have to fear from Communists or any other people or ideologists. Criminals are a major force throughout the world. They are selling nuclear weapons into all kinds of activities, and who knows when they will next take over a nation somewhere near us and we will have to act.

So, let us proceed with a debate with the understanding that this is a new world order, we have an armed forces that is already there. What do they do in their spare time? You know, are the forces utilized here doing something they would not be doing on a training exercise? This is like a huge training exercise. Not a single soldier has been killed yet, not a serious casualty yet.

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

The CHAIRMAN (Mr. MAZZOLI). The time of the gentleman from New York [Mr. OWENS] has expired.

Mr. GILMAN. Mr. Chairman, I yield an additional minute to the gentleman from New York [Mr. OWENS] to allow the gentleman from California [Mr. CUNNINGHAM] to address him.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I would say to my good friend that I would agree with him that, if Haiti were developing nuclear weapons, if there were a real threat, or some power went in there, I think the President would be fully within his rights. But the logic that the gentleman uses on drugs, on immigration and refugees, if that was the logic, Mr. Speaker, we would have invaded Mexico a long time ago just from California.

We spoke to Colin Powell, and he said, and I quote, "I have great, I have great, reservations about what we did in Haiti," and I take a look at why we need to go into different nations. There are a hundred different places we can go into, and my only point is; it is that

they were not the same initiatives as far as national security in either of Grenada or in Panama and that Haiti could sit there for the next two decades and not be a threat to the United States.

Mr. OWENS. Panama was a drug problem.

Mr. CUNNINGHAM. It was a drug problem; I agree. But we also had a Panama Canal, and Panama was much more of a drug problem than ever in Haiti.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, what do the Washington Post, the New York Times, and 73 percent of the American people have in common? All of them agreed that we should not have invaded Haiti.

Even the liberal press that normally blesses any Clinton undertaking has agreed that Mr. Clinton should have sought congressional approval before invading Haiti.

Now, weeks after the fact, we are just getting around to debating this miserable policy. Congress should not be consulted as an after-thought when American troops are being put in harm's way.

While there are times when it is appropriate for a President to act first and seek the blessing of Congress later, this was not one of those cases.

There were no American lives in danger as there was in Grenada, where stealth was important to rescue American students.

There was no drug smuggling dictator who was violating United States law, as there was in Panama.

Haiti had not invaded a neighboring country which was in danger of being wiped off the map if the United States did not intervene immediately.

In short, there was no reason for the United States to commit troops to an invasion without Congress first expressing its will and the will of the American people.

In this Kentuckian's opinion, we had no reason for waging war on that tiny country.

Congress should speak loudly and clearly that we do not approve of Mr. Clinton's misguided attempt to meddle in the internal affairs of Haiti.

We should not give our retroactive support for an ill-conceived occupation of a country where we simply have no national interest.

Let us get our troops out as quickly and safely as possible.

□ 2220

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

Mr. TORRICELLI. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, amidst the gamesmanship that is being played by some leaders to gain political advantage out of our mission in Haiti, I want to state unequivocally that I support what our men and women in the Armed Forces are seeking to achieve just 700 miles from our border.

First and foremost, I support the principles behind this mission. Just as important as it is to return democracy to Haiti, it is vital to stop the brutality of the military regime that overturned the will of 70 percent of the Haitian people. The rule of the military leaders was a reign of terror, torture, and a climate of fear was used as a means of suppression.

It is within the interests of the United States to halt this pain in a nation so close to our borders. Every day that Cedras, Francois, and Biamby ruled the streets of Haiti was another day of embarrassment to our Nation, which is now the sole remaining world leader.

It is important that we halt the tyranny which was leading to an unacceptable influx of immigrants at a time when immigration is one of the most compelling issues confronting us.

It is also in our national interests to depose the unelected leaders of Haiti, who most believe are part of the Caribbean-South American drug trafficking axis. We believe that we do have a vital strategic interest in removing the military government that deposed President Aristide.

We believe that the end of our mission will occur as soon as is possible, but we must finish the job. It would be wrong to set an arbitrary deadline for withdrawing the troops in this mission, and it would be a dangerous precedent for future efforts.

If this legislation would be passed to set a date certain, we can just hear the whispers of the democracy foes in Haiti. "Let's just wait until March 1st. Wait it out until March 1st, and then we will be free to go back in to continue our rape, our murder, our slaughter."

We must not place handcuffs on our troops when they are out to perform a perilous mission.

Lieutenant General Shelton and all of our troops in Haiti deserve incredible credit for an overwhelmingly successful mission thus far. Thousands have landed without a single combat death, thank God. And as Anthony Lewis noted in the New York Times on Friday, the Haiti mission lacks the confusion of the Grenada effort and the excessive force of the Panama effort. Instead of the political rhetoric and whining, we should all be making speeches expressing pride in this mission.

In addition to being a model of military effectiveness, it is achieving clear milestones on the way to a goal, which is the restoration of democracy in that country. The Parliament has begun to meet and fairly consider the amnesty resolution, which is part of the Clinton-Carter agreement. The mayor of Port-au-Prince, an Aristide ally, has returned to his office. People in Haiti are feeling the shackles of repression removed and are taking part in peaceful demonstrations throughout that country. Democracy Is returning to Haiti.

In the same vein, we believe that order is the order of the day in Haiti, and we are distressed by the spin that news reports are putting on the state of civil affairs there. There is no chaos, and there are no riots. Rather, we are proud of the effectiveness of our troops in preserving the peace in understandably difficult conditions.

It is not antiseptic or perfect, but our troops are performing superbly. The attacks on the mission are unfair to them, and they should stop. The cynical commentary feeds American unease and distrust in this effort. Rather, they should be feeling a swell of pride that we are able to use our power to achieve this honorable purpose.

It is proper to return President Aristide to his office in Port-au-Prince. The propaganda campaign, unfortunately aided and abetted by our Central Intelligence Agency, has been effective, but has been mean-spirited and filled with lies. None of the stories are consistent with the facts or our familiarity with a man who many of us have gotten to know. He is a man of peace, of purpose, of quiet effectiveness. While we know he will not be a stooge, we believe he will be a friend to our Nation, and, importantly, will not be a coconspirator in drug trafficking, which is killing a whole generation of America's young people.

Moreover, he has been chosen by 70 percent of the Haitian people in a fair election, where participation surpassed that of even our most recent American elections.

We hope that our troops continue, with God's help, to make this a successful effort. Let us not tie their hands. Let us restore democracy to Haiti. Let us not set any date certain. Let us give our troops the time to do the job.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 14 minutes to the gentleman from California [Mr. COX].

Mr. COX. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we will shortly be debating the Torricelli-Hamilton resolution, which will authorize President Clinton's occupation of Haiti through March, 1995. It is critically important for Congress and the American people to understand why our troops were sent into harm's way, and on this point the Torricelli-Hamilton resolution is quite explicit.

According to the resolution, our forces are to be used to protect United States citizens, to facilitate the provision of humanitarian assistance, and,

here is the ringer, to stabilize the security situation in Haiti.

The last purpose, of course, is the critical one, since our citizens in Haiti have never yet been in danger and there has never been any suggestion that 28,000 troops and two aircraft carriers are necessary to facilitate humanitarian assistance.

The American people need to know that the security situation in Haiti has never in two centuries been stabilized. They need to know that our soldiers' mission will not be to install a democratic government, but only to install Jean-Bertrand Aristide. That is a very different matter.

By voting for the Torricelli-Hamilton resolution, this body would be voting to authorize the use of United States forces for 6 months, to install and then prop up a murderous, bitterly anti-American, leftist demagogue, and we will be authorizing the kind of ill-fated nation building that President Clinton was forced to abandon just a year ago until Somalia.

The American public and the Congress deserve a closer acquaintance with Father Aristide, as President Clinton calls him. Father Aristide was suspended from the priesthood in 1988 for, and I quote, "incitement to hatred and violence." Father Aristide has reviled Pope John Paul II from the pulpit as nothing more than "the CEO of a multinational corporation whose job was to ensure company profits." And Aristide has not stopped at mere words. In 1991, Aristide's mobs destroyed the old cathedral of Port-au-Prince, the archbishop's house, and the Vatican Embassy, and tried to lynch the archbishop and the Vatican nuncio.

□ 2230

Archbishop Leanza, the Vatican envoy, was saved when one of his neighbors pretended to have orders from Aristide to spare him. The neighbor had, in fact, been pretending. Father Aristide never sent any reprieve.

Aristide's penchant for violence has been directed far beyond his own church. On the wall of his office in Haiti, Aristide had a painting of himself smiling down on a mob carrying tires, gasoline, and matches.

I have here a reproduction of that painting. Here is Father Aristide. Here are the flames. Here is the tires. Here is the gasoline, the matches, and the mob surrounding the capital.

This painting hung in Aristide's office when he was President. The grisly necklaces that his followers used to murder their opponents are referred to in slang as Pere Lebrun, Pere Lebrun being a noted tire dealer in Haiti, sort of the Michelin man of Haiti. This photograph of the painting shows that the painting itself that hung on Aristide's wall contained the following inscription: "If our power is threatened, little Aristide, if you have a problem, command us to march and solve it with necklacing."

This is the humanitarian democrat, Aristide, our troops are sending back to Haiti with his very interesting taste in art.

Mr. Speaker, this is what we would be voting to authorize. There is more.

In September 1991, Aristide told a crowd of supporters that they should give his opponents "what they deserve," the necklace. Let me quote exactly what he said of it, Mr. Speaker. This is what he said about necklacing.

> What a beautiful tool. What a beautiful instrument. What a beautiful device. It is pretty. It looks sharp. It is fashionable. It smells good. And wherever you go, you want to smell it.

A few days after delivering that speech, a mob of Aristide's supporters attacked Sylvio Claude, a Baptist minister, two-time Presidential candidate in Haiti and the head of the opposition Christian Democratic Party. Sylvio Claude had been jailed and tortured under the Duvalier dictatorship. He sought refuge in a police station but he was thrown to the mob which beat him to death and burned and mutilated his corpse.

Also, 3 months earlier, Father Aristide told another mob that, and I quote:

> The people have their little matches in their hand. They have their little gasoline not far away. Does the constitution tell the people they have the right to forget necklacing? No, you will learn to write necklacing. You will learn to think necklacing. You will learn to use it when you must.

Contrary to President Clinton's contentions, Aristide is a committed opponent of democracy and repeatedly subverted his own constitution during his tenure in power. As a priest, father Aristide's slogan was, "revolution, not elections."

Once installed in power, he repeatedly attacked the national legislature, which was as freely elected as he was. He packed the supreme court and refused to submit the names of his justices to the Parliament, as the constitution required. When the chamber of deputies sought to investigate Aristide's Prime Minister for gross corruption in August 1991, Aristide's mobs surrounded the Parliament with tires and gasoline in hand, dragging out and beating legislators and torching union offices and opposition headquarters.

In September, during a third attempt to question the Prime Minister, Aristide himself appeared in the Parliament with a vase of flowers to remind legislators that if they tried to question his fellow thug, the flowers would decorate their graves. The legislature was completely stymied. They adjourned, which touched off the constitutional crisis that led to Aristide's overthrow.

I would like to ask my colleagues how they would feel, if President Clinton, to pass this resolution to put pressure on Congress to pass the Torricelli-Hamilton legislation, called a mob of thousands of people armed with Molotov cocktails into in the streets of Washington to surround this capital; if armed thugs entered this building and dragged some of our colleagues from both parties away for a beating before then heading off to burn the AFL-CIO, the Chamber of Commerce, the RNC and the National Cathedral; if President Clinton named five so-called justices the Supreme Court and refused to allow the Senate to vote on them; what if he drove the Nation's religious leaders not just out of Washington but out of the country; and, according to substantially documented accounts, in the Haiti context, ordered the murder of one of his democratic rivals for the Presidential nomination. I would ask if my colleagues would regard this as the action of a sincere Democrat, however large his electoral majority in 1990; or if they think that the landslides enjoyed by Presidents Reagan or Bush in 1980, 1984, and 1988, gave them the right to subvert and brutally coerce the other two branches of our Government. It would appear that this is exactly what we are saying about the so-called democratic President of Haiti.

Mr. Speaker, the Congress should also know that the lives of United States soldiers are being put at risk to restore a man who has made his career denouncing the United States.

In 1986, in a speech to a huge mob, Aristide asked the crowd, and I quote:

> Who is Satan, we or the Americans? The Americans. Who is the most Satanic, the Americans or the American government? The American government, down with Satan. Down with imperialism.

In 1987, in an open letter to our embassy in Port-au-Prince, Aristide denounced the Reagan administration's efforts to promote democratization in Haiti, which had resulted in the flight of Baby Davulier Doc the previous year. He said, Aristide said, ironically enough, "The U.S. government has no right to stick its nose into Haitian elections."

More recent Aristide remarks and actions have been little better. For the 3 days after our troops went in, Aristide refused to express even a word of thanks to the soldiers who will apparently be protecting him. And to this day he has refused to sign a status of forces agreement for our forces in Haiti. This is a vital document that records the rights of troops in that country in an apparently successful effort to blackmail the administration into more extensive commitments to disarm his opponents and serve as bodyguards for his cronies.

Finally, Congress should know that Aristide hates economic freedom, too. He wrote a whole book entitled Capitalism Is a Mortal Sin. He has repeatedly excoriated capitalism, free enterprise in his writings and his speeches.

He modestly noted in his 1992 autobiography:

I did not invent class struggle anymore than Karl Marx did. But who could avoid encountering class struggle in the streets of Port-au-Prince?

In the same volume he tells us of his admiration for the Castroite terrorist Che Guevara, who embodied, as Aristide says, "the values of beauty, dignity, respect and love."

We are now told that Aristide has grown, that in his 3 years of exile, this man of God has developed a deeper insight into the moral questions raised by burning people alive and destroying churches. It is true that he has already instituted a sweeping reform of his past.

He told me point blank in a meeting just a few days ago in the Capitol, there were no instances of necklacing during his tenure as President of Haiti.

The omens for the future are less promising. Aristide is recruiting a post-invasion security force from refugees at Guantanamo Bay using his former police chief, Lt. Col. Pierre Cherubin. Cherubin stand as accused of participating in drug trafficking and of ordering brutal human rights violations.

The most notorious of these brutal human rights violations was the execution style murder of five teenagers in Port-au-Prince during Aristide's tenure. A Clinton administration official gave the Washington Post classified reports detailing the evidence that Cherubin ordered the torture and killing of Aristide's political opponents in 1991. And Rene Preval, the corrupt thug who served as Aristide's Prime Minister, remains one of Aristide's closest confidants today.

In short, Mr. Speaker, we are being asked to authorize to give our congressional formal approval to using American soldiers to place in power an anti-democratic, anti-capitalist, anti-American, anti-religious demagogue.

I want to make clear that I am in no way apologizing for the military dictatorship that toppled Aristide. They are clearly as bad as he is or worse. To the contrary, my point is that the United States should not play favorites among such unsavory alternatives. We certainly should not attempt to deceive either the people of Haiti or the people of the United States about the nature of our protege.

□ 2240

Mr. Chairman, we are further told that this will not be another Somalia-style nation-building exercise. That is also not true. By restoring President Aristide; by committing tens of thousands of U.S. troops for half a year; by committing thousands of our personnel for a multi-year presence; and by assembling a huge aid package—the Clinton administration has made solving the problems of this chronically unstable nation, the problem of the United States.

Haiti has never had a democratic government in its long, difficult, and bloody history. Of Haiti's 6.7 million people, 75 percent live in absolute poverty. Per capita income is $280. The unemployment and malnutrition rates are 50 percent. The illiteracy rate is 64 percent. Infant mortality is 10 percent; life expectancy is 54 years. President Clinton's embargo, which he imposed after the collapse of the Governor's Island Accord in October 1993, has worsened this situation, has further impoverished the poorest country in the hemisphere. It has destroyed over 100,000 jobs, and produced rampant malnutrition. It has worsened infant mortality.

Virtually the only infrastructure that now exists in Haiti was created during the last American military occupation of Haiti. That temporary affair lasted almost 20 years. Clinton administration officials have said that a massive United States aid program is now required for Haiti. Enforcing the economic embargo and dealing with the resultant refugees has already cost the United States taxpayer over $200 million. The Defense Department estimates that its military operation will cost half a billion dollars more, just over the next 7 months. Having wrecked the already impoverished Haitian economy through sanctions, the Clinton administration is now preparing a huge economic reconstruction plan to pay off Haiti's overdue foreign debts, and rebuild Haiti's crumbling infrastructure. The State Department won't put a price tag on the total package, but states that it goes "well beyond" an earlier 5-year, $1 billion international plan. President Aristide, the man who wrote about the "deadly economic infection called capitalism," is said to be on board. And as for his conversion to "elections, not revolution," only time will tell. But the lives of our troops are, in a very real sense, on the line.

The Clinton administration has said that our troops will be replaced within months by a U.N. peacekeeping force, but they have not pointed out that fully half that U.N. force, some 3,000 troops, will be Americans.

The stated military purpose of the Clinton Haiti policy is to protect the civilian government and maintain civil order. These are goals that no Haitian Government has accomplished successfully in almost two centuries. Why, Mr. Speaker, would we want to buy this trouble? It is almost exactly 1 year after the debacle in Somalia. Why can't this administration learn?

President Clinton has given yet another reason for intervention: to stem the flood of Haitian immigration. But his own embargo has been the prime engine for immigration from Haiti. President Clinton's embargo has destroyed nine-tenths of Haiti's industrial jobs. It has created rampant malnutrition in an already impoverished country. And the surges in boat people are directly correlated to his own flip-flops on immigration policy. After the 1992 election, Haitian immigration surged because Haitians believe candidate Clinton's campaign promises about granting temporary asylum. Haitian immigration declined dramatically after Bill Clinton broke his promise. Haitian immigration has consistently ebbed and flowed with this administration's vacillating refugee policy. A clear policy, and an end to the embargo, would address this issue. We don't need an American occupation of Haiti to fix that.

Finally, Mr. Speaker, we are told that a United States occupation of Haiti is necessary to restore American credibility. Of all the arguments advanced by President Clinton for this mission, Mr. Speaker, this is the most galling. America—the United States of America—has no credibility problem except President Clinton. We won the cold war, broke the Soviet Union, and freed Eastern Europe. We defeated one of the largest, most lavishly equipped armies in the world, almost without loss of American lives. We are the only superpower in the world today. Our credibility isn't in question. And let me add, Mr. Speaker, it is too late in the day to say that President Clinton's credibility is in question, either. After backing down in Korea, after backing down in Somalia, after backing down in Bosnia, after backing down in China, and after 2 years and six or seven Haiti policies, I don't know of anyone, anywhere, who does not question President Clinton's credibility. They know the answer to that one, and that answer isn't going to change at this late date because we have finally, after 2 years of bluster and backtracking, run off three Haitian colonels. Plunging thousands of our troops neck-deep in this snakepit isn't going to convince Kim Jong-Il or Slobodan Milosevic of our credibility. Adopting—at long last—a clear, consistent policy keyed to our own national interest rather than the President's political interest, and focused on the very real threats to that interest that exist in places like Korea—that will provide Mr. Clinton with some badly needed credibility.

In closing, Mr. Speaker, I want to join all my colleagues on both sides of the aisle in expressing my relief that our troops are not facing immediate danger today. But make no mistake, the lives of our troops, and American credibility, are both being placed at daily risk in a cauldron of violence, for reasons that have nothing to do with our national interest, and everything to do with President Clinton's political viability.

From first to last this President's Haiti policy has reeked of the crassest

political motivations. His defenders now argue that because his Haiti policy is so broadly unpopular around the country, it proves he can't be motivated by politics. I am afraid the answer to that, is that it proves the incompetence of the Clinton foreign policy. The evolution of the Clinton policy is reflected in memoranda sent to U.N. Secretary General Boutros-Ghali by Dante Caputo, his special representative. Caputo wrote, on May 19, based on his discussions with Clinton administration officials, that "Haiti represents a test case for which the United States has to have found a solution before November." On May 23, he wrote further that "the President of the United States' main advisers are of the opinion that [the invasion of Haiti] * * * is politically desirable. * * * The Americans see in this type of action a chance to show, after the strong media criticism of the administration, the President's decision-making capability and firmness of leadership in international political matters." The next day Caputo reported that the Clinton administration "will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something. They are going to try to intervene militarily," and intervene he did, without authorization of this Congress.

Mr. Speaker, the American people are mortally weary of a Haiti policy that, in every step, has been dictated by the necessity of maintaining Bill Clinton's political viability. We owe it to our troops, and to the very real threats to our national interest that do exist in the world, to end this nation-building adventure as swiftly as possible.

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think it is important for the House to stop for a moment and understand what we are engaged in here. In that context, I want to express my appreciation to the committee and to the gentleman from New Jersey [Mr. TORRICELLI] for their efforts in fashioning House Joint Resolution 416.

Mr. Chairman, it is an awkward task for the committee to have performed, at best, given the circumstances that we faced, but it is better to deal with the situation after the fact than not at all with regard to the responsibilities of the legislative branch of Government.

Mr. Chairman, we had an extremely close constitutional call with respect to an invasion of Haiti. As Members are quite well aware, the planes had been launched and then were recalled. I think only by virtue of the success of former President Carter in negotiating an agreement at Port-au-Prince at that very time was the Nation spared a constitutional tragedy.

Mr. Chairman, it is essential now, even in retrospect, for this body to exercise our responsibility constitutionally, or risk letting it wither from disuse. It is for that reason that, again notwithstanding the after-the-fact posture we now find ourselves in, I have offered in committee and to the Committee on Rules explicit language even now putting Congress on record as to the constitutional reality that existed at the time the Port-au-Prince agreement was reached, and that is that absent that agreement, the Constitution of the United States would have required the President to obtain the approval of Congress before ordering our Armed Forces to invade Haiti.

Mr. Chairman, I believe that the Committee on Rules has proposed a rule that we will take up tomorrow incorporating that language into the committee's resolution. I look forward to the adoption of that rule and, therefore, to the affirmation by the Congress of this important constitutional principal.

Mr. Chairman, if we do not now assert that responsibility, I do not believe we can complain later when some President in the future acts in disregard of the important prerogatives of this body.

Mr. Chairman, I had and I still have many questions about the wisdom of this intervention. I believe the President would have been well advised and more to have forged a partnership with Congress before committing this country and its Armed Forces in Haiti. I was as outspoken about that point as I could be, and as I think any Member of this body was before September 18. I feel no less strongly about it tonight.

Mr. Chairman, the fact of the matter is that the President did act without us, and that action has changed the reality with which we must now deal. Now we must do our best in a very awkward set of circumstances, I think, to serve two very fundamental objectives. First, we must assert the profound constitutional responsibility and prerogative of the Congress, the legislative branch of our Government; Second, we must serve the real national interest as it now has to be defined—given the fact of the deployment of troops, given the fact that United States power and prestige are now fully implicated in Haiti, and given the fact that surely we must prefer this mission to succeed, however promptly it needs to be concluded.

Mr. Chairman, I think House Joint Resolution 416 deals effectively and responsibly with an inherently awkward situation in meeting these two objectives. Even now, Mr. Chairman, after an intervention, it is vitally important for us to be mindful of the proper role of Congress under these circumstances.

Mr. Chairman, for us to assert our responsibility here is not to indulge in some vain turf struggle with the executive branch of Government. Rather, I think this debate and the votes that will come tomorrow will serve to honor the profound wisdom of the Founders, who understood that on matters of such importance, the people have to be heard, and that that is to be accomplished through the debate and the vote of their Representatives in Congress.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 7½ minutes to the gentleman from New Jersey [Mr. SMITH], the ranking minority member of the Subcommittee on the Western Hemisphere.

Mr. TORRICELLI. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 11 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in the Committee on Foreign Affairs last week we had an extensive debate on House Joint Resolution 416 which eventually was approved on a party-line vote. The primary issues revolved around the fact that the bill provides a retroactive authorization for the President's decision to launch an invasion and occupation of Haiti, putting the lives of United States military personnel in danger, and the question remains whether or not the date for the so-called withdrawal by March 1 is actually binding.

Assistant Secretary Wendy Sherman testified last week, Mr. Chairman, that the March 1 date is nonbinding and has no legal teeth. I think that should be noted up front by Members. I, as did another member of our committee, had asked that the Assistant Secretary provide this information to us in writing. We are still waiting, and I think that is symptomatic of the kind of responses we have been getting throughout this entire process.

While we are waiting for the letter detailing the administration's position, as to whether or not the March 1 date is binding, we will hold our breath. Certainly her oral testimony put her on the record as saying it is nonbinding.

Mr. Chairman, I know my good friend, the gentleman from New Jersey [Mr. TORRICELLI], has very sincere and well meaning intentions in offering this resolution, but let me say at the outset that my opposition is to the deployment of our forces.

Let me make it very clear that I do not question the capability, the commitment, or the professionalism of our forces in Haiti. As in previous engagements and deployments, our forces are acting with great courage and with great distinction. That should be noted. I do not think there is any doubt

on either side of the aisle that we are very proud of our men and women in uniform.

Mr. Chairman, my concerns, however, are for the health and well-being of our soldiers. Sending our forces into combat—or into any hostile territory—is the most serious decision that anyone can make. On September 18, absent a compelling national interest, our Commander-in-Chief put U.S. forces in danger of death and maiming, without first seeking authorization from those who directly represent them, their families, and their children; that is to say, the Congress.

□ 2250

Mr. Speaker, this is not some petty turf battle. The administration went to great lengths to procure U.N. authorization while utterly by-passing approval from the U.S. Congress. Even now House Joint Resolution 416 and the other amendments that will be offered are disregarded by the administration as superfluous and unnecessary. Members on both sides of the aisle, it seems to me, believe that this debate and a binding resolution justifying or turning down an invasion and occupation should have been held prior to, not after, the fact.

Mr. Speaker, I make no apologies for questioning the wisdom of Mr. Clinton's stewardship of foreign policy in general and policy toward Haiti in particular. One only has to look at the myriad of flip-flops and vacillations to know that this administration has not had a steady hand when it comes to foreign policy—and one might even make that charge domestically—but foreign policy has been constantly changing with the sand shifting from under. Flip-flops have been had in Somalia itself where there was mission creep. Originally the operation was a humanitarian mission which we all supported, but we started going after Mr. Aideed and others, and the whole policy in Somalia changed.

Look at the flip-flop on the People's Republic of China where Mr. Clinton as a candidate accused Mr. Bush of coddling dictators in Beijing.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Would the gentleman comment on the peace initiative in the Middle East that our President is leading right now? Would the gentleman say that is an unsuccessful policy?

Mr. SMITH of New Jersey. I am glad to comment, then I will go back to my comments.

First, I am very happy with what has been happening in the Middle East. I think it also should be noted that there are many, many others involved, including foreign ministers from other nations, and we all support the progress. But, there have been some very notable foreign policy debacles, including Somalia and Bosnia. As ranking member of the Commission on Security and Cooperation in Europe, I have seen that Mr. Clinton has had many policies on Bosnia. Unfortunately, that lack of a steady hand has led to a lack of trust in our policy.

I led a delegation to China in January when it was the administration's position that human rights were inextricably wed to our trading policy and the most-favored-nation status. I was told by Chinese leaders that the administration in Washington would not live up to their threats. I could not believe my ears. Things had actually gotten worse in China, and this administration's bluff was being called. Sure enough, when the record was clear and the decision day came, this administration completely decoupled human rights from most-favored-nation status.

Again, people can have differences as to what is the best means to promote human rights. I happen to believe linkage is important. Mr. Clinton had issued an executive order clearly articulating the linkage of trade and human rights, only to completely trash that executive order when the time for decisions came. He completely decoupled the issues. We must be wary of this because that provides the backdrop for the administration's Haitian policy.

Who can forget Mr. Clinton on May 27, 1992, proclaiming, "I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti before considering their claim to political asylum." He said, "This is another sad example of the administration's callous response to a terrible human tragedy." Then he went on to say that if he were President, he would give them temporary asylum. That would be fine, I guess, if he meant it.

By January 14, 1993, President-elect Clinton had reversed his campaign policy and announced, "The practice of returning those who fled Haiti by boat will continue, for the time being, after I become President. Those who do leave Haiti by boat will be stopped and directly returned by the United States Coast Guard." Hopes were raised, Mr. Chairman, and then hopes were dashed.

In July 1993, the President's policy on Haiti was based on the Governor's Island Accord, and we all had high hopes for that accord.

The lack of foreplanning and resolve, however, displayed by the retreat of the U.S.S. *Harlan County* in early October 1993, only served to embolden General Cedras, the Haitian military thugs, and the paramilitary groups. A tightened fuel embargo was implemented and the Haitian economy gasped. President Aristide initially agreed to pursue a coalition government, at the encouragement of his Prime Minister Robert Malval, but Aristide backed off and Malval resigned by December, as planned.

A new effort to seek a political solution was undertaken between President Aristide and members of Parliament. Former opponents in the Parliament as well as leaders in the business community and labor unions joined the consensus, but these considered initiatives fell victim to domestic politics in the United States.

Mr. Chairman, the noose of sanctions was again tightened. At the insistence of the United States, in May 1994, the United Nations voted for a commercial embargo on Haiti, imposed a worldwide visa ban on supporters of the military regime, and urged a freeze of all assets held by the regime's supporters.

The United States made changes in its refugee processing policy, in accord with hunger-strike politics. The flood of refugees was unrestrained—the television images of thousands—more than 16,000 refugees—led to the President's changing his refugee policy yet again on July 5. Refugees had to demonstrate a "well-founded fear of persecution." Within a day, on July 6, safe haven would be available to refugees who simply said they feared persecution at home. The ever-changing policy sent mixed messages of hope, despair, and irresolute threats. The President failed to maintain any policy he set. In fact, all indicators pointed to the fact that the President had resigned himself to the use of troops to restore the democratically-elected government of Haiti. As our friend in the Senate [Mr. DOLE] reminded us, it was "an invasion in search of a rationale."

In closing, I agree with the gentleman from California [Mr. COX] who raised some very serious questions about President Aristide's past. At a meeting last week with the Committee on Foreign Affairs, I asked Mr. Aristide if he had ever embraced violence in general, or necklacing in particular. He said he had not, but the record clearly shows otherwise. I saw actual footage of his speech on Front Line, and I do not think they were playing games with the translation. President Aristide spoke about the smell and the graceful and dazzling sight of the heinous practice of necklacing.

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

Mr. SMITH of New Jersey. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. First it is important I think for Members to understand that while we would have welcomed it, indeed the administration is not supporting this resolution at the moment. This is a resolution that is brought from our committee. Indeed, with the unanimous vote of Democrats on the committee and some Republicans on the committee.

I would also like the gentleman to note that in section 6 of our resolution,

there is an expedited procedure for the House to be able to vote after February 1 on the removal of United States forces from Haiti. We would have that available to us as we would in your own resolution.

I say that because the gentleman correctly notes that unfortunately, and in my judgment arrogantly, Assistant Secretary Wendy Sherman did note the administration might not comply with our request. However, we have put this in, in that instance.

I further want to note that while she testified to that extent, I believe it would be extraordinary and I would find it highly unlikely that after a vote of this Congress in that regard, the President would not comply with our wishes.

Mr. SMITH of New Jersey. Mr. Chairman, reclaiming my time, so the record is very correct on this, the vote was unanimous on the Republican side against the resolution. Not one Republican voted in favor of it.

Mr. TORRICELLI. I stand corrected. I though there were 2 who voted the other way.

Mr. SMITH of New Jersey. And, I agree with the sense as conveyed to us by Assistant Secretary Wendy Sherman that the deadline might have political force, but the March 1 deadline would not have a legally binding force. I think many people are under the mistaken view that somehow March 1 is etched in stone and the troops are out as per this resolution and that needs to be clarified.

Mr. TORRICELLI. If the gentleman would yield further, the gentleman is correct in his account of Wendy Sherman's testimony, but again I want to say that I cannot believe that indeed she was speaking for the President, that if this vote were held, that the President would not comply. But furthermore again after February 1 a member can come to this floor under expedited procedure to force a withdrawal under our resolution.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. I would like to ask the gentleman if I may, if he has ever read the speech, or the translation of the speech to which he refers for the necklacing allegedly stated by President Aristide.

Mr. SMITH of New Jersey. I have the speech. More importantly, I have seen the translation. I do not speak Mr. Aristide's language, but the translation I saw I believe is accurate. Let me say again, I first saw the actual visual depiction aired by Front Line.

Mr. FOGLIETTA. In reading the speech, does the word "necklacing" appear anywhere in that speech?

Mr. SMITH of New Jersey. The actual word does not, but everyone considers it to be that.

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

□ 2300

Mr. OWENS. The gentleman, along with other speakers, has indicated that President Aristide's regime was a murderous regime or his followers were murderers. There is no documentation of this anywhere in the observations of the United States, in the observations of the OAS or in the observations of Amnesty International. All three groups, Amnesty International, the OAS observers, the U.N. observers, all agree that the criminal regime which overthrew President Aristide is responsible for at least 3,000 killings, at least 3,000 killings during the time that they have been in power.

What body does the gentleman cite that can document murders committed by the followers of President Aristide? What credible body can the gentleman cite as documentation?

Mr. SMITH of New Jersey. Let me say first of all that no one countenances what the Haitian military thugs have done. Everyone I think is agreed, and the President was right in depicting those individuals for the kind of atrocities they have committed.

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. The State Department's Country Reports on Human Rights Practices cites instances, and I will put this entire quote in the RECORD. The charge has been repeated that he incites mob violence. The speech at the palace is only one example where people are drawn by his speeches, and encouraged by his comments to do those kinds of things.

Mr. OWENS. The charge the gentleman makes, the charge other people have made, and we have heard it many times, there is no documentation of any people being killed by Aristide followers on the magnitude of those being killed by the people that overthrew him. You know we cite him as a murderous regime. Cedras's regime is the murderous regime.

Mr. SMITH of New Jersey. Let me read:

> President Aristide, however, appeared less concerned about prosecuting members of the military accused of human rights abuses if they were supporters or appointees of his Government. The police on July 26 tortured and murdered five young men who were in police custody, following an investigation, the Army recommended to President Aristide that a lieutenant and the enlisted men under his command at the time be brought to trial for the killings. The President attempted publicly to exonerate the officer, believed to be a militant Aristide supporter. President Aristide also failed to condemn categorically all recourse to popular justice through mob violence. The Aristide Government made no effort to identify and bring to justice those responsible for the wholesale killing, looting, and burning that occurred after the failed Lafontant coup in January. The only response to three official requests to the Aristide Government for information on the status of the investigation into the death of an American citizen, Richard Andre Emmanuel, who was killed by mob violence in late February, was that the investigation "was still in progress."

This is credible evidence from our own State Department.

Mr. OWENS. The police over there threw out Aristide.

Mr. SMITH of New Jersey. Let us not forget my friend, that General Cedras was put into his position by President Aristide.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, this administration's policy to return President Aristide to power is a right one. This is one of the few times that the United States has proposed the use of troops not for the purpose of installing a puppet regime, not for the purpose of installing a dictatorship, but for the purpose of reinstating a government fairly-elected by the people. We have been decisive and tireless in our efforts to ensure that democracy prevails in this hemisphere and elsewhere.

The administration should be commended for its dogged commitment to sustain peace, protect human rights, and end the atrocities in Haiti. The fruitful negotiations with the Haitian military leaders demonstrate our resolve to return Haiti to the path of democracy.

It is pivotal that Haiti emerge from the turmoil that has ensued since the forced departure of President Aristide 34 months ago. Our President's diplomacy has achieved this—thus ending the illegal control of Haiti from military dictators.

There always has been a link between Haiti's history and ours. The successful accords reached at the 11th hour on September 18 brought us from the brink of an invasion to the brink of peace and the orderly transfer of power. The 15th of October, when the military leaders step down, will be a hallmark day in the history of both Haiti and the United States. Most of all, however, October 15 will be a hallmark day for democracy and those who believe and live by its principles.

Peacekeeping and peacemaking always are the preferred solution to any conflict. The United States should never sit back and allow democracy to be hijacked.

Because of President Clinton, the transfer of power and the restoration of democracy in Haiti has begun.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentlewoman from Maine [Ms. SNOWE] a

member of the Committee on Foreign Affairs and the distinguished ranking member of the Subcommittee on International Operations.

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this resolution because while our troops are in Haiti, America's interests are not. I oppose this resolution because it does give retroactive congressional approval to a mission we should not be leading and gives approval to the use of American troops in a nation we should not be occupying, and it gives approval to a mission whose objectives the administration is not defining.

What we should be debating today, in fact, we should have been debating weeks ago, is a resolution seeking Congress' and the American people's approval of the use of American troops in Haiti. It is important to point out the President is prepared to invade Haiti without the authorization of Congress or the approval of the American people. We know he would never have gotten such authorization at the time because he never clearly defined the goals or the national security interests that were at stake.

Perhaps what is more shocking, Mr. Chairman, is that the President decided to seek the opinion and the permission not of the American people and their elected representatives but rather the permission of the unelected bureaucrats at the United Nations. Somewhere this administration missed the boat on setting priorities with respect to consultation. In fact, this marks the first time a President sought permission from the United Nations for intervention in our hemisphere.

We are being asked to endorse a mission in which the administration has violated its very own criteria for the use of American military forces, criteria outlined last year by Secretary Christopher himself. He said the goal of the operation has to be clearly stated to the American people. He said the likelihood of success has to be very important, and that an exit strategy has to be clearly articulated, and lastly, the action has to have the sustained support of the American people.

When in fact we know that none of these objectives and criteria have been met, and while this resolution seeks to endorse the President's mission in Haiti, the reality is that the objectives of this mission are as vague today as the moment when our troops landed in Haiti. And as the rules for engagement of our troops are continually being improvised, their task and responsibilities are being expanded daily. But more importantly, when we commit men and women to risky situations we must clearly define and articulate our mission.

Have we so soon forgotten the horrible lessons of Somalia? I for one have not, because there were two brave men from my district who were killed in that exercise in the back alleys of Mogadishu.

We would hope that we would understand what our missions and responsibilities are in Haiti, unlike Somalia. We should not forget what happened in Somalia when we know that the mission changed. In fact, the President said he did not realize the mission had changed from a humanitarian mission to one of capturing Aideed. And then of course our troops were uninformed with respect to that, that it was a humanitarian mission and then it was a mission to capture Aideed. Then of course it changed back to more of a diplomatic solution, except that information did not reach our rangers, and we know what happened.

As Larry Joyce, father of one of the men who was killed in that ambush said, Haiti is Somalia with a Caribbean address. He said that, in fact, when we do not have clearly defined objectives, an end goal, it can end badly.

How can we let ourselves be trapped in the same situation in Haiti all over again? With each passing day when we see the ambiguity and the vagueness of the responsibilities and that they are changing with each passing day, the similarities become unfortunately much more evident. I think that it is important that we defeat this resolution and accept the substitute that will be offered tomorrow.

I think that we ought to be clear when we vote against this resolution what it is not. It is not a vote against the admirable goal of someday achieving a democratic Haiti. It is not a vote against using military force where it is necessary and when it is necessary. It is most certainly not a vote of no confidence in the ability of our American forces to get the job done quickly and well. But this is a vote to ensure that our men and women in uniform are never ever put at risk in a region where our vital national security interests are not at stake, and perhaps more critically, when our President has failed to define what our national security interests are and what is at stake for this country.

□ 2310

Mr. TORRICELLI. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, let me say that I, too, am wanting to commend our President, President Clinton, for taking a bold stand to say that the Bill of Rights and the Constitution, the Statue of Liberty, those things this Nation was founded on, once again, are alive and well in this country.

I am just amazed at the speeches that I hear about we should never ever do things when our national security is not at risk. I do not understand what we mean by our national security. I think that anytime this great country has a goal that our national security is at stake, because the manner in which we live up to our word has a lot to do with the way we are perceived in the future; I have seen us talk to North Korean dictators where we are willing to send hundreds of thousands of troops, and perhaps so, because we feel that democracy must be preserved. We have seen us for 45 years fight the evil empire of the Soviet Union, spending billions and billions of dollars in that defense. As a matter of fact, in the 10-year period we spent $3.5 trillion to defend Western Europe against the Soviet threat, and we all are proud that we won the cold war.

Now here in our hemisphere we have a challenge to democracy. We have a country where we have been tied to ever since our revolution. As you know, the Battalion of Colored fought in the Battle of Savannah. Many Haitians died for our independence in the Revolutionary War. As a matter of fact, several of those men went back, and in 1804 Haiti became an independent nation. They fought for our independence. That was a long time ago, and you say, "Well, so be it."

There were many people who have been involved in the whole question of our growth and development. As a matter of fact, because the Haitian military defeated Napoleon's army, France was broke. They had the Louisiana Territory, and in fact, had to sell Louisiana Territory to the United States of America, therefore relieving the United States of the threat of France on its western borders.

There are so many incidents that we can cite as relates to Haiti's intervention and its history of being involved with our history.

In World War II, the President of the United States, President Roosevelt, asked, "How could this small country be of assistance to the United States?" Roosevelt replied that "The United States has suffered a loss of rubber supplies through the Japanese invasion of Southeast Asia," and suggested Haiti convert its agricultural economy to the production of rubber trees. Agreeing to the challenge, the mahogany trees and other plants indigenous to the island were cut down to make way for the Firestone plantations. New plants to produce latex were planted. None of this was successful, leading to soil erosion, leaving Haiti, the most densely populated country in the world in relationship to acres of arable land; yes, once again, our Marines in 1915 went into Haiti, but for the wrong reasons, to protect the interests of the United States sugar and fruit growers. We left in 1934.

But we have seen when people say why should we have any kind of intervention in Haiti, why do we have any involvement there, there are many reasons why we should.

When we talk about how mean and evil Aristide was, the number of people who left Haiti during his reign by boat was less than 300. In 1993 alone, 42,576 Haitians were picked up by the Coast Guard. Close to 80,000 Haitians have left that country since that time, and so what I am saying is that we have an interest. I think that we have a national interest.

I am very pleased that Lt. Col. Michel Francois has decided to leave. I hope Lt. Gen. Raoul Cedras, who Aristide put into that office at the insistence of our Ambassador, who said, "Let us expand your government," and he was not Aristide's choice, but in order to comply and to have this institution of the military involved in the new government, he agreed to do that. Brig. Gen. Philippe Biambi ought to also leave.

I was very pleased to hear Emanuel Constant, the Front for Advancement and Progress of Haiti, the FRAPH group, said we no longer should have violence in our country, and I think that this would be a victory for the United States and our policy to keep this Nation and this world free.

A world without laws is a world of chaos.

Our interests, our national interests, are at stake when we have a world where there are no laws.

And so once again, I congratulate President Clinton for stating the case, for doing the right thing, and I am very pleased that things are working out well, and I would hope that my colleagues would listen to what General Shelton has said, "Please, do not tie our hands. Please, do not tell us how to run our military operation. Please, let us complete the job like we know it should be done."

Let us not let politics and reelections put our men and women in harm's way, and so once again, I commend the President.

Mr. GILMAN. Mr. Speaker, I yield 12½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, we are about to adjourn the 103d Congress here in a couple of days, hours, and I find myself finally listening to a debate on an area of the world where American men, and now women, are in harm's way.

This is not under a bill that we are discussing this tonight, merely a unanimous-consent, like one big giant multihour special order. But that is great.

Tomorrow we will have a rule, a bill, and continued debate, and I hope that the average audience of the 1,200,000 Americans who are serious enough about their government, civic affairs, and world affairs who track the proceedings of this House, Mr. Chairman, are staying with us, particularly on the east coast where it is already 11:18 at night, and that they will follow the debate tomorrow, because this is important.

One of the worst killers in this hemisphere is the former chief of police, Michel Francois, who left his native land in disgrace, along with some thugs in a four-wheel vehicle. But he did not leave the island of Hispaniola. He merely crossed the border into the other two-thirds of the island, that is, the Dominican Republic. He is close. His evil presence is close, and now we find that maybe we are hoping General Biambi and General Cedras will follow him. Follow him where? To the Riviera, where somebody leaked our plan to give these people several million dollars, as we flew Jean-Claude Duvalier, "Baby Doc," out of that country in a big Air Force airplane to the Riviera where he lived off the stolen money of the dirt-poor people of Haiti for years, where his wife went on $50,000-a-day shopping sprees, outdoing even Imelda Marcos, has now left "Baby Doc" because he has run out of money in the French Riviera?

That plan was blown up. Somebody leaked it, a secret operation to try to save American lives and get a new start and get these people out of the country.

Now, if Cedras and Biambi do leave, they will undoubtedly just cross the border into Santo Domingo, and their evil presence will be hovering around.

Here is the problem we have: This self-excommunicated former priest, and I am a stumbling practicing Catholic. I know by the laws and rites of Melchizedek, once a priest, a priest forever, even if you are on death row, even if you are in prison for molesting altar boys where you should have been horsewhipped publicly, you are still a priest in prison.

□ 2320

But no powers of the priesthood, no saying mass, no hearing confessions, no burying the dead.

When Pat Buchanan calls him Father Aristide, he is wrong. When Rush Limbaugh calls him Father Aristide, he is wrong. And when Bill Clinton calls him Father Aristide, he is wrong. He is not a practicing Catholic priest.

As CHRIS COX said earlier, he was thrown out of the Selesians of Don Bosca with prejudice. I repeat what CHRIS said is accurate. I called Rome. I got the word. It is accurate.

For inciting mobs to violence and killing.

Yes, there are human rights groups that attribute the death of a former presidential candidate, pastor, Baptist minister Silvio Claude. They could not find any tires, so they did not get to necklace him. So they merely beat him to death, lynched his corpse, and then burned him. They did have gasoline available. I saw human rights groups ladies spokesmen from Haiti say the other night on the evening news, "Oh, yes, we attribute that human rights death directly to Jean-Bertrand Aristide."

Now let us get this speech. This will be a first on the House floor or the Senate floor. I did go to the Library of Congress, and I tried to get the speech, TOM, in Creole. Well, it was not in French, it was in Creole. And I did get from the Foreign Broadcast Information Service—and they are going to get me the exact Creole—the full translation. It is a long, fulsome speech. The buildup to the very clever references to the necklacing without using the word necklacing are blatantly apparent. I will give them to you. Any reasonable person—I do not think you have seen this.

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

Mr. DORNAN. Yes, I yield.

Mr. FOGLIETTA. I thank the gentleman.

Mr. Chairman, would the gentleman also refer to the part of that speech where he starts to talk about the Constitution and then tries to draw an analogy between the Constitution and the air that is breathed?

Mr. DORNAN. I will be fair. I will not rebuff the pleas of the gentleman in whose district resides the Liberty Bell, of course not.

This address was about 3:30 in the afternoon. They give it as Greenwich mean time. It was all FEBIS statements put into this document available to all Members of the House and Senate. It was 3:30 in the afternoon. He had just returned from the United Nations. In New York, September 27, 1991. He had been in office since February 7. He said—there are some excerpts missing here, some words that are indistinct, but it is pretty carefully translated.

It starts out saying that the middle class must acknowledge, they must say, "I made this money, my money, through malpractice, and from now on watching the national pride dancing like a flag, I will cooperate by using the money," word indistinct, bracket, unbracket, "to create work opportunities and to invest in economic activities so more people can get jobs. If you," referring again to the middle class, "do not do so, I feel sorry for you, I really do." Laughter from the crowd. "It will not be my fault because this money you have is not really yours. You acquired it through criminal activity. You made it by plundering and embezzling, you got it through negative choices you made. You got it under repressive regime. "You acquired it under a corrupt system. You made this money through means that you know was—were wrong."

Today, 7 months after February 7, in a day ending in 7—September 27—I give you one last chance. I ask you to take this chance because you will not have 2 or 3 more chances, only 1. Otherwise it would not be good for you." Applause from the audience.

Now he goes on to talk about God's justice is slow. Did all of the middle class make their money through ill practices? His word is the French Creole, bourgeoisie. And the crowd shouts "no." But they are in the minority. Keep in mind that—you have been to Haiti and I have been to Haiti twice down there; I wandered through the poverty areas. I had a nun in City Soleil recognize my Montagnard bracelet from the central highlands of Vietnam. "Where were you?" This came from Khartoum. "Oh, we build hospital in Khartoum. North Vietnamese took me prisoner after the Americans left, very brutal, marched me down to Hanoi, 9 months I was a prisoner. Walked me all around there, showed me the contamination, the babies, the short lifespan." That poor City Soleil, the translation for us in Sun City. Not like Sun City in California or anywhere else in this hemisphere. City Soleil is the poorest place in the world.

But I got to walk, a little moped, and went through all the richer neighborhoods. All those people up in the hills. That tiny little upper class, the bourgeoisie middle class are listening on radio and watching them on television. I have seen the color clips of these. So he says, "Okay, some of you are honest, but not much. We are going to work with you." He calls the other false patriots. The French word is patripoch, patripoch, false patriots. Then he comes to this. However, if I catch a thief, a robber, a plunderer, or an embezzler, if I catch a fake lavalas, his political groups, and he changes his thought and he switches from "I" to "you." If you catch someone who does not deserve to be where he is, do not fail to give him what he deserves. The first time he uses that expression. Crowd cheers. Do not fail to give him what he deserves. He is talking about necklacing, my colleagues, there is no doubt about it. The crowd cheers. Do not fail to give him what he deserves.

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

Mr. DORNAN. Yes.

Mr. FOGLIETTA. I thank the gentleman.

The gentleman talks about necklacing. Where does he get that from?

Mr. DORNAN. Well, if the gentleman will watch, he builds up to it, he uses code words in Creole, he uses a code word going back all the way to Toussaint L'Ouverture and where there had been amnesty before and where they killed 200 men that surrendered their arms in past Haitian history, the early 19th century. So when he says I will give them the amnesty, talking about expatriates that were all slaughtered, everybody knows what he means. So now comes the fourth time. This is—I am going to use rough words here—this is Mussolini-style. I have never heard a Member in this Chamber or the other or in my whole political life ever repeat himself more than once. You will see it in this well, I may have done it where you say this Member is not going to do that, that Member is not going to do that, I repeat.

But now he continues, a fourth time, do not fail to give him what he deserves. Fifth time, do not fail to give him what he deserves. All this time whipping up the crowd. This is why he is defrocked as a priest.

Then he says your tool is in your hands. Here comes the necklacing. Your instrument is in your hands, your constitution is in your hands. Do not fail to give him what he deserves. Louder cheers from the crowd. That device is in your hands. Your trowel is in your hands. The bugle is in your hands. The constitution is in your hands. Do not fail to give him what he deserves, sixth time.

I thought we had hours left. Does anybody know the name of the staff sergeant from the Green Berets back in Fort Bragg who was shot in the stomach? Anybody know that? I did not think so. I did not see a single hand go up there. His name is Don Holsted. Don Holsted took a bullet in his guts. And the triple draft dodger literally dodged that bullet because if Don Holsted was up at Dover tonight instead of arriving at Fort Bragg tonight at 5:00, married, two kids, I would have been on their floor burning his name into your brain. This self-excommunicated Catholic priest was not worth the death of a 25-year-old staff sergeant named Don Holsted. Every night I literally like a school boy get down on my knees and say "God help Bill Clinton. Do not let one American die in this policy. Give us a miracle." I believe it is a miracle because I got activated for the Santo Domingo crisis as a seaplane pilot. I went down there in 1965. We lost over 50—I will have the exact figure—men fighting in the streets when we went there on April 28. Do you know how long we were in Santo Domingo on April 28 of '65, a month after LBJ put the Marines on the beach at Danang on the other side of the world? Seventeen months, over 50 deaths. We left with somewhat of a civil situation there, but Santo Domingo has had a much higher standard of living. Let me finish this speech. Now he is talking about Macoutes here. Tonton Macoute thug killers. He says article 291 of the Constitution, our Constitution, which is symbolized—here is where he gets a little bizarre—which is symbolized by the center of my head. He has a little pattern baldness, like a tonsure. It symbolizes by the center of my head where there is no more hair, provides that Macoutes are excluded from the political game.

□ 2330

Macoutes are excluded from the political game. Macoutes are excluded from the political game. This guy loves repetition. Macoutes are excluded from the political games.

See the Mussolini style there?

Do not fail to give them what they deserve, seven times. Do not fail to give them what they deserve, eight times. You spent three sleepless nights in front of the national penitentiary. If one escapes, do not fail to give him what he deserves, No. 9. You all watch him all Macoutes activity throughout the country, we are watching and praying, we are watching and praying. If we catch one, do not fail to give him what he deserves. There is No. 10.

And then he goes into the direct description of smelling burning flesh.

I say to the gentleman, "TOM, this ain't no Catholic priest that you and I ever encountered in our lives."

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

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

Mr. FOGLIETTA. Does the fact that I am standing here with the gentleman from New York [Mr. OWENS], the gentleman from New Jersey [Mr. PAYNE], the gentleman from New Jersey [Mr. TORRICELLI], and myself, the gentleman from Pennsylvania [Mr. FOGLIETTA], have anything to do with your combining the black priest with Mussolini?

Mr. DORNAN. I do not even look at it as black. Since I marched with Martin Luther King, I am colorblind. How does the gentleman like that?

I do not look at this as black.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN. Mr. Chairman, I will pick that up tomorrow. I say to the gentleman that in my heart and brain he is looking at a colorblind Congressman. I never think of it that way.

Cedras is black.

[From the Heritage Foundation, Sept. 16, 1994]

ARISTIDE IN HIS OWN WORDS

(By Lawrence T. Di Rita, Deputy Director of Foreign Policy and Defense Studies)

President Clinton intends to invade Haiti to "restore democracy" in a country which has known no democracy in nearly 200 years of independence. Clinton Administration officials believe that Haitian democracy today is embodied in the person of Father Jean-Bertrand Aristide. While it is true that he was elected in 1990 as Haiti's president, Aristide's controversial career, which led to his ouster in 1991, raises serious questions about whether the United States should be betting the lives of Americans and its international credibility on him.

A Roman Catholic priest, Aristide was dismissed from the Church's Salesian Order in 1988 for "incitement to hatred and violence * * * and profanation of the liturgy."[1] Aristide turned to politics in the fall of 1990. He was elected in December of that year. Although elected democratically, Aristide governed quite un-democratically. He established a reputation, in the words of New York Times correspondent Howard French,

as "an insular and menacing leader who saw his own raw popularity as a substitute for the give and take of politics." The litany of anti-democratic actions he took to place in power members of his Lavalas movement—the loosely organized following he had developed as a parish priest—is long and has been well-documented.[2] He named Supreme Court justices, including the Chief Justice, without seeking the approval of the democratically elected Senate. He also replaced democratically elected mayors in key Haitian cities with Lavalas members. By the time of the coup on September 30, 1991, the New York Times' correspondent in Haiti observed that "Lavalas [was] perceived as both gatekeeper and ideological rudder of the administration, guiding everything from personnel decisions to the Government's increasingly disputatious relations in Parliament."[3]

Americans have a right to know more about the man for whom young Americans may soon have to die. What follows is a collection of statements that Aristide has made over the course of his professional life. They come from sermons, presidential speeches, and his two published autobiographies. As they will show, the true measure of Aristide is written in his own words.

IN HIS OWN WORDS: THE MUSINGS OF JEAN-BERTRAND ARISTIDE

Aristide on Democracy: "Revolution, not elections!"—1990 Campaign Slogan Cited in The Washington Post December 14, 1990, p. A1.[4]

Aristide's Anti-Americanism: "* * * [T]he U.S. Government has no right to stick its nose into Haitian elections * * *."

"* * * [T]he U.S. Government is responsible for the criminal acts of the * * * National Government Council—because the U.S. Government tolerates it, giving it money and weapons * * *."

"* * * [Y]our [the U.S.] government is responsible for this discouragingly miserable, holy mess and the inappropriate, schizophrenic policy from which we have never been able to free ourselves * * *."

"* * * [T]he [U.S.] government is blameworthy because it supports an Army which inspires fear and terror and which murders people both at night and in broad daylight * * *."

"* * * if your government is the cause of our death, the generations which will blossom on our corpses will not tolerate the U.S. imperialists' coming to sunbathe in the Haitian sun in order to corrupt us * * *."—Open Letter to Peter Whaley, Second Secretary, U.S. Embassy, October 17, 1987, Cited in Foreign Broadcast Information Service-LAT-87-203, October 21, 1987, pp. 2-3.[5]

"Now, what are the Americans' aims regarding Haiti? * * * America for Americans; the Caribbean, the Antilles for Americans too. They want to continue the exploitation through the assembly industry * * *."

"A government installed without American help might have the force of the people and could thus possibly resist possible future U.S. pressures. Thus, a government that does not have the people's support must be installed. There you have it. They [Americans] can thus obtain slaves who work in their factories for a mere song. They [Americans] also have Haiti as an example of people who are * * * incapable of leading themselves. One catches a glimpse of a superiority complex in this North American policy * * *."

"They [the Americans] want to hold our guts always in their hands. Thus, we will be economically, politically, and culturally dependent. For our part, we reject this * * *."

"Thus, after Nicaragua, they [the Americans] want to put an end to Cuba's policy. Thus their policy in the mid-term [is to] utterly spoil Castro's policy * * *."—Interview with Nancy Roc Radio Metropole, Port-au-Prince, April 3, 1990 Cited in FBIS-LAT-90-066, April 5, 1990, p. 21.[6]

"Haiti had to prove it was 'moving toward democracy.' Only if we elected a government would the cold country to the north [the U.S.], and its allies—other former colonizers—send us more money and food. Of course, that money and that food corrupt our society: The money helps to maintain an armed force against the people; the food helps to ruin our national economy; and both money and food keep Haiti in a situation of dependence on the former colonizers."—In the Parish of the Poor: Writings From Haiti, 1990, p. 47.

"The evildoers have always used the Army against the people, as did the cold country to the north [the U.S.] when it occupied Haiti from 1915-1934. They set up the Haitian Army, they trained it to work against the people. I say this in order to force Haitian soldiers of my time to face up to this truth; I say this so that in the midst of the Army itself, the men will recognize that they, the sons of the people, are being positioned against themselves, who are the issue of the people's womb."—Ibid., p. 59.

"Let the truth of the Lord be a purgative that cleans out all the old ways of the bourgeoisie, all the old ways of the Army that flatters and does the bidding of the Americans. We are tired of hearing the bourgeois leaders whispering in our ears with their little voices saying, 'Come on with us, come on,' trying to make us their accomplices. This old corrupt class is bathed in corruption. It has endured for two centuries and should not last any longer. Enough."—Ibid., p. 88.

"The U.S. government, along with its lackeys among the Haitian elite, has already begun to conspire to infiltrate Macoutes into the Army, to buy off soldiers, to sow corruption, to plant divisions, and to multiply spies."—Ibid, p. 97.[7]

"* * * [T]he Americans claimed that an outbreak of swine fever required the slaughtering of all the pigs in Haiti. This was not true, but those animals played a major role in the rural economy. An alimentary equilibrium that was already precarious was thereby destroyed, and a peasantry was assassinated without appeal * * *."

"The elimination of the pigs amounted * * * to burning the savings book. Its purpose was to draw into the cities the abundant and cheap labor force necessary for the [American] assembly plants."—Jean-Bertrand Aristide: An Autobiography, 1992, pp. 76-77.

"Uncle Sam wanted elections that looked like elections—like Canada Dry: the smell, the taste, but not the reality. Namphy did better—or worse—than Reagan demanded * * *. They wanted a responsible democracy led by people whom they could control * * *."—Ibid., p 87.[8]

Aristide on Justice: "Look at their machetes. The blades are rusted, the handles dirty. The peasants let the knives hang at their sides except then they are working in the field. But don't be fooled. A machete is useful in almost any situation. Those rusty blades are long and sharp. They remind me of Bolivar's sword."—In the Parish of the Poor, p. 15.[9]

EDITOR'S NOTE: In the following passages, Aristide was speaking to supporters a week after a political opponent was sentenced to life in prison because of an attempted coup.

"Pere lebrun" [Father Lebrun] is the name of a popular Haitian tire dealer. The reference is a euphemism for the practice of "necklacing," a widespread method of political assassination in Haiti. The victim is bound, his arms hacked off, a gasoline-filled tire placed around his neck and ignited.

"When the people heard: life in prison, the people forgot their little gas and little pere lebrun. Was pere lebrun used on that day? [The audience yells no.] If it had not gone well, would the people have used pere lebrun? [The audience yells yes.] Therefore, when through education one learns how to write pere lebrun and think pere lebrun, one does not use it when it is unnecessary. One learns how not to use it; where not to use it."—Address to Youth Rally, Radio Metropole, Port-au-Prince, August 5, 1991, Cited in FBIS-LAT-91-153, August 8, 1991, p. 5.

"The people had their little matches in their hands. They had gas nearby. Did they use it? [The audience yells no.] That means that the people respect [The audience yells the Constitution] Does the Constitution tell the people to forget little pere lebrun? [The audience yells no] * * * The people are the law, meaning what they do is constitutional."—Ibid.

EDITOR'S NOTE: The following statement came from Aristide's speech to Lavalas supporters at the National Palace after returning from a visit to the United States. Coup rumors were widespread. The references to "a nice tool; a nice instrument" were interpreted at the time as another reference to "pere lebrun," or assassination by necklacing. The coup which deposed Aristide took place three days later.

"I ask you to take this chance, because you will not have two or three more chances, only one. Otherwise, it will not be good for you [the bourgeoisie] * * *" [applause].

"If I speak to you this way, it does not mean that I am unaware of my power to unleash public vindication * * *."

"If you catch someone who does not deserve to be where he is, do not fail to give him what he deserves. [The crowd cheers.] Do not fail to give him what he deserves * * *." [He repeats phrase 2 more times.]

"What a nice tool! [Necklacing] What a nice instrument! [Loud cheers from crowd.] What a nice device! [The crowd cheers.] It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it. [The crowd cheers.] It is provided for by the Constitution, which bans macoutes from the political scene * * *."

"Whatever happens to them is their problem * * * we will receive due respect—the type of respect I share with you—and fulfill common aspiration for justice. Words will thus cease to be just words and will instead be translated into action."—Address at National Palace, Radio Nationale, Port-au-Prince, September 27, 1991, Cited in FBIS-LAT-91-194, October 7, 1991, pp. 17-19.

Aristide on the Catholic Church and its Teachings: "We are reflecting on Jesus' situation * * *. He said: those who have food, take it. Those who have money, take it. Those who have no weapon must sell their garments and buy one. What does this mean to you, my friends * * *?"

"Further on they say to Jesus: Behold here two swords. That is like saying: Behold here two weapons * * * That is verse 38. If they handed Jesus two weapons saying: Here are two weapons—in your opinion, did he throw the weapons away or did he take them? * * * He took them. He took them * * *."

"Therefore, you yourselves who are in the church, for example, you yourselves inside

Footnotes at end of article.

Haiti * * * Would it be a crime for us to have weapons at home * * *.—Lecture in Cap-Haitien, Port-au-Prince Domestic Service, August 17, 1987, Cited in FBIS–LAT, August 19, 1987, p. B4.[10]

"Ah, my little lamp. Its light of solidarity illuminates the darkest corners of all difficult questions. Just a man doing a job. Now I can see him more clearly. What is the paradigm for the pope in the secular world today? I ask myself. Why, it's all too clear. Of course. All the shadows around him, the smoke and mirrors, fall away. Who is this man? He is the chief executive officer of a multinational corporation * * *."

"His job is to ensure efficiency, continuity, and profit, while maintaining the status quo within the company * * *. United Fruit never had this weapon, nor did Gulf + Western or the National City Bank. That weapon is belief, the long-established belief of the people—the final consumer—the word of the Church. The man in Rome and his colleagues are able to wrap company policy up in the proud yellow and white of the Church. They can pronounce and prettify efficiency actions using the beautiful words of the Bible. They can dress up their officers and parade them around the Church as men of God."—In the Parish of the Poor, pp. 20–21.

"The Catholic church cooperated totally with slavery and exploitation * * * The priests were the real colonialists. Their guilt and complicity extends into the twentieth century * * * The church suffers because of its past."—An Autobiography, pp. 180–181.

"* * * [T]he Vatican should stand in the front rank among those countries that have made every effort to retard our return to democratic processes."—Ibid., p. 181.

"[The Haitian presidency] really is like a priesthood. Like the pastor, I accompany the sheep. I share the people's sufferings. Their claims are mine."—Ibid., p. 183.

Aristide on Economics: "Socialism in Haiti is not a new thing: its practice is rooted in the period of our first independence."—An Autobiography, p. 135.

"Europe owes us a debt * * * Sugar, coffee, and indigo enriched the merchants of Nantes or Rouen while the black people lived like beasts of burden * * * Once we had acquired our independence, we not only had to dress our wounds, but we were required to pay the old country, which simultaneously quarantined and exploited us. The colonial powers, including the United States, must make amends for the wrong inflicted on the on the colony or protectorate in those days. The debt experts, when they speak of our liabilities, need to add up the second column of their own accountability."—Ibid., p. 143.

"Economic efficiency is not compatible with justice, except at the price of a permanent struggle against all the seeds of corruption."

"The few large enterprises in the country were often found to be suffering from waste and mismanagement, and from a poor use of their resources; the most profitable had often been the prey or milk cows of social parasites who had little interest in development or reinvestment. Our move to put them in order did not always make the government highly popular. Stringency is sometimes a long term investment from those who want to escape from beggary: simplicity or clarity of administration are also good for public enterprises that are too often putrefying as a result of speculation or the squandering of their resources."—Ibid., p. 149.

"The ecological tragedy in Haiti is the consequence of anarchy, of laissez-faire."—Ibid., p. 151.

"Economic liberalism, which democrats and technocrats have made a panacea, I find intolerable."—Ibid., p. 178.

"Wealth, financial superiority, and arrogance all end in making one certain that one possesses the truth, and they generally predispose people to use repression or to compromise with dictatorial regimes. The wealthy have often become what they are by virtue of exploiting others * * *."

"Above all, the international rules are made to prevent those who are under the table from some day taking their place at the common feast. They can be made to wait for centuries. They need to shake the table, even to overturn it with all the risks that action implies."—Ibid., p. 179.

Aristide on Karl Marx, Che Guevara, and Christopher Columbus: "I did not invent class struggle, no more than Karl Marx did * * *. But who can avoid encountering class struggle in the heart of Port-au-Prince?"—An Autobiography, p. 106.

"* * * I welcome those ideas that rest on the values of beauty, dignity, respect, and love. Che Guevara, a bourgeois, a doctor, an internationalist, certainly incorporated some of those values, as did Allende. They were sincere men, like so many others; they made mistakes, just as I will do. Why should I deny it? I feel more affection and sympathy for them than I do for many others."—Ibid., p. 126[11]

"I see a big white man, a colonial; the man who, by 'discovering' America, stole it from those who were living there and exploited it * * * What comes to mind when I think of Christopher Columbus is the mutilation of many peoples and the beginning of a long chain of injustices * * *."

"But Christopher Columbus was only the first. The conquistadors * * * of the American occupiers at the beginning of the twentieth [century] yielded nothing at all to him in the realm of contempt and brutality * * * The year 1992 marks five hundred years of robbery and five hundred years of resistance"—Ibid., p. 180.

"There is no question that there are common denominators between us and the makers of the French Revolution: 1789 is an essential reference point, as is 1793. The memory of the heroes of the rights of humanity should always be in our minds, as their texts are in our hands. Robespierre himself denounced the 'patripockets.' From Saint Just to Abbe Gregoire, how much I owe to the makers of the French Revolution! Most of them had a global vision of human liberation."—Ibid., p. 184[12]

FOOTNOTES

[1] Aristide quotes from his dismissal order in his book, Jean-Bertrand Aristide: An Autobiography (Maryknoll, N.Y.: Orbis Books, 1992), p. 105.

[2] The best pieces in English are Raymond Alcide Joseph, "Father Aristide and Other Myths," Forbes MediaCritic, Spring 1994, and Christopher Caldwell, "Aristide Development," The American Spectator, July 1994. Unless otherwise indicated, incidents occurring during Aristide's brief tenure have been drawn from these two sources.

[3] Howard W. French, "Ex-Backers of Ousted Haitian Say He Alienated His Allies," The New York Times, October 22, 1991, p. A11.

[4] The interview in which this comment is mentioned was conducted just four days before the Haitian presidential elections.

[5] Aristide was blaming the U.S. for its support of the provisional government (National Government Council) in the aftermath of Jean-Claude ("Baby Doc") Duvalier's departure from Haiti. This period was marked by exceptional turmoil, with one military leader after another assuming duties as the Haitian Head of State. Duvalier had fled after the Reagan Administration pressured him to leave and allow for a democratic transition. Haiti, along with the Philippines and Chile, was a target of President Reagan's second-term policy of withdrawing U.S. support for dictators of the right.

[6] At the time of this interview, Aristide was not a political candidate. Nicaragua had just held free and fair elections in which the Castro-supported Sandinista government was soundly defeated by Violeta Chamorro, a clear victory for U.S. policy in Central America. Elections in Haiti, strongly supported by the Bush Administration, were to be held at the end of the same year.

[7] "Macoutes" refers to the Ton-Ton Macoutes, the private security force established by long-time Haitian dictator Francois ("Papa Doc") Duvalier. Aristide's book "In the Parish of the Poor" is based in large part on sermons he gave while still a parish priest at St. Jean Bosco in the La Saline slum of Port-au-Prince.

[8] General Henri Namphy was head of the provisional government after the Reagan Administration convinced "Baby Doc" Duvalier to leave Haiti in 1986. Aristide's autobiography was written after the September 1991 coup against him. In it, he provides examples such as the swine fever epidemic to prove that the U.S. had a mercantilistic relationship with Haiti, by which it required urban, light manufacturing rather than agricultural production. This is evidently an oblique reference to Reagan's "Caribbean Basin Initiative," which offered incentives for U.S. business to establish production facilities in poor countries of the region.

[9] Aristide is writing about the Haitian peasants, whom he consistently held were being exploited by "imperialist" businesses from the U.S. and elsewhere. He is referring to their dormant defiance and alluding to the means they have to take control of their own futures, as had the Latin American revolutionary Simon Bolivar.

[10] These statements are excerpted from a lecture to the faithful by Aristide in Cap-Haitien. He is purportedly quoting from St. Luke's Gospel, Chapter 22, Verses 35–38. The actual citation, from the Saint Joseph Edition of the New American Bible, reads: "When I sent you on a mission without purse or traveling bag or sandals, were you in need of anything? "Not a thing," they replied. He said to them: "Now, however, the man who has a purse must carry it; the same with the traveling bag. And the man without a sword must sell his coat and buy one. It is written in Scripture, 'He was counted among the wicked,' and this, I tell you, must come to be fulfilled in me. All that has to do with me approaches its climax." They said, "Lord, here are two swords!" He answers, "Enough."

[11] Ernesto "Che" Guevara was Fidel Castro's closest confidant during the Cuban Revolution. His book "Guerrilla Warfare" became a primer for Latin American communist guerrilla movements in the 1960s and 1970s. He became a martyr for Latin American communism when he was killed by the Bolivian military while trying to incite a revolution in that country in 1967. Salvador Allende was the Marxist president of Chile who was killed in a military coup in 1973.

[12] Robespierre and St. Just were responsible for the worst abuses of the "Great Terror" of the French Revolution. Hundreds of people, including the French King and Queen, were guillotined at the order of Robespierre. He, too, was guillotined in the backlash that followed.

[From the Heritage Foundation, Sept. 20, 1994]

EXECUTIVE MEMORANDUM

NOW COMES THE HARD PART: THE U.S. OCCUPATION OF HAITI

(By Lawrence T. DiRite)

Everyone can draw a sigh of relief now that U.S. forces will not be invading Haiti. The loss of American lives that would have resulted from an invasion has been avoided. Nonetheless, for the first time in 80 years, large numbers of American troops are landing in Haiti. Within several weeks, as many as 15,000 U.S. forces are expected to be dispatched to that poor, chaotic nation. Thus, while an invasion of Haiti has been avoided, an occupation has not.

And this is precisely Bill Clinton's—and America's—new problem. The actual invasion of Haiti to reinstall Father Jan-Bertrand Aristide to power was never the main reason for opposition to Clinton's Haiti policy. Secretary of Defense William Perry

recently acknowledged that even an invasion that encountered resistance would have taken no more than "a few hours." Rather, people were against the invasion because of what would come afterward—a U.S. occupation of Haiti that they felt was unwise and unnecessary. Therefore, the original cause of opposition to Clinton's policy remains. With U.S. troops heading for Haiti, the easy part is over. Now the difficult task of pacifying and "restoring" democracy begins.

Public Wary About Clinton Policy. Having assumed responsibility for Haiti's future, the Clinton administration still has not convinced the American people that intervention in Haiti was necessary. Even after a speech to the nation on September 15, in which the President outlined his reasons for military action, more than 60 percent of Americans polled were against the use of U.S. force. In fact, as the hour of invasion drew closer, the more opposition to an invasion mounted. New reports reveal that Clinton was desperate for Jimmy Carter's peace mission to succeed. In the hours before the invasion was to begin, the President apparently began to realize that military action would be a big political mistake.

But the President may face an even bigger political headache in the future: managing the occupation of an extremely poor and divided Third World country. Clinton has yet to outline a convincing "exit strategy" for the U.S.—to define clearly the conditions that must be met in order to get the troops back home. Despite the President's assurances that U.S. troops will return soon, the Clinton Administration is underestimating the troubles U.S. forces will face in Haiti. Bringing Aristide back to Port-au-Prince will be easy. Keeping him there in power will not be.

Many Unanswered Questions. The precise terms of the agreement the Untied States and the Haitian military junta are unclear. According to the deal brokered by Jimmy Carter, by October 15, unless the Haitian parliament has acted sooner to offer them political reprieve, the junta must relinquish power to the elected government of Aristide. This poses a number of intriguing questions, including:

(1) To whom will the military and police forces owe their allegiance once their leaders have abdicated? Many of them were opponents of Aristide and his supporters. American peacekeepers may be left to contend with general lawlessness among thousands of armed forces whose leaders no longer control them. The U.S. troops will have to disarm these troops if they are to avoid becoming targets themselves. But the policy of disarming belligerents in Somalia failed, at the cost of more than three dozen American lives.

(2) What if General Raoul Cedras or other members of the junta refuse to leave Haiti they step down from power? In the press conference after the deal was announced, Secretary of State Warren Christopher said that "there will be no incentive for [the generals] to stay in Haiti" after October 15. But nothing in the agreement prevents them from staying in Haiti. Moreover, Cedras and his allies represent the most well-organized and determined opposition to Aristide. If Cedras stays and decides to run for parliament this year or for president next year, U.S. forces may find themselves caught between two diametrically opposed political factions. It is not inconceivable that Aristide, emboldened by the U.S. presence, might incite his followers to the same type of mob tactics he used as president to intimidate political opponents. In August 1991, he encouraged his supporters to surround the parliament building to prevent members from voting a motion of no-confidence against his government.

(3) How long before Aristide turns on his American mentors? The Clinton Administration has been able to extract promises of good behavior from Aristide as long as he has been living comfortably in Washington, D.C. Once he is back in Port-au-Prince, however, he could revert to the anti-Americanism that had been the hallmark of his political career. For example, in an April 1990 radio interview regarding U.S. support for the upcoming Haitian elections, Aristide claimed that "they [the Americans] want to hold our guts always in their hands. Thus, we will be economically, politically, and culturally dependent. For our part, we reject this . . ." If Aristide becomes unhappy with the United States—if aid is not enough or if he thinks the U.S. is equivocating in its support for him personally—this anti-Americanism is bound to resurface.

(4) What happens if Aristide decides not to step down at the end of his presidential term? In his September 15 address to the nation, President Clinton declared that "Aristide has pledged to step down when his term ends . . . [in 1996]." But that is a rather dramatic concession that may come as a surprise to Aristide's supporters in Haiti. Until now, Aristide has held firm to the belief that the period of his exile does not count as part of his five-year term in office. Will the U.S. blockade Haiti and impose economic sanctions if Aristide remains in office past 1996, in violation of the 1987 Haitian constitution?

(5) What happens when "democracy" fails to take root with Aristide's return? With the occupation of Haiti, the U.S. assumes responsibility for building "democracy" in a country where three-quarters of its presidents in nearly two centuries of independence have not completed their terms. The U.S. will soon be sending judicial, law enforcement, military, economic, and political advisers to help establish civil order there. Despite Clinton's claims to the contrary in his September 15 speech, this is nation-building pure and simple; it is a policy that failed miserably in Somalia last year with the unnecessary loss of some 40 American lives.

America's new venture into liberal colonialism has begun. The U.S. is about to occupy a country to install in power a left-wing priest who made a career out of denouncing America and everything it stands for. Meanwhile, a few hundred miles closer to U.S. shores, another Caribbean dictator abuses human rights, and rules undemocratically. Yet Fidel Castro is spared the fate of the Haitian generals. The reasons for this double standards are as mysterious as the reasons for occupying Haiti in the first place.

[From Port-au-Prince Radio Nationale, Sept. 27, 1991]

ARISTIDE ADDRESS 27 SEP AFTER VISIT TO UN

[Address by President Jean-Bertrand Aristide at the National Palace in Port-au-Prince on 27 September, on his return from the United Nations—live or recorded]

[Excerpts] [passage omitted including indistinct portions] to repent and say: I acknowledge that I made this money through malpractice and, from now on, watching the national pride dancing like a flag, I will cooperate by using the money [word indistinct] to create work opportunities, and to invest in economic activity so more people can get jobs.

If you [referring to bourgeoisie] do not do so, I feel sorry for you. Really I do. [laughter from crowd] It will not be my fault because this money you have is not really yours. You acquired it through criminal activity. You made it by plundering, by embezzling. You got it through the negative choices you made. You made it under oppressive regimes. You acquired it under a corrupt system. You made this money through means that you know were wrong. Today, seven months after 7 February, on a day ending in seven, I give you one last chance. I ask you to take this chance, because you will not have two or three more chances, only one. Otherwise, it will not be good for you. [applause]

If I speak to you this way, it is because I gave you a seven-month deadline for making amends. The seven-month deadline expires today. [applause] If I speak to you this way, it does not mean that I am unaware of my power to unleash public vindication, in the name of justice, against all these thieves, in an attempt to recover from them what is not theirs. A word to the wise is enough. You understand me because you and I speak Creole. [applause]

The saying goes: God's justice is slow. It appears that justice is going too slow. It is, however, a reasonable justice because seven months—during which people have been hungry and unemployed, while you had the power to reduce unemployment and hunger—have passed. As I told you, the deadline expires today. The ball is in your court. The 7 February ball is at your feet. If you want to shoot, go ahead. [applause]

Did all of the bourgeoisie make their money through ill practices? [crowd shouts "no"] [repeats sentence twice] Congratulations, intelligent people! [repeats sentence three times] [applause] We call the bourgeoisie who made their money through foul practices, and who refuse to invest in the country, false patriots [patripoch]. We call the bourgeoisie who earned their money through honest work, and who are cooperative, patriots. [applause] Congratulations to the patriotic bourgeoisie. Congratulations to the bourgeois patriots. They are few. Unfortunately, they are not the majority. Nevertheless they do exist. [passage omitted]

I want to use this very occasion to also address political parties. I want to hail and encourage them to walk on in unity—unity among them and with the entire population—to consolidate themselves so that, in accordance with the Constitution, we will build together a strong opposition on the basis of the law. We will thus foster democracy, unity in political pluralism, unity in political diversity.

Therefore, political leaders, I am passing to you the ball of understanding with great love as usual. If you do not catch the ball, dribble, and score goals, do not later accuse me because you will have failed to live up to expectations in order to gain in popularity that you [word indistinct]. [crowd cheers] I wish you all good luck, good luck to all the [words indistinct] parties.

I hope that deputies and senators will continue to work together with the people in order to personally feel the joy of working to satisfy the aspirations of the masses, because we prefer to fail with the masses than succeed without them, but with the masses, we cannot fail. [crowd cheers] I am encouraging all the ministers; [crowd cheers] I know, I know, all right! For those of you who are outside the palace, the brother here said that the deputies cannot do me any harm. I told them I know that. [loud cheers from crowd]

I am encouraging every minister to continue with the purge that we have already

started. I am also encouraging each state employee [words indistinct] because you are the ones pressing on the economic pedal now, so that the economic car can run twice as fast. I am encouraging each state employee—please, I encourage you to realize that, as a state employee, you must work twice as much so that the job can be done well and fast. You will thus increase, if not double, the output of public administration. We will all benefit from the increased effort that you all make. I encourage you to do so in the provinces and in the capital, wherever state employees work. If you feel that your work goes slowly, speed it up. You do not need anyone to supervise you. Be you own supervisor. This is because contrary to the past, when people used to say that embezzling state money is not stealing, today we know very well that diverting state money is stealing, and thieves do not deserve to stay in public administration. [crowd cheers] [passage indistinct]

You must greet visitors in the same warm way that Haitians are greeted—with the type of welcome we received abroad. Greet people with a smile in state offices. Give people the information that they need with a welcoming smile of understanding. You too, address the state employee with great courtesy so that we will make double economic effort. [passage omitted]

However if I catch a thief, a robber, a swindler, or an embezzler, if I catch a fake lavalas, if I catch a fake . . . [changes thought] If you catch someone who does not deserve to be where he is, do not fail to give him what he deserves. [crowd cheers] Do not fail to give him what he deserves! Do not fail to give him what he deserves! Do not fail to give him what he deserves!

Your tool is in your hands. Your instrument is in your hands. Your Constitution is in your hands. Do not fail to give him what he deserves. [loud cheers from crowd] That device is in your hands. Your trowel is in your hands. The bugle is in your hands. The Constitution is in your hands. Do not fail to give him what he deserves.

Article 291 of the Constitution, which is symbolized by the center of my head where there is no more hair, provides that macoutes are excluded from the political game. Macoutes are excluded from the political game. Macoutes are excluded from the political game. Do not fail to give them what they deserves. Do not fail to give them what they deserve. You spent three sleepless nights in front of the National Penitentiary. If one escapes, do not fail to give him what he deserves. [loud cheers crowd]

You are watching all macoute activities throughout the country. we are watching and praying. we are watching and praying. If we catch one, do not fail to give him what he deserves. What a nice tool! What a nice instrument! [loud cheers from crowd] What a nice device! [crowd cheers] It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it. [crowd cheer] It is provided for by the Constitution, which bans macoutes from the political scene.

Whatever happens to them is their problem. They should not look for it. [crowd cheers] As such, under the same flag of pride, dignity, and solidarity, and hand in hand, we will encourage one another, so that starting today, we will all receive due respect—the type of respect I share with you—and fulfill common aspiration for justice. Words will thus cease to be just words and will instead be translated into action.

Action on the economic front required me to get the ball and pass it over to you. You should dribble and kick hard at the ball once you are in front of the goal, and make sure to score a goal because if the people do not see the ball in the nest, as I told you, it would not be my fault if you are given what you deserve, as provided for in the Constitution. Alone we are weak, together we are strong, tightly united we are an avalanche. Are you feeling proud? Are you feeling proud? Go home now as your hearts are full of happiness, energy, and joy and show that you are working for the progress of the country, and to make elegant, graceful, and dazzling, show that you want to restore it former image. [loud cheers from crowd]

Mr. TORRICELLI. Mr. Chairman, I yield 4 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I thank the gentleman from New Jersey [Mr. TORRICELLI] as the author of this resolution, and our Chairman of the House Committee on Foreign Affair, the gentleman from Indiana [Mr. HAMILTON] who is the chief cosponsor of this legislation.

Mr. Chairman, the lives and welfare of some 20,000 of our men and women in the armed services are at stake. I have no doubt that President Clinton and his top military advisers, and even the Members of this body, are very concerned as the situation is volatile and things can turn for the worse or even better at any given day.

Mr. Chairman, the President has made a very important decision to commit our military forces for the purpose of stabilizing the Government of Haiti and to return President Aristide as the duly elected leader of that country. But this does not mean that the President has the absolute authority to commit our forces anytime he feels like it.

Under the Constitution, Mr. Chairman, the Congress must also do its part as a co-partner in this matter now before us. The resolution, I believe, before us should address the concerns of the Congress relative to the President's actions on Haiti. I believe, Mr. Chairman, that although the resolution does not address every issue, or every problem, or any solution that could be conceivably thought of, I do believe the resolution at least gives notice to the President that he cannot unilaterally put our military forces in harm's way without close consultations with the Congress.

Mr. Chairman, I will not repeat the arguments for or against the President's Haiti policy and I believe Members of both sides of the aisle have been quite eloquent in advocating their points of view on this matter. I will say, Mr. Chairman, in my humble opinion that without question President Clinton's current policy on Haiti, its success or failure, rests entirely now upon the lives of our soldiers and sailors who are currently in Haiti as a consequence of his policy in that country.

I believe the resolution of the gentleman from New Jersey [Mr. TORRICELLI] is a reasonable solution to the current crisis in Haiti, and let us never forget the lessons that we have learned from Vietnam and Somalia. Let us support House Resolution 416.

Mr. GILMAN. Mr. Chairman, I yield 10 minutes to our final speaker, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman and my colleagues, I take to the floor again to speak on the issue of our failed policy in Haiti. Having been involved in Haiti prior to the fall of the Aristide government in an economic development project, I am familiar with some of the problems of that nation, and I think it is important tonight that we reflect on the history of the Clinton policy which, in fact, is a history of failure.

Mr. Chairman, it was a mistake when President-elect Clinton promised to reverse the Bush Haitian immigration policy.

It was a mistake when my State of Florida was left with 12,000 Haitians after 40,000 left that impoverished nation as a result of the change in the Clinton policy.

It was a mistake when President Clinton failed to hear the pleas of myself and 41 other House Members who asked him to appeal a court decision that would allow HIV-infected Haitians into the United States, and most of those people ended up in my State of Florida.

It was a mistake to ignore the Governors Island accord and international agreements.

It was a mistake to sail into Port-au-Prince harbor and then cut and run.

Mr. Chairman, it was a mistake to impose economic sanctions on a country with 53 cents per day per capita income.

Again it was a mistake, Mr. Chairman, to impose an economic embargo on the most impoverished nation in the Western Hemisphere, a policy that would kill thousands of Haitian babies, elderly and infirm.

Mr. Chairman, it was a mistake to destroy 60,000 manufacturing jobs in Haiti that fed nearly a third of the island's population.

Again, Mr. Chairman, it was a mistake to send our forces into Haiti and not consult with the United Nations and not consult with the United States Congress.

It was a mistake to have our troops stand by just recently while the balance of Haitian business was destroyed and decimated.

It is a mistake to think that by confiscating weapons and driving the military underground that all will be well in Haiti's future.

Mr. Chairman, it is a mistake to think that after October 15, when we have that great glorious parade when Aristide returns, all will be well in Haiti.

Mr. Chairman, it is a mistake that the U.S. taxpayers pay twice. They pay

once for the United Nations peacekeeping force, and now we will end up paying billions to continue another mistake.

Mr. Chairman, it is a mistake not to have learned from the lessons of Somalia.

Mr. Chairman, I say to my colleagues, you know there is a movie called "The Groundhog Day." I don't know if you have ever seen that movie, my colleagues, but it's an interesting movie, and I recommend it to each of you. The movie "The Groundhog Day" is a movie about an individual who keeps repeating over and over the same day.

Now I have only been in this Congress for about 20 months, but sometimes I feel like I am part of that movie, "The Groundhog Day." The character there keeps repeating that day over and over, and that is what we are doing here, and that is what we did with Somalia.

I ask my colleagues, don't we remember the cost in American lives? Don't we remember the cost in dollars?

Mr. Chairman, when we cannot afford to provide economic assistance to our citizens, to our veterans, to our cities, we are spending hundreds of millions, billions, of dollars, and we have not learned this lesson. We are participating in another Groundhog Day. We are repeating that day over and over again.

As my colleagues know, what is sad is we will leave Haiti, and I can predict it, and it will be part of this CONGRESSIONAL RECORD without changing the deep social and civil differences that lie embedded in that country. I have seen this firsthand. It is a country in which there is a very small, rich population, and they have a very large poor population.

□ 2340

We can send all the troops and we can spend all of our money; we can go again and destroy that country and pound it further into the ground; and then we can spend more American taxpayer dollars to try to raise it up.

Mr. Chairman, we will not solve that country's problems. We did not solve them in Somalia. We just left there, and we left the country in chaos.

So we do not have a defined mission. So we can set March 1, and March 1, my colleagues, I am afraid will be too late. We can set March 1, 1995, or 1996. It still may be too late. We are now being asked here in this Congress to legislate and authorize another mistake.

Mr. Chairman, again, I feel like I am part of that movie, "Groundhog Day," where we do not learn, where we keep repeating the same day over and over, where we keep making the same mistake, where we keep dragging the American taxpayer to pay for each and every one of these mistakes.

Somehow I wish, Mr. Chairman, that we would learn from the lessons of the past. Somehow I would hope that this body would learn that we cannot solve all the problems of the world, nor can the American taxpayer finance all of these mistakes.

So with these words, Mr. Chairman, for the RECORD, and I am sure these halls have heard all the different words and sermons, I caution my colleagues to think twice before they vote for this resolution, before they continue this legacy of mistakes, before they make another mistake.

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

Mr. GILMAN. Mr. Chairman, how much time remains?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 49 minutes remaining, and the gentleman from New Jersey [Mr. TORRICELLI] has 1 hour and 10 minutes remaining.

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

Mr. TORRICELLI. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, President Clinton sent 20,000 American soldiers to defend Haitian democracy. Tonight I rise in the interest of another democracy, that of the United States.

In any Democratic society, no one man can be vested with the power to send thousands of men and women in risk of their own lives, in pursuit of a policy that potentially consumes not simply millions, but indeed hundreds of millions of dollars. By definition in any Democratic society, that power must be shared and balanced with other Democratic institutions. In the constitutional framework that is the United States of America, this institution, the U.S. Congress, is designed to provide that balance.

This Nation has painfully learned on other occasions the cost of entering into foreign commitments, sending our sons and daughters to fight, when the Nation is divided and this Congress is not consulted in the exercise of our powers. Indeed, it is the principal lesson of this generation, from the painful experiences of Vietnam, that if in our constitutional framework there is one principal imperfection, it has been the Founding Fathers inability, indeed, their failure, to more precisely define the respective roles of the institutions of government.

House Resolution 416, which I offer with the gentleman from Indiana [Mr. HAMILTON] is an attempt in this instance to avoid the division and provide the balance that was not provided for by exercising good judgment by the administration in seeking the consent of this Congress, and perhaps with not too sufficient clarity previously provided for in the law.

We do so because it is not simply good law, not simply consistent with the intentions of the Framers of our Constitution, no matter how vaguely that intention may have been expressed, but because it is also good policy.

No foreign foe, no less the Haitian military, should ever believe that this country is divided. No one should ever face our forces in combat believing a President stands alone. This resolution is an opportunity to demonstrate not division or lack of resolve, but simply to provide President Clinton with a degree of support for our forces that he, unfortunately, did not seek, and therefore did not receive.

It is an opportunity to speak with a loud voice, in providing a congressional vote for unity of purpose. It is particularly critical, however, not simply because of Haiti, but because Haiti is not the last, and, indeed, may be the first of a long series of post-cold-war involvements, in which the United States will be called upon to defend democracy, advance our interests, further the resolutions of the United Nations, and serve other peacekeeping purposes and vital interests.

A model therefore must be established, and that model cannot be consistent with the best interests of this country and the operation of our Democratic system, a formula by which the President of the United States simply orders the expenditure of such enormous sums of money and places the lives of so many people in jeopardy in pursuit of his own policy, without the collective actions of the U.S. Government.

I seek to define these missions not because I want the United States to play less of a role in the world, but because I want us to play more of a role in the world, with credibility, with force, but recognizing that the United States can provide no example of democracy, ironically, indeed, tragically, cannot give meaning to the Democratic institutions of other nations, if we defy the Democratic meaning of our own Constitution and ignore our own Democratic institutions.

This resolution is an opportunity to avoid what is certainly before us, an opportunity of division, and replace it with a common voice. The Armed Forces of the United States today, indeed the President himself, have in the last days provided an example of effective intervention militarily. But I think we all recognize that there are difficult days ahead, days that will test unity of purpose, days that may well divide the American people. Without this resolution, we will be on this floor again and again. The Haitian military will doubt our intentions or our resolve. With it, we will appear as united in difficult days as we are in those days when the mission is succeeding.

The framework that is provided therefore in House Resolution 416 attempts to do each of these things.

□ 2350

First, it defines our mission precisely, that American forces that are in Haiti to assist the transition to the legitimately elected government, to provide for the distribution of humanitarian assistance and security for those purposes. By providing this definition, we avoid the difficulty of an ever-expanding obligation, where each day or each week, with each new crisis taking on new obligations that have not been made clear to the American people, their elected representatives or even our forces in the field.

Second, the length of this commitment, exclusively under American auspices and leadership, is defined by a limit of time. By March 1, the President of the United States must either come to this Congress and seek an extension of authorization or he must remove U.S. forces and transfer our obligations to a U.N. command. He must provide reports on four different occasions explaining the financial costs, precise obligations and what our forces are undertaking in their objectives.

Every Member of this institution, after February 1, having received these reports, will have the opportunity to come to this floor on an expedited basis and, by resolution, seek the removal of American forces if they deem it to be the interest of this country.

But in fairness to the President, this opportunity is not accorded to Members until February 1 and withdrawal is not ordered until March 1, because to do so at an earlier date has been suggested by a resolution offered by the minority. Neither gives our military forces a reasonable amount of time to complete their mission or this Congress an opportunity to produce such a resolution. Congress simply will not be in session in November or December or much of January.

But after February 1, the Committee on Foreign Affairs will be organized. The Congress will be in session. And we can produce such a resolution of withdrawal if we deem it to be in our interest.

Finally, the resolution provides that at all times, until the U.N. command assumes responsibility, our forces will be under the exclusive command of a commander in the U.S. Armed Forces.

I recognize, Mr. Chairman, that many Members of this institution, indeed many of the American people, do not believe in our mission in Haiti. They are sensitive to the support of democracy, sympathetic to the plight of the Haitian people, and angered by the actions of the Haitian military. I share each and every one of those sentiments. But there are doubts in this institution whether the vital interests of the United States were so threatened in such a manner that it was necessary or wise to engage the Armed Forces of the United States at the risk of the lives of young men and women who have gone into the service of our country for the defense of this Nation to pursue these objectives.

While I am sympathetic with some of those beliefs, I also believe it is necessary, whether we supported those objectives, interpreted events in this fashion or not, that we deal responsibly with the reality that 20,000 young Americans are in Haiti. The mission has been undertaken. We are not being asked whether it should be pursued but now, simply, how it should be achieved successfully, given the reality of their deployment.

Resolution 416 is an attempt to deal with that reality for those who believe that the mission was necessary, for those who question it, but nevertheless want it to succeed and who believe now a premature withdrawal before the U.S. military is given that chance is to simply compromise any opportunity to do justice to their mission or fairness to our forces.

Others are arguing that the resolution is ill-advised because it might compromise the safety of our forces to set a date of withdrawal. I would argue strenuously, on the contrary. Each and every day that American forces remain in Haiti without any deadline for their removal, any date of departure, is an invitation for terrorists and assassins, for the brutal thugs in the Haitian military and their accomplices to attempt to take the lives of our young soldiers, to break the will of our people and to seek a date of withdrawal.

I believe that if our opponents recognize that our presence in Haiti is to restore the Aristide government, to provide for its security and then, on a date certain, to transfer authority to the United Nations, they recognize that there is no advantage in bringing harm to our forces, because it will not change the reality of our presence or adjust the date or our departure.

I want, finally, Mr. Chairman, to express again the admiration that I know every Member of this institution feels, whether they would have initially supported this mission or not, whether they want to set a deadline for departure or not, the admiration that is felt for every man and woman and every branch of our Armed Forces, for the extraordinary skill and courage that is being exemplified by each and every member of our Armed Forces.

Never in my memory have they performed more professionally, more selflessly, when called upon by the President of the United States.

Tomorrow this institution, while expressing that admiration, will have before it three alternatives. The gentleman from Indiana [Mr. HAMILTON] and I have provided House Resolution 416, adopted by the House Committee on Foreign Affairs, to provide for the March 1 withdrawal providing for a post-February 1st vote to force withdrawal by the House, if it deems it so necessary, limiting the mission.

An alternate resolution will be provided by the minority, defined by the gentleman from New York [Mr. GILMAN] for at some point after January 3d, without having provided any authorization for the mission prospectively or retroactively, a resolution will come in order for immediate withdrawal. And a final resolution offered by the gentleman from Florida [Mr. HASTINGS] and the gentleman from Pennsylvania [Mr. MURTHA] to provide for an authorization without a specific date of withdrawal.

□ 2400

Those three alternatives provide this Congress with a real choice, and the chance for a meaningful debate.

Mr. Chairman, my own position is clear. However, beyond the crisis in Haiti, in each of these resolutions, I trust when the debate ends we will have established one point, a point we believed was clear after Vietnam, certainly after Lebanon, without question after Panama and Grenada, and we had reason to believe after the Persian Gulf and Somalia; that in this democratic society, this Nation will not take lives, will not engage in foreign commitments, and will not wage war while operating within the confines of our own Constitution with respect for the judgments of our own people and the operations of our own institutions of government.

Mr. Chairman, democracy is a fragile instrument. The United States of America has been blessed with this form of government for 200 years, but at its inception, we were advised that the greatest threat to our freedoms existed in no foreign nation, in no despot or king or invading army, but by the very excesses of executive power.

Mr. Chairman, through these two centuries we have been blessed by men in the Presidency who have respected democracy and did not exceed their authority, but with each and every precedent we establish for the concentration of executive power in the Presidency, the decline of balance of powers in this institution, we risk not simply the freedom of those we would violate abroad, but more critically, our own.

Mr. Chairman, when we debate tomorrow, I trust that it is the operation of his Government, the balance of these powers, that Members will bear in mind as we debate House Resolution 416.

Mr. Chairman, I thank my colleagues for a meaningful debate this evening and look forward to reviewing it tomorrow.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. BARLOW].

TRIBUTE TO ROMANO L. MAZZOLI ON HIS RETIREMENT

Mr. BARLOW. Mr. Chairman, I ask for your own indulgence to speak out of order as I pay respects to you, sir.

Mr. Chairman, as a new Member from Kentucky in his first term in Congress, I, along with others in the delegation and others here in Congress, want to pay our respects to you for your many years of service as you come to your retirement from our institution here.

You were elected in 1970, and let me say that when I arrived here in January a year ago, Mr. Chairman, you reached out with friendship and with understanding at the process that I and every other freshman at that point was entering into as we come into the hall of reason which our forefathers consecrated for us as a nation.

Mr. Chairman, it is an amazing and wonderful institution that has been created. Every day that I serve here and serve with men of years of service such as you, men who show humility and dedication and strength of purpose and principle, I am constantly coming up against those principles that have served us as a nation so well down through the years.

When we have votes, I come home to my district, as I do every weekend, and talk with my constituents back in the district. Sometimes I am asked "Why are the votes so close, the numbers very evenly divided?" I often say that that is because, very purposefully, we have loaded them with very heavy, weighty issues, and the weightiness of those issues and the fact that we come up on that vote, and it so evenly divided, and yet, after that, when passions have cooled, we find that we are a stronger Nation, having stood the test of the heat of that moment.

You yourself, sir, in the years of your service, have brought your constituents and brought the House to the same type of weighted, heavily weighted, decisions of principle, and have come through elections by small margins.

Mr. Chairman, I would submit that that is not a sign of weakness, that is a sign of pushing yourself and your constituents and the State of Kentucky to very powerful limits of expansion, of moral purpose, of principle, and as we come out of those votes, we are stronger for it.

I pay my respects to you, Mr. Chairman, and the record of those votes will stand proudly the test of time as people look back.

Mr. Chairman, we are also in an institution where no one person is enabled to rise with ego, to dominate, to domineer. We have a wonderfully crafted set of rules which very wisely snares egos and winds them down, and wrings them out, so that reason can come to the surface.

You, in your years as chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, have labored hard to bring very difficult work to the force, to bring it in a progressive way forward. No matter how long any of us work and labor in this institution, we are always laying foundations for the future.

Mr. Chairman, you have laid very powerful foundations in the immigration law that you have brought forth in the 1980's and over the years of oversight for this whole area. It is an area that is going to be challenged in many powerful ways in coming years, because we as a nation are admired for our government, for the freedom, for our free enterprise.

We have triumphed over terror and institutions of terror in the world, governing structures which were very oppressive. Quite understandably, people will be wanting to come to the United States. As a measured process that you have established, we look forward to perfecting that so that our own institutions will prosper.

Mr. Chairman, my mother, her father was from Louisville, KY, and 40-some-odd years ago when I was very much a youngster I remember an old 78 record I played in my grandfather's living room. I do not know if you ever heard it. I am not going to sing the song, but I will recite it as I can from memory.

That is "Eight more miles to Louisville, the hometown of my heart. Eight more miles on this old road, I never more shall part. I knew some day that I would come back, I knew it from the start. Eight more miles to Louisville, the hometown of my heart."

Thank you, sir.

The CHAIRMAN. The Chair would take his prerogative to express thanks to the gentleman, and to all who have joined in that.

Mr. BROWDER. Mr. Speaker, I rise today to honor my colleague RON MAZZOLI of Kentucky who will be leaving this body at the conclusion of the 103d Congress.

As a freshman Member of Congress late in 1989, I faced the daunting prospect of having the major military installation in my district closed by a unilateral decision of the Department of Defense. Now, base closure is a fearsome challenge for any Member of Congress, but especially so for a Member only 9 months into his first term who succeeded a 21-year veteran who was a legendary senior member of the Armed Services Committee.

Base closure threw RON MAZZOLI and I into the same pot of trouble in 1990, and we quickly recognized that the 1990 closure list disproportionately targeted bases in Democratic districts and appeared to have no basis in military value.

Though not a member of the Armed Services Committee, RON MAZZOLI had a direct impact on the resulting legislation which established the Base Closure Commission and the current base-closure process because of his personal and professional support of me and my efforts on the committee. RON was one of the founding members of the Fairness Network which we established in the House originally to ensure that the defense establishment was not withholding funds from targeted bases while they are being evaluated for closure or realignment.

In his quite, unassuming and statesmanlike manner, RON MAZZOLI has had a profound impact on this House and on this Member in particular. His mentoring of my early efforts to slay the base-closure dragon have left me personally grateful of the contribution he has made to my career as the Representative to Congress from the State of Alabama and grateful as a citizen of this Nation for his contributions to what has become an effective, fair method for reducing military infrastructure.

While the military bases that RON and I represent have both emerged winners from the first three rounds of base closures, the House and our country will be the losers when he leaves this body in January for a much-deserved respite form the day-to-day political struggle. Mr. Speaker, I know you join me in thanking RON MAZZOLI for his service to America and in wishing him only the best in his future endeavors.

Mr. BRYANT. Mr. Speaker, while it is with much regret that we are here today saying farewell to one of our most distinguished colleagues, Congressman ROMANO MAZZOLI, I am pleased to be able to participate in recognizing him during this special tribute.

I am fortunate enough to be able to say that as a member of the International Law, Immigration, and Refugees Subcommittee, the subcommittee that Congressman MAZZOLI has so ably chaired for a number of years, I have worked with him on many issues.

Without pause, I can say that Congressman MAZZOLI has been a fair and fervent advocate in balancing the United States' interest to strengthen enforcement and illegal immigration, while at the same time recognizing the need to promote lawful immigration in furtherance of the United States interests as a heterogeneous and diverse society.

Congressman MAZZOLI has made many contributions to our society as a Member of Congress, and I am sure that I can speak for all of us in saying that his tenacity and responsiveness will be sorely missed, not only by his friends here in the U.S. Congress, but also by his constituents.

Mr. WOLF. Mr. Speaker, it is a pleasure for me to join with my colleagues in recognizing the outstanding service to Congress and our Nation of my friend and colleague, ROMANO (RON) MAZZOLI.

For the last 24 years, RON has distinguished himself as the representative of Kentucky's 3d District, which includes the city of Louisville and its suburbs. Without a doubt RON is one of the hardest working Members of this body; furthermore RON is a man of honesty and integrity. Millions of Americans who watch C-SPAN know RON as the fair and impartial Member who often moderates contentious House debates from the Speaker's chair. However, to all of us in the House, we know how deep RON's legacy runs.

RON was one of the authors of perhaps the most sweeping immigration reform legislation of our time, the Simpson-Mazzoli Immigration bill, which passed the House in 1986. I remember how hard RON worked over several years to shepherd this important landmark legislation through Congress, and know his perseverance is a major reason why this bill has been made into law. RON has also been a major force in the drive to reform campaign finance laws, and RON certainly backs up his

talk with action—during campaigns he would accept campaign contributions of no more than $100. His forceful presence on both these issues will be sorely missed.

Another thing that will be missed not only by his colleagues in the House but also the people of Kentucky's 3d District is RON's independence and dedication to his constituents. One of the reasons RON is one of the most respected Members of Congress is his ability to make difficult choices to help his constituents. He will not shy away from controversy even if what RON thinks is the right thing to do is not the most popular. In this age of "sound-bite" politics and constant opinion polls, this is a refreshing characteristic. This devotion and sincerity has earned my respect and admiration for RON, and I know my opinion is shared by many colleagues as well as individuals in Kentucky and around the Nation. RON's leadership and honesty will be missed, and I am pleased to join today in wishing RON, his wife Helen, and his family all the best as he begins his retirement.

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

Mr. Chairman, I would like to join, too, in congratulating you at the conclusion of a remarkable career in this institution. You have served the people of Kentucky and the people of the United States with extraordinary distinction.

While the people of Kentucky had their own reason to be proud, the people of Louisville had a particular reason to be proud, so do some of us who have come to know you as a member of the Italian-American caucus in this institution. We have our own reasons to be very proud of you.

You will be greatly missed, and I want to identify myself with the remarks of the gentleman from Kentucky [Mr. BARLOW].

I would also like, in the conclusion of this debate, to thank the gentleman from New York [Mr. GILMAN] and the gentleman from New York [Mr. OWENS] for beginning this discussion. We look forward to continuing tomorrow.

□ 0010

Mr. GILMAN. Mr. Chairman, before we conclude, I too would like to associate myself with the gentleman's remarks, to commend you for your outstanding service in the House. We will sorely miss you and miss your expertise in so many areas. We congratulate you for a job well done.

The CHAIRMAN. I thank the gentleman very much.

Mr. OWENS. Mr. Chairman, I also would like to associate myself with the remarks of the gentleman from Kentucky [Mr. BARLOW]. When the gentleman from Kentucky presides, we always have a very firm hand but a very fair hand. That is a demonstration to those of us who have not served with you on a committee of what a great contribution you have made to this body. We are going to certainly miss you.

Mr. HAMILTON. Mr. Speaker, I rise today to join my colleagues in recognition of Congressman RON MAZZOLI.

It has been a high privilege knowing RON MAZZOLI since he first joined the House in 1971. He has been a good friend and colleague, and I will certainly miss him.

I have had the good fortune over the years of working with RON on numerous issues and projects that affect the greater Louisville area. RON, of course, represents the city of Louisville and Jefferson County, KY; I represent the Indiana counties across the Ohio River. RON has been instrumental in promoting stronger ties between our States and communities and in working jointly to spur economic growth in the region. His retirement will be a loss not only to the people of his district and State, but to the Kentuckiana region in general.

I also want to recognize RON's contributions to this institution. Congress is not held in particularly high public esteem these days. Some of the criticisms are fair, some are unfair. It is especially unfortunate that in the rush to judge the institution, there is a tendency to overlook the outstanding efforts of individual members.

RON MAZZOLI has been a pillar of integrity in Congress. He is conscientious and hard-working. He is dedicated to serving his constituents and the nation. He has taken a leading role on some of the most important issues facing this country, including immigration reform and campaign finance reform, and has worked tirelessly to pass legislation that makes a difference in the lives of Americans. RON has been a model legislator, and should be saluted for his accomplishments.

I want to extend my congratulations to RON and commend him for his impressive record of service. His work in Congress is certainly a mark of distinction, and I want to join his friends and family in recognizing it. He has every right to look back on his service with a full measure of satisfaction.

I join all of my colleagues in wishing RON and Helen all the best. I know he will continue to apply the same dedication and energy to all his endeavors in the future.

Mr. EDWARDS of California. Mr. Speaker, I'm pleased to join in offering my appreciation for RON MAZZOLI's distinguished service over his 12 terms as a Member of this body.

I remember how pleased those of us opposed to the war in Southeast Asia were when RON was elected to the House in 1970. We applauded his courageous and principled stance and welcomed his involvement in efforts to end the United States' unhappy involvement in that conflict.

Although his original assignment was to the Education and Labor Committee, in 1975 he accepted a position on the Judiciary Committee. It has been my privilege since then to work with him on a wide range of issues, from his years-long effort to enact the 1986 Immigration Reform and Control Act, to more recent efforts to pass the Brady bill and the assault weapons ban legislation.

During the debate this year on the crime bill, I appreciated RON's stalwart support for the Racial Justice Act. Although this legislation was in the end dropped from the crime bill package, RON's support for ending racial bias in the imposition of the death penalty added greatly to the public debate on this important issue. His work on this was very much in keeping with RON's commitment to stand up for what's right, regardless of whether that is the popular position.

All of us know RON's diligence, his independence, and his genuine interest in the substance, not just the surface, of the issues. What I have especially appreciated in addition to these qualities is his fairness and genuine courtesy. He is a true gentleman, and the civility that he brings to his work is something that we could use more of around here.

As my colleagues know, I will also be leaving the Congress at the end of this session. I am looking forward to the pleasures of a more leisurely life, and I am sure RON is as well. I am happy to offer my best wishes to RON and Helen for a happy and productive future.

Mr. HUGHES. Mr. Speaker, it is a pleasure for me to join with my colleagues this evening in paying tribute to an outstanding Congressman and friend, RON MAZZOLI.

For the better part of my 20 years in office, I have sat next to RON on the Judiciary Committee. We also served together on the Subcommittees on Crime and Intellectual Property and Judicial Administration, which I had the privilege to Chair.

I have come to know RON as a fine lawyer, a good legislator, and a valued colleague.

RON is probably best known for his leadership in the field of immigration reform. Indeed, it is no accident that the landmark Simpson-Mazzoli immigration reform bill bears his name, since it was RON's hard work and dedication which enabled us to reach a compromise and enact this bill into law.

But immigration reform was only one of RON's many accomplishments in Congress. He and I have worked together for many years on a wide range of initiatives to improve our judicial and crime-fighting systems.

RON was one of my staunchest allies in the effort to develop some fair and reasonable gun laws, such as the Brady bill and the ban on armor-piercing ammunition. They were not easy votes in the face of fierce opposition.

We also worked together to enact the drug forfeiture and money laundering laws, and other important statutes dealing with child pornography, career criminals, arson, terrorism, computer crime and on and on.

There's no question but that RON MAZZOLI has left a lasting mark in the field of law enforcement and judicial reform. From a personal standpoint, RON brought to office the kind of honesty, integrity, and independence which his constituents have a right to expect. He never hesitates to vote his conscience, even when it put him in the difficult position of standing up to special interest groups such as the National Rifle Association, and even taking on his own party.

RON paid a price for his independence, but he never compromised his principles or his integrity. It's no wonder his constituents saw fit to put their trust in him for 12 consecutive elections.

RON will be truly missed in Kentucky and Washington. I want to wish him and his lovely wife Helen and their family my very best wishes for continued good health, happiness, and success in the years ahead. Godspeed my friend.

The CHAIRMAN. I thank the gentleman very much. I appreciate that.

Mr. TORRICELLI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BARLOW) having assumed the chair, Mr. MAZZOLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 416) providing limited authorization for the participant of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Force from Haiti, has come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.J. RES. 416, LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–840) on the resolution (H. Res. 570) providing for further consideration of the joint resolution (H.J. Res. 416) 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–841) on the resolution (H. Res. 571) amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

PERMISSION FOR MEMBERS TO INCLUDE EXTRANEOUS MATERIAL IN EXTENSIONS OF REMARKS ON CERTAIN DATES

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that for October 5, 6, and 7 all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks".

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

There was no objection.

CHINESE FORCED LABOR

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

Ms. PELOSI. Mr. Speaker, I very sadly rise today to call to the Members' attention these flowers, which are flowers which have been smuggled out of a Chinese prison labor camp to the United States for your attention.

Last night ABC news aired an alarming story about the continued export of forced labor products into this country from China in violation of U.S. laws, contrary to claims by the U.S. Government and the Chinese Government that this is not happening.

At great personal risk, a very courageous prisoner provided this evidence. His name is Chen Pokong, a young economics professor who is serving time for his pro-democratic activities in China. He sent a compelling appeal for help, relating the terrible tale of ill treatment and slave labor in a world where political prisoners labor 14 hours a day, are forced to haul stones all day, and make these flowers at night.

In his letter he says that when inmates do not work fast enough "Inmates are often brutally beaten until they are blood-stained all over. Nobody would believe such cruelty and barbarity."

Mr. Speaker, I call this to our Members' attention. I call upon you to protect the courageous Chen Pokong and call on our administration to stop the forced labor products coming into the United States, and the unfairness to American workers, as well.

Mr. Speaker, I include for the RECORD the following letter from Chen Pokong:

To: United Nations International Human Rights Organization, Voice of America, Asian Watch.

From: Chen Jingsong, Guangdong, China.

I am CHEN Jingsong, alias CHEN Pokong, formerly teacher, department of economics, Zhongshan University, Guangzhou. I was arrested as a "culprit" for participating, and leading, in the pro-democracy movement in Guangdong area in 1989, and sentenced to 3-year imprisonment on charges of "counterrevolutionary propaganda and instigation". In July 1992, upon completing my term, I was released. However, I continued engaging in political activities—disseminating ideas of democracy, creating progressive publications and disseminating them. In August 1993 I was again wanted by the authorities. I fled to Hong Kong and applied to the Hong Kong government for political asylum, but to no avail. On September 1, 1993 I was again arrested in Zhengcheng, Guangdong. 2 months later I was sent to reeducation through labor for a duration of 2 years.

To vent their bitter hatred on me, the Guangdong authorities sent me to a most vicious RTL—Guangdong No. 1 RTL, Quarry 1, Company 9 in Chini Town, Hua County, Guangdong Province, where I am engaged in long-hours and high-intensity slave labor.

Reeducation through labor is the darkest part of China's current political system. Ironically, RTL policy and regulations worked out by the Chinese government itself have been altered beyond recognition in their practical implementation. According to RTL policy and regulations RTL is lighter than LR (labor reform): inmates get their pays, have their benefits and holidays, enjoy the right of correspondence, cultural, recreational and sports activities, do not labor more than 8 hours daily, can visit their families on holidays, can be bailed for medical treatment, etc. In reality, RTL is hell.

Here, we labor over 14 hours daily. In daytime, we transport stone materials on a wharf and load them in boats. At night we make handicrafts: artificial flowers. On Sunday, and holidays we labor as usual (except for 3 days during the Spring Festival). We labor rain or shine. Inmates are just tools of labor, by no means "trainees", as we are called.

Here, Labor intensity is extremely high. "Production" quotas are heavy. Those who fail to complete have their "points" reduced (i.e., their RTL duration lengthened). To complete our quotas, we must often labor overtime, sometimes even through the night. Without the discreet assistance from my fellow inmates, I would have to labor almost always through the night. Inmates who labor slightly slower are brutally beaten and misused by supervisors and team leaders (themselves inmates). Inmates are often beaten until they are blood-stained all over, collapse or lose consciousness (shortly before I was sent here, one inmate was beaten to death). Nobody would believe such cruelty and barbarity, should he not see all this with his own eyes. Though discreetly taken care of by the company commander, several times I was beaten by the team leader. I am constantly exposed to terror.

Living conditions here are harsh. Every meal consists of coarse rice and rotten vegetable leaves. Hardly can we see any grease. We have a little bit meat only on major holidays (Spring Festival, for instance). We make our own daily arrangements: bedding, clothing, daily necessities, even medical treatment, which is a great burden for us.

Inmates are seldom given leave when they are injured on the job or sick, to say nothing of being bailed for medical treatment. Still, they have to labor. Many inmates, including myself, their hands and feet squashed by big stones, stained with blood and pus, have to labor as usual. As a consequence, many inmates were crippled for life.

There are almost no cultural, recreational and sports facilities. The only entertainment is watching TV series for ½ or 1 hour in the evening when production quotas are not too heavy. No books at all, very few newspapers, no broadcasts to listen in to. Complete cultural and press blockade. For me, there is something more: correspondence blockade, as I receive and mail almost no letters.

The artificial flowers we make are for export. The trade marks are in English, the prices in USD (see appendix). Even the company commander and the quarry director said the flowers are made in cooperation with a Hong Kong company that exports them. This is in serious violence of international human rights norms, international law, even the Chinese government's law.

As a matter of fact in the recent decade and more all products turned out by LR, RTL and detention facilities in Guangdong Province are almost exclusively for export (usually in cooperation with Hong Kong and Taiwan companies). For instance, Huanghua Detention Center in Guangzhou, at least since 1989, when I was there and experienced everything myself, has been forcing detainees to make artificial flowers, necklaces, jewelry (trade marks in English, prices in USD). This can be testified to by anybody who was there, including Hong Kongers.

What I testify to above is wanton trampling not only upon international human rights norms, but upon basic humanitarian norms as well. Here in RTL, the concept of human rights is zero!

I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

Being in this critical situation, I have no choice but to appeal to you. I strongly urge all progressive forces the world over to pay close attention to human rights conditions in China, to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically!

I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But, I have no choice!

Thank you!

CHEN POKONG.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the house, the following Members will be recognized for 5 minutes each.

TRIBUTE TO ROY ROWLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I congratulate my colleague and friend from Georgia on a distinguished and accomplished career in Congress and deeply regret he will retire. When ROY ROWLAND was elected to the House of Representatives, he was one of only three practicing physicians here. Later, he made history by being the only doctor in the House. It was clear from the start that ROY would make important contributions in the areas of medicine, health care, and on important social issues. I wanted him to serve on our committee and called him soon after the was elected to ask him to do so.

As a doctor with a friendly manner, ROY was nicknamed "Marcus Welby, M.D.," while serving in the Georgia State legislature. While he is courteous and soft-mannered, when tough health issues came before Congress, ROY ROWLAND rolled up his sleeves and tackled those subjects.

It is difficult to think of anyone in Congress who could match the efforts and talents ROY always has demonstrated on a number of issues. Whether it is AIDS research, education and prevention, health care for the unemployed, streamlining Medicare claims, reducing infant mortality or a number of other personal interests of his, ROY has shown valiant effort in developing solutions on Capitol Hill. He was a leader in drafting the bipartisan health care reform measure and made some of the most complicated health care reform issues understandable to other Members when national health care reform was being considered.

To borrow slightly, from a long-running television advertisement: "On Capitol Hill, when medical issues are mentioned—people listen to ROY ROWLAND." No other statement could be more true than at the Committee on Veterans' Affairs. We were fortunate to have ROY's expertise on health and medical issues and we relied on his insight and judgment to help us assist our Nation's veterans.

We counted on ROY when our committee considered and passed legislation to compensate veterans exposed to radiation during atomic bomb tests, the so-called atomic veterans. He also lead efforts promoting access for women veterans to health care, and mental health issues on our committee. And, more recently, ROY gave us his wise counsel on the Persian Gulf illness issue.

This institution and this Nation certainly will be missing an important voice when it considers national health care reform. Congressman ROY ROWLAND will not be here, but one thing we can be sure of, ROY ROWLAND will be active and very much involved in health care reform when the debate resumes in the next Congress. This Member and the membership of our committee will surely miss our friend and colleague in the coming years. Congratulations, ROY, we wish you, your lovely wife, Luella, and your family much happiness and all the best.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–99

(Mr. SABO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to section 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 5, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of September 30, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 21, 1994 (H. Rept. 103–735).

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218

REFLECTING ACTION COMPLETED AS OF SEPTEMBER 30, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1995	Fiscal years 1995–99
Appropriate level (as set by H. Con. Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	1,235,319	[1]
Outlays	1,216,798	[1]
Revenues	977,699	5,393,061
Current level over(+)/under(−) appropriate level:		
Budget authority	−3,386	[1]
Outlays	−807	[1]
Revenues	−1	−22,139

[1] Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $3,386 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $807

million (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–99		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	42	34	0	221	210	82
Difference	42	34	0	221	210	82
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−25	−25	0	−75	−75	0
Difference	−25	−25	0	−75	−75	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5,943
Current level	0	−20	0	0	−20	0
difference	0	−20	−309	0	−20	−5,943
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	2	0
Government Operations:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	2	2	0	20	20	0
Difference	2	2	0	20	20	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	3	0	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2,161	0	0	64,741	0	0
Current level	2,161	0	0	6,545	0	0
Difference	0	0	0	−58,196	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–99		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	2	2	−2	3	3	−8
Difference	2	2	−342	3	3	−5,751
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	−13	−10	−10	−884
Difference	0	0	−13	−10	−10	−1,098
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (September 21, 1994		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
General purposes:						
Agriculture	13,397	13,945	13,396	13,945	−1	0
Commerce, Justice, State	24,031	24,247	24,001	24,247	−30	0
Defense	243,432	250,515	243,430	250,463	−2	−52
District of Columbia	720	722	712	714	−8	−8
Energy & Water	20,493	20,888	20,493	20,884	0	−4
Foreign Operations	13,785	13,735	13,634	13,735	−151	0
Interior	13,521	13,916	13,517	13,916	−4	0
Labor, HHS & Education	69,978	69,819	69,978	69,819	0	0
Legislative Branch	2,368	2,380	2,367	2,380	−1	0
Military Construction	8,837	8,553	8,836	8,525	−1	−28
Transportation	13,704	36,513	13,694	36,513	−10	0
Treasury-Postal Service	11,741	12,256	11,575	12,220	−166	−36
VA-HUD	70,418	72,781	70,417	72,780	−1	−1
Reserve	2,311	6	0	0	−2,311	−6
Subtotal	508,736	540,276	506,050	540,141	−2,686	−135
Violent crime reduction trust fund:						
Commerce, Justice, State	2,345	667	2,345	667	0	0
Labor, HHS & Education	38	8	38	7	0	−1
Treasury-Postal Service	40	28	39	28	−1	0
Subtotal	2,423	703	2,422	702	−1	−1
Total	511,159	540,979	508,472	540,843	−2,687	−136

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through September 30, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget authority	1,235,319	1,238,705	−3,386
Outlays	1,216,798	1,217,605	−807
Revenues:			
1995	977,699	977,700	−1
1995–99	5,393,061	5,415,200	−22,139

Since my last report dated September 12, 1994, Congress has cleared and the President has signed the following appropriation bills: Veterans, HUD, and Independent Agencies (P.L. 103–327), Treasury-Postal Service (P.L. 103–329), Agriculture (P.L. 103–330), Interior (P.L. 103–332), Labor-HHS-Education (P.L. 103–333), Transportation (P.L. 103–331), Defense (P.L. 103–335), and District of Columbia (P.L. 103–334). In addition, Congress has cleared for the President's signature the National Defense Authorization Act for 1995 (S. 2182), and the Uniformed Services Employment and Reemployment Rights Act (H.R. 995). These actions changed the current level of budget authority and outlays.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer.)

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS SEPTEMBER 30, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriation legislation		242,066	
Offsetting receipts	(203,681)	(203,682)	
Total previously enacted	543,454	744,371	977,700
ENACTED THIS SESSION			
Appropriation bills			
Emergency Supplemental, FY 1994 (P.L. 103–211)	18	(832)	

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS SEPTEMBER 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
1994 FHA Supplemental (P.L. 103–275)	(2)		
Agriculture (P.L. 103–330)	67,515	43,218	
Commerce, Justice, State (P.L. 103–317)	26,832	19,052	
Offsetting receipts	(158)	(158)	
Defense (P.L. 103–335)	243,628	164,182	
District of Columbia (P.L. 103–334	712	712	
Energy and Water (P.L. 103–316)	20,493	12,083	
Foreign Assistance (P.L. 103–306)	13,679	5,614	
Offsetting receipts	(45)	(45)	
Interior (P.L. 103–332)	13,198	8,873	
Labor, HHS, Education (P.L. 103–333)	213,377	176,469	
Offseting receitps	(38,233)	(38,233)	
Legislative Branch (P.L. 103–283)	2,367	2,174	
Military Construction (P.L. 103–307)	8,836	2,181	
Transportation (P.L. 103–331)	14,266	12,449	
Treasury, Postal Service (P.L. 103–329)	23,221	20,900	
Offsetting receipts	(7,340)	(7,340)	
Veterans, HUD and Independent Agencies (P.L. 103–327)	89,751	48,436	
Authorization bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS SEPTEMBER 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Independent Counsel Reauthorization Act (P.L.103–270)	2	2	
Independent Agency Act (P.L. 103–296)			(2)
Aviation Infrastructure Investment Act (P.L. 103–305)	2,161		
Crime Control Act of 1994 (P.L. 103–322)		(20)	1
Community Development Act of 1994 (P.L. 103–325)	(25)	(25)	
Total enacted this session	694,424	469,866	(1)
PENDING SIGNATURE			
National Defense Authorization Act, FY 1995 (S. 2182)	42	34	
Uniformed Services Employment and Reemployment Rights Act (H.R. 995)	2	2	
Total pending signature	44	36	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1]	(2,603)	2,525	
Total current level [2 3]	1,235,319	1,216,798	997,699
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	3,386	807	1
Over budget resolution			

[1] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–296.

[2] In accordance with the Budget Enforcement Act, the total does not include $200 million in budget authority and $5,159 in outlays for funding of emergencies that have been designated as such by the President and the Congress, and $2,010 million in budget authority and $2,042 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[3] At the request of Committee staff, current level does not include scoring of section 601 of P.L.102–391.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CALLAHAN (at the request of Mr. MICHEL) for today from 12 noon to 7 p.m., on account of attending a funeral.

Mr. BACHUS of Alabama (at the request of Mr. MICHEL) for today from 12 noon to 7 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILMAN) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 5 minutes, on October 6.

Mrs. FOWLER, for 5 minutes, on October 6.

Mrs. MORELLA, for 5 minutes, on October 6.

Mr. THOMAS of California, for 5 minutes, on October 6.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. PAYNE of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. BARLOW, for 5 minutes, today.

Mr. BRYANT, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. FINGERHUT, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 927. An act for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

S. 2341. An act to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the United States Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

S. 2457. An act for the relief of Benchmark Rail Group, Inc.; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 810. An act for the relief of Elizabeth M. Hill.

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day."

H.J. Res. 398. Joint resolution to establish the fourth Sunday of July as "Parents' Day."

H.J. Res. 415. Joint resolution designating the week beginning October 16, 1994, as "National Penny Charity Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 316. An act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

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.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On September 30, 1994:

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

On October 4, 1994:

H.R. 995. An act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, 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."

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.

H.R. 4299. An act to authorize appropriations for the 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.

ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes a.m.), the House adjourned until today, Thursday, October 6, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3908. A letter from the Director of Legislation, Department of the Navy, transmitting notice that the Navy intends to renew the lease of the *Albert David* (FF 1050), pursuant to 10 U.S.C. 7307(B)(2); to the Committee on Armed Services.

3909. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1993 annual report on the operations of the Office of General Counsel, pursuant to 42 U.S.C. 2000e–4(e); to the Committee on Education and Labor.

3910. A letter from the Administrator, Environmental Protection Agency, transmitting a report on nitrogen oxide emissions and their control from uninstalled aircraft engines in enclosed test cells, pursuant to 42 U.S.C. 7521(a)(3)(E); to the Committee on Energy and Commerce.

3911. A letter from the Secretary of Energy, transmitting a report on barriers to the increased utilization of coal combustion, desulfurization byproducts by governmental and commercial sectors; to the Committee on Energy and Commerce.

3912. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Jerome Gary Cooper, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States to Jamaica and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3913. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting certification that no U.N. agency or U.N. affiliated agency grants any official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 102(g); to the Committee on Foreign Affairs.

3914. A communication from the President of the United States, transmitting a report on sanctions on Vietnam, pursuant to section 522 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (Public Law 103-236); to the Committee on Foreign Affairs.

3915. A letter from the Manager, Western Farm Credit Bank, transmitting the Bank's 1993 annual report on Federal Government pension plans, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3916. A letter from the Secretary of Transportation, transmitting the Department's annual report on relative cost of shipbuilding for fiscal year 1993; to the Committee on Merchant Marine and Fisheries.

3917. A communication from the President of the United States, transmitting notification of the intent of the Department of Defense to make purchases and purchase commitments, and to enter into cost sharing arrangements for equipment to develop manufacturing processes under the Defense Production Act of 1950, pursuant to 50 U.S.C. App. 2093 (H. Doc. No. 103-322); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs, and ordered to be printed.

3918. A letter from the Administrator, Federal Aviation Administration, transmitting the FAA report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS] for the period April through June 1994, pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

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. MILLER of California: Committee on Natural Resources. S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes (Rept. 103-838). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 568. Resolution waiving points of order against the conference report to accompany the bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes (Rept. 103-839). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 570. Resolution providing for further consideration of the joint resolution (H.J. 416) providing limited authorization for the participation of United States Armed Forces in multinational force in Haiti and providing for the prompt withdrawal of United States Forces for Haiti (Rept. 103-840). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 571. Resolution amending the Rules of the House of Representative to apply certain laws to the House of Representatives, and for other purposes (Rept. 103-841). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 3344. A bill for the relief of Lloyd B. Gamble (Rept. 103-836). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 3917. A bill for the relief of Arthur A. Carron, Jr., (Rept. 103-837). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FILNER (for himself, Ms. SCHENK, and Mr. CUNNINGHAM):

H.R. 5176. A bill to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Ms. SNOWE (for herself and Mr. ANDREWS of New Jersey):

H.R. 5177. A bill to authorize the Secretary of State to deny passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on Foreign Affairs.

By Mr. GONZALEZ (for himself, Mr. LEACH, Mr. KENNEDY, Mr. MCCANDLESS, and Mr. LAROCCO):

H.R. 5178. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. NORTON:

H.R. 5179. A bill to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Government Operations, and Foreign Affairs.

By Mr. ANDREWS of New Jersey:

H.R. 5180. A bill to reform the child support enforcement system in order to maximize collections of child support payments on behalf of poor children in the United States; jointly, to the Committees on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. BAKER of Louisiana:

H.R. 5181. A bill to amend section 18 of the United States Housing Act of 1937 to improve the program providing for demolition and disposition of public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARTON of Texas:

H.R. 5182. A bill to adjust the designation of controlled airspace around the Dallas/Fort Worth Airport, TX, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. STENHOLM, Mr. GUNDERSON, Mr. ROSE, Mr. SMITH of Oregon, Mr. INSLEE, Mr. COMBEST, Mr. ALLARD, Mr. SKEEN, Mr. THOMAS of Wyoming, Mr. BONILLA, Mr. MCINNIS, Mr. CRAPO, Mr. BARLOW, Mr. HOLDEN, Mr. PENNY, Mrs. VUCANOVICH, Mr. VOLKMER, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. EDWARDS of Texas, and Mr. JOHNSON of South Dakota):

H.R. 5183. A bill to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes; to the Committee on Agriculture.

By Mr. GUNDERSON (for himself and Mr. ROBERTS):

H.R. 5184. A bill to enable the Secretary of Agriculture to adjust the base period of milk production when calculating refunds of assessments made in calendar year 1994 under section 204(h) of the Agricultural Act of 1949 on milk producers affected by floods and excessive moisture during calendar year 1993; to the Committee on Agriculture.

By Mr. HERGER:

H.R. 5185. A bill to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places, and for other purposes; to the Committee on Natural Resources.

By Mr. HUGHES (by request):

H.R. 5186. A bill to amend title 18, United States Code, with respect to the Bureau of Prisons; jointly, to the Committee on the Judiciary and Government Operations.

By Mr. KILDEE:

H.R. 5187. A bill to amend section 7(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco; to the Committee on Education and Labor.

By Mr. KIM:

H.R. 5188. A bill to authorize the export of medical devices to countries which have approved such devices; to the Committee on Energy and Commerce.

By Mr. LIVINGSTON:

H.R. 5189. A bill to amend title 28, United States Code, to provide that a reasonable attorney's fee shall be awarded as a part of the cost to prevailing defendants in Federal civil actions; to the Committee on the Judiciary.

By Mr. MINGE:

H.R. 5190. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY:

H.R. 5191. A bill to amend the charter of the Veterans of Foreign Wars; to the Committee on the Judiciary.

By Mr. PAYNE of New Jersey (for himself, Mr. RUSH, Mr. EVANS, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. MFUME, Mr. BONIOR, and Mr. MACHTLEY):

H.R. 5192. A bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots; to

the Committee on Banking, Finance and Urban Affairs.

By Mr. PETRI:

H.R. 5193. A bill to amend the Internal Revenue Code of 1986 to reform the earned income tax credit; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mrs. MORELLA):

H.R. 5194. A bill to amend title 13, United States Code, to require the Bureau of the Census to measure the status of women, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.R. 5195. A bill to require the Federal Trade Commission to issue a trade regulation rule which requires the release of prescriptions for contact lenses; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 5196. A bill to suspend temporarily the duty on C.I. Pigment Yellow 139; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 5197: A bill to suspend temporarily the duty on nickel isoindoline pigment; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress regarding the U.S. position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization; jointly, to the Committees on Foreign Affairs and Public Works and Transportation.

By Mr. HOYER (for himself and Mr. WOLF):

H. Con. Res. 308. Concurrent resolution concerning the removal of Russian troops from the independent nation of Moldova; to the Committee on Foreign Affairs.

By Mr. LEWIS of Kentucky (for himself, Mr. CALVERT, Mr. SAM JOHNSON, Mr. HUTCHINSON, Mr. CANADY, Mr. DOOLITTLE, Mr. TALENT, Mr. EHLERS, and Mr. LUCAS):

H. Res. 569. Resolution expressing the sense of the House of Representatives that the work of grassroots organizations should not be considered lobbying; to the Commission on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. WILSON introduced a bill (H.R. 5198) to authorize the Secretary of Agriculture to convey certain lands in the Sam Houston National Forest in the State of Texas to the current occupant of the lands, the Gulf Coast Trades Center; which was referred to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. SAXTON.

H.R. 417: Mr. REGULA, Mr. LEWIS of California, Mr. DORNAN, Mr. HEFLEY, Mr. KLINK, Mr. MCINNIS, Mr. TUCKER, and Mr. GRAMS.

H.R. 1500: Mr. COYNE and Mr. REYNOLDS.

H.R. 2420: Mr. DIXON.

H.R. 2460: Mrs. CLAYTON.

H.R. 2898: Mr. OWENS.

H.R. 2959: Mr. HUTCHINSON.

H.R. 3059: Ms. DELAURO, Mr. CAMP, and Mr. MANTON.

H.R. 3247: Mr. BONIOR.

H.R. 3523: Mr. BROWN of California and Mr. COPPERSMITH.

H.R. 3949: Mr. WILSON.

H.R. 4260: Ms. KAPTUR, Mr. EVANS, Mr. PAYNE of New Jersey, and Mr. DEUTSCH.

H.R. 4271: Ms. DELAURO.

H.R. 4303: Mr. DARDEN.

H.R. 4416: Mr. HAMILTON, Mr. MCCLOSKEY, Mr. KINGSTON, Mr. SANDERS, Mr. POSHARD, Mr. EMERSON, and Ms. LONG.

H.R. 4491: Mr. FIELDS of Texas, Mr. DUNCAN, Mr. PORTER, and Mr. HEFLEY.

H.R. 4514: Mr. DIXON.

H.R. 4566: Mr. DREIER.

H.R. 4610: Mr. ROBERTS, Mr. COYNE, Mr. DE LA GARZA, Mr. HUGHES, and Mrs. JOHNSON of Connecticut.

H.R. 4636: Mr. SAWYER and Mr. HUGHES.

H.R. 4698: Mr. LEWIS of Georgia and Mr. EVANS.

H.R. 4786: Mr. BEILENSON.

H.R. 4789: Mr. MCDERMOTT.

H.R. 4809: Ms. ESHOO, Mr. MENENDEZ, Mrs. UNSOELD, Mr. SAWYER, Mr. BOUCHER, Mr. BARCA of Wisconsin, Mr. STUPAK, Mr. HOCHBRUECKNER, Mr. BEREUTER, Mr. MCHALE, and Mr. GINGRICH.

H.R. 4936: Mr. THOMPSON, Mr. VISCLOSKY, and Mr. KINGSTON.

H.R. 4955: Mr. LEWIS OF GEORGIA, MR. FINGERHUT, Mr. BERMAN, Mr. MINETA, and Mr. SANDERS.

H.R. 4994: Mr. SANDERS.

H.R. 5005: Mr. ENGEL and Mr. ACKERMAN.

H.R. 5033: Mr. CLINGER, Mr. BOEHNER, Mr. DICKEY, Mr. LIVINGSTON, Mr. COSTELLO, Mr. BACHUS of Alabama, Mr. TORKILDSEN, and Mr. MCCANDLESS.

H.R. 5037: Mr. EHLERS.

H.R. 5062: Mr. PETERSON of Minnesota, Mr. BONILLA, Mr. CLEMENT, Mr. SERRANO, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. CAMP, Mr. TUCKER, and Ms. MARGOLIES-MEZVINSKY.

H.R. 5071: Mr. APPLEGATE, Mr. VOLKMER, Mr. MCCURDY, Mr. JACOBS, Ms. PRYCE of Ohio, Mr. DINGELL, Mr. OXLEY, and Mr. WILLIAMS.

H.R. 5082: Mr. ZIMMER, Mr. KYL, Mr. STUMP, Mr. STEARNS, Mr. BARTON of Texas, Mr. SAWYER, Mr. GENE GREEN of Texas, Mr. SHAW, Mr. DE LA GARZA, Mr. MICA, Mr. GALLEGLY, Mr. KLECZKA, Mr. FINGERHUT, Mr. BUYER, Mr. FRANKS of Connecticut, Ms. WOOLSEY, Mr. LEWIS of Florida, Mr. FROST, Mr. SHAYS, Mr. STENHOLM, Mr. EHLERS, Mr. BARRETT of Wisconsin, Mr. SENSENBRENNER, Mr. OXLEY, Mr. SWIFT, Mr. HYDE, Mr. BURTON of Indiana, Mr. BONILLA, Mr. WILSON, Mr. BRYANT, Mr. BROOKS, Mr. SARPALIUS, Mr. LAZIO, Mr. COMBEST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VENTO, Ms. KAPTUR, Mr. HOAGLAND, Mr. CHAPMAN, Mr. PETE GEREN of Texas, Mr. TALENT, Mr. SMITH of Texas, Mr. EDWARDS of Texas, Mr. ORTIZ, Mr. TEJEDA, Mr. LAUGHLIN, Mr. COLEMAN, Mr. SAM JOHNSON, Mr. SKELTON, Mr. BAESLER, Mr. HAMILTON, Mr. HALL of Ohio, Mr. APPLEGATE, Mr. GOODLING, Mr. GEJDENSON, Mr. BROWN of California, and Mr. HOKE.

H.R. 5111: Ms. ENGLISH of Arizona, Mr. HAYES, Mr. ROBERTS, and Mr. HUTCHINSON.

H.R. 5141: Mr. DEUTSCH, Mr. BONIOR, Mr. GENE GREEN of Texas, Mr. BROWN of California, Mr. LANTOS, Mr. ABERCROMBIE, Mr. JOHNSTON of Florida, Mr. FILNER, Mr. STOKES, Mr. STARK, Mr. LAZIO, Mr. PENNY, Mr. SWETT, Mr. MORAN, Ms. WATERS, Ms. SCHENK, Mr. CALVERT, Mr. EVANS, Mr. BILBRAY, and Mr. GEJDENSON.

H.J. Res. 184: Mr. WYNN, Mr. RANGEL, Mr. JEFFERSON, Mr. CALLAHAN, Mr. CONYERS, Mr. KILDEE, Ms. BROWN of Florida, Mr. CALVERT, and Mr. CRANE.

H.J. Res. 332: Mr. MCHALE, Mr. HOBSON, Mr. LEVIN, Mr. ABERCROMBIE, Mr. ROWLAND, Mr. HOYER, Mr. DEUTSCH, Mr. SABO, Mr. FISH, Mr. CAMP, and Mr. OBERSTAR.

H.J. Res. 385: Mr. SWETT and Mr. GORDON.

H.J. Res. 400: Mr. PARKER, Mr. LEWIS of Florida, and Mr. MARTINEZ.

H.J. Res. 411: Mr. LANTOS, Mr. MINETA, Mr. FISH, Mrs. MALONEY, Mr. WYNN, Mr. UNDERWOOD, Mr. RICHARDSON, Mr. COPPERSMITH, Mr. DORNAN, Mr. PACKARD, Mr. HEFNER, Mr. TAYLOR of North Carolina, Mr. WATT, Mr. CLEMENT, Mr. ROWLAND, and Mr. SPRATT.

H. Con. Res. 20: Mr. MOORHEAD.

H. Con. Res. 148: Mr. HOLDEN and Mr. MOORHEAD.

H. Con. Res. 166: Mr. DREIER.

H. Con. Res. 262: Mr. CAMP and Mr. HOYER.

H. Con. Res. 281: Mr. DEUTSCH.

H. Con. Res. 297: Mr. STUMP.

H. Res. 234: Mr. COX, Mr. ROHRABACHER, Mr. SHAW, and Mr. ACKERMAN.

H. Res. 464: Mr. MARTINEZ.

H. Res. 525: Mr. ZIMMER and Ms. PRYCE of Ohio.

H. Res. 541: Mr. MFUME.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 173: Mr. HEFLEY.

H.R. 1420: Mr. PETERSON of Minnesota.

H.R. 3949: Mr. RANGEL.

H.R. 4129: Mr. BAESLER.

EXTENSIONS OF REMARKS

CHILD-CARE DEMONS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. JACOBS. Mr. Speaker, I insert the following article from the first New Yorker edition of October of this year.

As a former police officer, I applaud this article's contribution to common sense.

To be sure, there are heinous causes of child abuse. But to be equally sure, children have vivid imaginations; and careful analysis of allegations; including other evidence, should be made of such charges where action is taken in order to avoid tragic injustice.

CHILD-CARE DEMONS

(By Lawrence Wright)

In San Diego, in 1991, a physically deformed and mildly retarded former Sunday-school teacher's aide named Dale Akiki was charged with molesting, torturing, and kidnapping nine boys and girls, aged three and four, who had been entrusted to his care during church services two years earlier. The case arose four months after Mr. Akiki quit teaching, when a girl belatedly accused him of exposing himself to her on the job. At first, none of the other children supported her account, but eventually they produced stories that Mr. Akiki had slaughtered a giraffe and an elephant in the classroom, forced the children to drink blood, sacrificed a human baby, and cooked monkeys. Almost all the children's complaints were recanted or changed, but the district attorney decided to prosecute anyway. The trial took seven months; the jury took seven hours to acquit the defendant. Mr. Akiki, however, had by then spent two and a half years in jail. In June of this year, a grand jury investigating the prosecution of the case condemned the prosecutors for prodding therapists to act as investigators. "When children initially say that nothing happened to them, a misguided therapist labels them as being in denial," the grand jurors warned. "Then therapy is sometimes continued for months or sometimes years until the children disclose answers the therapists want to hear."

Certainly abuses occur in child-care situations, and no doubt pedophiles will be drawn to situations where children can be under their control. But since the first major case of this kind—the 1983 McMartin Preschool case, in Manhattan Beach, California, in which the longest and most expensive criminal trial in American history resulted in no convictions of any of the seven defendants—court doctors across the country have become congested with emotionally devastating, financially ruinous, and legally bewildering cases in which there is little or no physical evidence and the primary witnesses are children. The spawn of McMartin—Little Rascals, Wee Care, Breezy Point, and Fells Acres, among more than a hundred such cases—have typically included fantastic allegations of torture, ritual abuse, and animal sacrifice.

The controversy over the credibility of children's testimony has congealed into a debate between those who demand that we "believe the children" no matter how outlandish their allegations and those who maintain that children are inherently so suggestible that their testimony can never be relied upon. An interesting question that remains is why children are not believed when, as often happens, they specifically deny charges at the time they first arise.

In 1989, Kaare and Judy Sortland, a couple in Tacoma, Washington, were accused of sexually abusing three young boys in a day-care center that Judy operated in their home. The charge arose when a mother discovered a suspicious red substance in her child's diapers. The children in question repeatedly denied that anything had happened to them, but parents and therapists persuaded them to change their stories. "We'll talk to these kids until they're twenty years old, if necessary, to get a believable story to the jury," one parent vowed. When a jury nonetheless found the Sortlands not guilty in one case, the judge threw out the other charges and awarded the defense a hundred and thirty-five thousand dollars in sanctions. Despite their acquittal, the Sortlands were hounded for the next two years by anonymous vandals. On Halloween night in 1992, Kaare Sortland was shot to death in his front yard. His wife heard him cry "I didn't do it!" just before six shots were fired.

In the summer of 1985, Margaret Kelly Michaels, who was then a twenty-six-year-old day-care worker in Maplewood, New Jersey, was charged with a number of hideous, bizarre forms of abuse, such as making children eat her feces, raping and assaulting them with silverware, licking peanut butter from their genitals, and playing "Jingle Bells" on the piano in the nude. During the investigation, a social worker asked a child, "Do you think that Kelly was not good when she was hurting you all?"

"Wasn't hurting me. I like her," the child responded.

"I can't hear you, you got to look at me when you talk to me," said the social worker. "Now, when Kelly was bothering kids in the music room—"

"I got socks off," said the child.

As the interview progressed, the social worker asked, "did she make anybody else take their clothes off in the music room?"

"No," said the child.

"Yes," said the social worker.

"No," said the child.

What's going on here? Why isn't the child allowed to say no? A widening body of research shows that repeated questioning of children, especially by authoritative adults with a specific bias, will often lead to answers that conform to the interviewers' expectations. At Ms. Michaels' trial, which lasted for ten months, the bulk of the significant evidence of abuse that was presented consisted of the coerced testimony of children. A psychiatrist named Roland Summit explained to the jury that when children deny that sexual abuses happened the denial can be evidence that the abuses actually did occur. The name he gave to this Catch-22 logic was the Child Sexual Abuse Accommodation Syndrome. In part because of his expert testimony, a jury convicted Ms. Michaels of a hundred and fifteen counts of abuse against nineteen children. She spent five years in prison before being freed on appeal. This June, the Supreme Court of New Jersey ruled that the State would have to prove "by clear and convincing evidence" that children's testimony is credible—a ruling that sets what may become a welcome new standard in similar cases nationwide.

Why is there such a cultural bias toward stories of abuse—and especially toward grotesque and absurd tales, even when there is no reliable evidence that any crime occurred in the first place? The very people we count on to protect our society—prosecutors, police, social workers, jurors, even parents—are eliciting fantasies from children that express our worst collective fears. No doubt children are victimized. But the truth is that sexual abuse is far more likely to occur at home than in schools or nurseries. Scapegoats carry the burden of the guilt inside us all. They are presumed to be the incarnation of evil, the cause of every social ill. The libel that our society has imposed on child-care workers is a kind of projection of guilt for the damage that we ourselves have done, as parents and as a society. We have given our children to strangers to rear, and it makes us uneasy and fearful. Is it any wonder we have a bad conscience? Divorce, neglect, unsafe neighborhoods, bad schools—these primary social problems are not the fault of the people to whom we have entrusted our children. Forcing children to invent stories of abuse *is* abuse.

EVIDENCE OF SLAVE LABOR IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. WOLF. Mr. Speaker, I am submitting for the RECORD an appeal by Chen Pokong, a prisoner in China, to the international community concerning goods made with slave labor in Chinese prison camps.

[From the Laogai Research Foundation, Milpitas, CA]

BLOODSTAINED FLOWERS

(By Chen Pokong, Political Prisoner)

A COURAGEOUS APPEAL FROM A CHINESE PRISON

"I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

Being in this critical situation, I have no choice but to appeal to you. I strongly urge progressive forces the world over to pay attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically.

I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But I have no choice!"

ARTIFICIAL FLOWERS MADE BY CHINESE POLITICAL PRISONERS

A Chinese political prisoner, Chen Pokong, in a document smuggled out of a re-education-through-labor (Laojiao) camp in southern China has provided evidence that artificial flowers made by prisoners are being exported to the United States. His appeal is being released following a four month investigation which included photographing the prison where Chen is being held.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

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This is the first time a known dissident and political prisoner has communicated with the outside world about forced labor products being exported to the United States.

Chen, 30 years old, is a teacher and pro-democracy activist, who had previously served a three year prison term for his activities in Guangzhou during the 1989 pro-democracy movement, attached to his letter original labels the prisoners put on flowers. The three labels (See Appendix II) are for "Silky Touch" flowers distributed by Ben Franklin Stores, Inc., Carol Stream, Illinois; "Lady Bug Collection" flowers for Universal Sun Ray of Springfield, Missouri; and another "Universal Sun Ray-U.S. Flowers" label.

The Laogai Research Foundation purchased flowers with these labels on them at Ben Franklin Stores in Pleasanton, California and Reno, Nevada. (See Appendix I)

A Universal Sun Ray employee, visited by a Foundation representative at the company's showroom in Springfield, confirmed that the company supplies Ben Franklin, Inc. with its artificial flowers. Other large customers include Cotters, Inc., the parent of True Value Hardware stores; and the Rag Shops, a New Jersey based craft store chain. The employee also advised us that Universial Sun Ray provided Memorial Day flowers for sale at Wal-Mart stores in 1994. The Foundation has no evidence that any of the customers, or Universal Sun Ray itself, is aware that Chinese prisoners are involved in producing the flowers they sell.

It is illegal under U.S. law to import into the United States any product made in whole or in part by convict for forced labor.

CHEN POKONG—POLITICAL PRISONER

Chen Pokong, also known as Chen Jingsong, was a young teacher in the economics department of Zhongshan University, when he became involved in the pro-democracy movement which swept China in 1989.

Chen was sentenced to a three year term for his "counterrevolutionary instigation" according to a copy of a Guangdong People's Court ruling on his appeal of his sentence which has been obtained by the Laogai Research Foundation. (See Appendix V)

This document provides considerable detail on his arrest and the charges against him. Chen was first arrested on August 2, 1989 although the Chinese say "detained for investigation." Seven months later, on February 21, 1990 he was formally "arrested" and sentenced to three years imprisonment on March 1, 1991 by the Guangdong People's Municipality Intermediate Court.

Among Chen's "crimes" were charges he "instigated" the following statements as wall posters on the Zhongshan University campus: "Due to mishandling of the student movement, the Party has lost all its credibility and prestige as a ruling party * * *. Upon repeated consideration we have decided to declare earnestly that we are withdrawing from the Communist Party and the Communist Youth League * * *. The bloody violence began in front of the monument of the people's heroes the reactionary power has been revealed in its viciousness * * * undeniable proof of the communist power's bloody despotism * * * such a ruling party is hated by people the world over and is a shame for the Chinese people."

According to Chen, he completed his sentence and was released in July, 1992. He then resumed his political activities and which were "disseminating the ideas of democracy, creating progressive publications and disseminating them." Fearing arrest, he fled to Hong Kong in early August, 1993.

HONG KONG DENIES POLITICAL ASYLUM

After meeting with human rights activists in Hong Kong, Chen, following established procedures, turned himself in to the Hong Kong authorities and applied for political asylum.

Despite having considerable documentation about his previous arrest, imprisonment, and political activities, Chen's application was denied and he was deported to China on September 1, 1993 where he was immediately taken into custody.

Original documents obtained by the Laogai Research Foundation confirm his detention (See Appendix VI), and Chen's smuggled letter states that two months later he was sentenced by the Public Security Bureau to two years at the Guangzhou No. 1 Reeducation-Through-Labor camp.

CHEN'S APPEAL TO THE WORLD

Chen is an inmate at the Guangzhou No. 1 Reeducation-Through-Labor camp, a stone quarry in Chini Town, Huaxian County. At the time his letter was smuggled out of the prison he was in Company 9. Today he is believed to be in Company 6.

His appeal, addressed to the United Nations International Human Rights Organization (sic), the Voice of America, and Asian Watch (sic), was passed on later to the Laogai Research Foundation (See Appendix III), which possesses the original document.

He writes:

"I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

"Being in this critical situation, I have no choice but to appeal to you. I strongly urge progressive forces the world over to pay close attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically.

"I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But I have no choice!"

TERROR, PRIVATION, AND SLAVE LABOR

Chen testifies that the inmates of the camp labor "over 14 hours a day" moving stones from the quarry to the wharf and then onto a boat. After working all day they are forced to make artificial flowers at night.

The only time off during the year is three days during the annual Spring Festival. If prisoners do not meet their production quotas they have their sentences lengthened.

He tells of prisoners who worked too slowly being "brutally beating and misused (sic) by supervisors and team leaders (themselves inmates.)" "Inmates" he writes, "are often beaten until they are bloodstained all over, collapse or lose consciousness."

"Several times I was beaten by the team leader," he says in his appeal, adding, "I am constantly exposed to terror."

Other prisoners told him that before he arrived one inmate had been beaten to death.

Privation in the camp is real. The food allotment is insufficient. "Every meal consists of coarse rice and rotten vegetable leaves. Hardly can we see any grease. We have a little meat only on major holidays."

Medical treatment appears to be non-existent. Chen tells of injured and sick prisoners being forced to labor despite their infirmities. "many inmates, including myself, their hands and feet squashed by big stones, stained with blood and pus, have to labor as usual. As a consequence, many inmates were crippled for life."

FORCED LABOR FLOWERS—THE AMERICAN CONNECTION

On a separate sheet of paper Chen placed the three labels mentioned in the beginning of this report (See Appendix II).

The following is Chen's text on artificial flowers:

"The artificial flowers we make are for export. The trademarks are in English, the prices in USD. Even the company commander and the quarry director said the flowers are made in cooperation with a Hong Kong company that exports them. This is in serious violence (sic) of international human rights norms, international law, even the Chinese government's law.

As a matter of fact, in the recent decade and more all products turned out by labor reform and reeducation-through-labor and detention facilities in Guangdong Province are almost exclusively for export (usually in cooperation with Hong Kong and Taiwan companies). For instance, Huanghua Detention Center in Guangzhou, at least in 1989 when I was there and experienced everything myself, has been forcing detainees to make artificial flowers, necklaces, jewelry (trademarks in English, prices in USD) This can be testified to by anybody who was there, including Hong Kongers."

Two of the three labels are for Universal Sun Ray of Springfield, Missouri. According to conversations with a company employee, Universal Sun Ray also imports flowers for Ben Franklin Stores, Inc., the name of the third label attached on the flowers by prisoners in the camp.

On July 8, and August 28, 1994 the Laogai Research Foundation purchased flowers with these three labels on them at two Ben Franklin stores in Pleasanton, CA and Reno, NV (See Appendix I).

Shipping records show Universal Sun Ray regularly receives substantial shipments of artificial flowers from Hong Kong and China. The company's showroom in Springfield has dozens of different types of flowers on display, all those from Asia are marked "Made in China." It is believed the shipments indicating Hong Kong as the port of origin are in reality produced in China and transported to Hong Kong by truck and loaded aboard ships destined for the United States.

Universal Sun Ray receives imports from a number of Hong Kong based companies, but one company appears to ship much more than the others. The names of these companies will be provided to the U.S. Customs Service for investigation.

The Foundation has received no evidence that any officer or employee of Universal Sun Ray has knowledge that some quantity of the flowers being manufactured for them are being made in part at the Guangzhou No. 1 Reeducation-Through-Labor camp by Chen Pokong and other prisoners. It is known, though, that at least one official of the company travels regularly to the region on Universal Sun Ray business.

Chen Pokong states that the prisoners "make" the flowers, but does not describe in detail the production process Given that the prisoners work in the quarry and transport stones during the day, the Laogai Research Foundation is presuming that the prisoners are used to assemble the flowers at night. This would entail connecting the polyester/silk flowers to the plastic stems and folding the self adhesive labels around the stem.

Production of the polyester/silk flower itself requires cutting machinery and workers with some dexterity. The heavy work with stones during the day is not, in our view, conducive to manual dexterity at night. Assembly, on the other hand, is much less difficult, although painful for the prisoners at the end of a harsh day of quarry labor.

This analysis would also support the likelihood that the assembly in the prison is being subcontracted by another facility, perhaps a legitimate artificial flower factory in the area.

While Chen's evidence is the first of a political prisoner being forced to labor producing artificial flowers for export to the U.S., it is not the first report of such flowers being

made in the prisons and detention centers in Guangdong Province. In 1990, Lai Dexiong, a police officer in Shenzhen, escaped to Hong Kong after learning he was about to be arrested for helping student leaders active during the Tiananmen Square demonstrations escape the country. Lai told of seeing prisoners in 1987 in a number of detention centers and prisons making artificial flowers for export to England for Queen Elizabeth's birthday celebration. At that time, his testimony was not taken seriously.

REEDUCATION-THROUGH-LABOR (RTL)

The Chinese government does not consider Reduction-Through-Labor (Laojiao) to be judicial punishment, but rather, "high level government disciplinary action." This means that prisoners do not technically go through judicial procedures such as arrest, examination, or sentencing, and therefore local public security bureaus (police) do not have to submit reports to the courts or the Office of the Procuratorate.

But, arrest, detention, sentencing, and forced labor are part of the process, and the man or woman subject to reeducation through labor is still an inmate in a prison, even if the Chinese governmental and communist party choose not to call them prisons.

Chen makes this point clearly in his letter: "Reeducation-through-labor is the darkest part of China's current political system. Ironically, RTL policy and regulations worked out by the Chinese government itself have been altered beyond recognition in their practical implementation. According to RTL policy and regulations RTL is lighter than LR (Labor Reform): inmates get this pay, have their benefits and holiday, enjoy the right of correspondence, cultural, recreational and sports activities, do not labor more than 8 hours daily, can visit their families on holidays, can be bailed out for medical treatment, etc. In reality RTL is hell."

His description of terror, privation and forced labor testified to the practice of reeducation-through-labor rather than its supposed theory.

STATEMENT ON RESOLUTION CALLING FOR REMOVAL OF RUSSIAN TROOPS FROM MOLDOVA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. HOYER. Mr. Speaker, on August 31, 1994, Russian active-duty military forces left Germany, Latvia, and Estonia. Their departure was one of the most visible steps in removing the vestiges of the cold war. But more steps are necessary.

We need only look at Moldova, where between 8,000 and 10,000 troops of the Russian 14th Army remain, against the will of the people and the government of that nation. Ever since Moldova became independent in 1991, its government has been negotiating with Moscow on a reasonable timetable for the removal of these troops. In 1992, many of these forces took part in the bloody secessionist movement in the Transdniestria area of Moldova where they are stationed.

A diplomatic mission of the Conference on Security and Cooperation in Europe posted in Moldova has submitted a commendable proposal aimed at resolving the Transdniestrian conflict. Among the provisions of the CSCE proposal is the accelerated withdrawal of the 14th Army.

Mr. Speaker, in early July I led a large U.S. delegation to the CSCE Parliamentary Assembly in Vienna, where I was honored to chair the Committee on Human Rights. Among the resolutions adopted by the assembly was one calling for a "continuing unconditional, and full withdrawal" of the 14th Army from Moldova.

I am pleased to report that some progress has been made. On August 10 of this year, negotiators of the Moldovan and Russian Governments initialed an agreement according to which Russia will withdraw its military forces from Moldova in 3 years. Unfortunately, the ink was hardly dry on the agreement when the Russian Minister of Defense, General Grachev, called for further drafting of the withdrawal agreement, and the commander of the 14th Army, General Lebed, publicly rejected the terms of the agreement. He called it "idiotic."

Under President Clinton's leadership, the United States has taken a strong position in favor of withdrawal of Russian troops from Moldova. During his recent visit to Moldova, our U.N. Ambassador, Madeleine Albright, stated that the United States considers the withdrawal of the 14th Army as "a matter of primary importance to U.S. foreign policy." Mr. Speaker, President Clinton has been justly credited, even by some of his political adversaries, for the perseverance and persuasiveness he employed in encouraging the Russian Government to remove its troops from the Baltics last month. U.S. leadership will be needed here as well.

Mr. Speaker, my distinguished colleague from Virginia, Mr. WOLF and I have introduced a concurrent resolution calling upon the government of the Russian Federation to adhere to the provisions of the withdrawal agreement initiated on August 10, 1994, and urging the administration to use every appropriate opportunity, including multilateral and bilateral diplomacy, to secure removal of Russian military forces from Moldova.

I believe that the Congress should join with the administration in reminding Russia of its commitment, stated by Foreign Minister Kozyrev and Defense Minister Grachev, to remove all of its active duty armed forces from foreign territory, as they have already done in Germany, Poland, and the Baltic States.

I urge the Russian Government to adhere to the provisions of the August 10 withdrawal agreement, and I urge my colleagues to join us in supporting this resolution.

THE FUTURE OF TRANSPORTATION IN THE NEW YORK-NEW JERSEY METROPOLITAN AREA

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, on October 3, I sponsored a conference on the future of transportation in the New York-New Jersey Metropolitan Area in 2020. This conference took place at the historic Central Railroad of New Jersey terminal at Liberty State Park in Jersey City, NJ. I hosted this conference with two of my colleagues from the House Public Works and Transportation Committee, Ms. MOLINARI and Mr. MENENDEZ, and New Jersey's junior senator, FRANK LAUTENBERG.

During this conference, my colleagues and I heard testimony from Stan Brezenoff, executive director, Port Authority of New Jersey; John Egan, commissioner, New York Department of Transportation; Sharon Landers, deputy Commissioner, New Jersey department of transportation; Lillian Liburdi, director of the port department, Port Authority of New York and New Jersey; David Plavin, director of aviation, Port Authority of New York and New Jersey, Shirley DeLibero, executive director, NJ Transit; Peter E. Stangl, chairman and CEO, Metropolitan Transit Authority; Richard Kelly, interstate transportation department director, Port Authority of New York and New Jersey; Arthur Imperatore, Jr., vice president of NY Waterway; and Richard DuHaime, chairman of the North Jersey Transportation Planning Board.

Mr. Speaker, our transportation infrastructure constitutes the veins and the arteries through which our economic lifeblood flows. In an increasingly competitive global economy, those regions having a second-rate transportation infrastructure will have a second-rate economy.

Nationwide, it is estimated that traffic congestion on our highways, bridges, and tunnels costs our economy $300 billion each year in lost productivity. The shipment of goods are delayed, schedules are disrupted, and otherwise productive time is wasted. In our area, there is little or no additional capacity during peak hours on our highways, bridges, or tunnels. They are simply incapable of absorbing any significant future economic growth.

Furthermore, congestion right here in our region is so bad that commuters to New York City waste 50 million hours each year in congested traffic. With traffic congestion worsening each year, viable alternatives must be offered to the motoring public. And under the strict guidelines of the Clean Air Act, the old solution of simply increasing highway capacity may no longer be an option.

For our seaports like Port Newark and Port Elizabeth, the future is now. Our ports annually contribute over $20 billion to our region's economy, and handle over 38 million tons of cargo a year. Unfortunately, our ports are currently risking the loss of trade with foreign countries largely because of the bureaucratic bungling in Washington over the issuance of dredging permits.

With new markets opening up all over the world, our ports must serve as the gateway for a surge in American exports. And for the 180,000 people who depend on the ports for their living, the decisions we make now will directly affect whether Port Newark and Port Elizabeth are bustling and vibrant or static and silent.

For our airports, among the busiest in the Nation, the challenges are great. During the last decade, our airports—Kennedy, LaGuardia, and Newark—have grown at an incredible rate. Newark Airport's international traffic alone increased by almost 200 percent since 1988, with growth expected to continue into the 21st century. Unfortunately, aircraft delays, aircraft noise, and the traffic getting to the airport have also grown at substantial rates. Looking at the next 25 years, one can only speculate on the health of our airports. Perhaps teleconferencing, or the advent of high-speed rail will decrease the pressures on our airports. Whatever the future may hold, our airports are an important link in our transportation web, and their vitality is crucial to our economic well-being.

Mass transportation will also face unique challenges in the next quarter century. We are already witnessing the comeback of light rail systems and ferries that were prevalent earlier this century. Back then, people used light rail and ferries as their primary means of transportation because cars were simply too expensive. I think it's safe to predict people will again embrace these time-honored modes of transportation not for want of a car, but because of environmental regulations and intolerable highway congestion.

I organized this conference with my colleagues in order to hear the thoughts and ideas of the people whose job it is to make sure the most complex transportation infrastructure in the world works for the people it was designed to serve. The New York City subway system, the Brooklyn Bridge, and the New Jersey Turnpike are but a few of the transportation marvels that have historically been the envy of the world. The stewards of our transportation infrastructure of yesteryear had the foresight and determination to build these magnificent structures; we must be equally bold today or risk losing our economic competitiveness.

Mr. Speaker, I was pleased that officials from both sides of the Hudson River could come together to discuss transportation problems common to our States. Hopefully, our discussion will help forge a closer partnership between New York and New Jersey as we seek to solve our common transportation challenges.

NATIONAL FAMILY LITERACY DAY

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Ms. ENGLISH of Arizona. Mr. Speaker, I am pleased to announce that I have cosponsored House Joint Resolution 413. I strongly believe we must do all we can to promote literacy and support November 1, 1994 as National Family Literacy Day. It is important that we acknowledge the vital role reading plays in our daily personal and private lives.

To ensure that our children grow up with unlimited opportunities, we must pass on to them the gift of literacy. By teaching our children to read, we give them the means to choose their future. This is a critical first step in helping our children help themselves.

We must take control of the future and combat the problem of illiteracy. Designating November 1 as National Family Literacy Day is a positive move toward confronting the important issue of literacy.

ALABAMA IS PROUD OF OUR MISS AMERICA, HEATHER WHITESTONE

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BEVILL. Mr. Speaker, I rise today in honor of our new Miss America, Heather Whitestone of Birmingham, who already has made the people of Alabama and this Nation so proud.

In a press conference today on Capitol Hill, Heather outlined her plans for the coming year. I was very impressed with this extremely poised, beautiful young lady. At age 21, she is mature, polished and self-reliant beyond her years.

She will make an outstanding goodwill ambassador as she travels America in the coming year with her upbeat message of hope, courage, faith, and positive thinking.

Heather is an optimist and she conveys that optimism with a genuine, warm glow. She makes the excellent point, especially aimed at young people, that anything is possible.

She has coped magnificently with profound deafness since early childhood and serves as a tremendous role model not only for those who live with physical impairments, but for all of us. If we listen, we can all learn from her.

I wish Heather all the best in her reign as Miss America. I have a feeling that every life she touches, every community she visits will be made better by her presence and her message of encouragement.

I include her statement today and I encourage my colleagues to read it and share it with others. Her statement follows:

ANYTHING IS POSSIBLE

Many young people in America today are challenged. Some face unthinkable adversities and, despite the odds, enjoy healthy and productive lives. Yet those who are unable to overcome their obstacles and find a path of productivity often suffer, in part, from an overwhelming lack of self-esteem and the absence of positive environments in which they are challenged to try, fail, try again, and ultimately, succeed.

In facing my own life's challenges, I have discovered a unique approach that I call STARS: Success Through Action and Realization (of your DreamS). The five points of a star itself have continually reminded me that the essential elements to achieving success are: To have a positive attitude; To believe in your dream, especially education, which is a dream all Americans share; To face your obstacles, no matter how great; To work hard; and To build a support team.

As I travel this country in my role as Miss America, I will communicate the STARS approach to our nation's youth. I will teach them, through word and deed, the value of setting high goals, working hard and achieving their dreams and ambitions, reminding them that their actions speak louder than any words. I will also carry this message to parents, teachers, counselors, ministers and others who influence youth, imploring them to create the proper environments for young people to employ STARS and to serve as committed members of a young person's support team.

As a living example of a challenged person who has used a STARS approach to succeed, I will extend my hand to anyone in need of encouragement and love. I will ask them not to imitate me, but rather to believe in themselves and the power of their spirit. And I will reach out to specific groups with whom I share a special bond.

I will motivate all young people who are deaf or hard of hearing to pursue a broad range of communication and educational options in their lives, choosing those which best reflect their goals and encouraging them to choose the options that will build their self-esteem and, ultimately, ensure their success in life.

I will invite youth with disabilities to join me in reaching out to the nondisabled world—without fear or concern—to tear down the barriers of acceptance that still exist by demonstrating that their lives are about their abilities not their disabilities. In doing so, I know they will find their own paths to success.

I will encourage all young people facing challenges to confront their obstacles with determination and confidence, avoiding the epidemic of negative thinking that has swept our country and robbed them of their self-esteem. I will help them to realize their own success by setting very clear goals and working hard to achieve them.

And I will challenge opinion leaders and those who influence youth to work even harder at creating the proper environments for all young people—disabled and nondisabled—to confidently establish their own identity, helping them to find a productive place in our society, and inspiring them always to try, try again, and one day, to succeed.

To these young people and countless others, I will commit myself, speaking out on their behalf when they cannot. I will believe in their dreams. I will help them to work hard. And I will always be the very first member of their support team.

These promises I make today, the fifth day of October, 1994.

HEATHER WHITESTONE,
Miss America 1995.

MEDICAL DEVICE EXPORT PROMOTION ACT

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. KIM. Mr. Speaker, I rise today to introduce legislation which will create jobs in one of the fastest growing export industries in the United States.

As many of my colleagues know, the medical device industry is one of the fastest growing industries in the United States. In fact, according to the Department of Commerce, the three fastest growing sectors of U.S. industry in 1993 were all in the medical technology field.

The export success of the American medical device industry is phenomenal. At a time when the United States is facing huge trade deficits worldwide, the medical device industry is one of the few industries which actually enjoys a trade surplus with our trading partners. This surplus reached $4.5 billion in 1993—an 11.1 percent increase over 1992.

In short, the U.S. medical device industry is a clear example of an American success story. Unfortunately, unnecessary government regulation is putting that success story at risk.

Under current law, medical device manufacturers who wish to export a product to foreign countries are required to get partial FDA approval of their products—even if that product is only manufactured for export and has already been approved by the country where the product is being sold. In other words, the FDA requires companies to incur the cost and delay of getting U.S. Government approval of products that are not going to be sold in this country and which other countries have already agreed to accept.

As a result of this onerous regulation, many medical device manufacturers in this country are finding themselves at a substantial competitive disadvantage compared to their overseas competitors. Not surprisingly, many of these companies are deciding to move out of this country to more reasonable regulatory climates—and taking thousands of American jobs with them.

This legislation would eliminate this unnecessary regulatory burden. This bill would direct the Secretary of Health and Human Services—the agency which oversees the FDA—to

annually prepare a list of countries which have adequate medical device approval procedures. Medical device manufacturers would then be allowed to export to any of the countries on the list without FDA approval, provided that the destination country approves the device for sale in its own market. The bill also prohibits circumvention of our domestic approval processes by prohibiting reimport of exported devices back into the United States.

In sum, I believe that this legislation would remove a significant regulatory burden from a major American export industry. In doing so, the bill will encourage the growth of this important industry and will save the jobs of hard-working Americans. For these reasons, I urge my colleagues to support this legislation.

H.R. ——

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 "Medical Device Export Promotion Act of 1994".

SEC. 2. DEVICE EXPORTS.

In the administration of section 801 of the Federal Food, Drug and Cosmetic Act, the Secretary of Health and Human Services shall permit the export of a medical device which—

(1) is intended for export to a country which as determined by the Secretary has a medical device approval process which provides reasonable assurance of the safety and effectiveness of medical devices,

(2) has been approved under the laws of the country to which it is intended for export,

(3) is labeled on the outside of the shipping package that it is intended for export, and

(4) is not sold or offered for sale in domestic commerce.

A medical device which is exported under the authority of this Act may not thereafter be imported into the United States unless its importation has been approved by the Secretary of Health and Human Services.

SEC. 3. REVIEW.

The Secretary of Health and Human Services shall conduct an annual review of the medical device approval laws of countries not described in section 2(1) to determine if such laws provide reasonable assurance of the safety and effectiveness of medical devices.

SAGUARO NATIONAL PARK ESTABLISHMENT, S. 316

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. PASTOR. Mr. Speaker, I want to thank the distinguished chairman of the Natural Parks, Forests, and Public lands Subcommittee for his support of this bill. I also want to thank my friend and colleague, Mr. KOLBE, for all his efforts on behalf of the Saguaro National Monument. Finally, Senator DENNIS DECONCINI is to be commended for his work in crafting the legislation and working with the affected landowners.

This is a modest, yet important bill. It seeks to authorize the acquisition of only 3,640 acres of land to a National monument that contains 87,500 acres. Though relatively small, this 4 percent increase in size is crucial to the preservation of the Saguaro National Monument. The lands to be acquired, all of which are situated along the Tucson Mountain Unit's current boundaries, contain unparalleled stands of saguaro cacti and habitat for desert wildlife such as the gila monster, muledeer, coyote, javelina, and desert tortoise.

The additional lands will also provide crucial protection for the monument from the expanding Tucson metropolitan area. When the Tucson Mountain Unit of the Saguaro National Monument was established by President Kennedy in 1961, the Tucson metropolitan area contained 265,000 people. Today over 660,000 persons inhabit a rapidly expanding region that threatens the monument's biological integrity. Now, more than ever before, it is in the public's interest to protect and add to one of the Sonoran Desert's most beautiful treasures.

Finally, the bill will change the designation of the monument to a national park. Mr. Speaker, the lands contained in the monument would be a unique addition to our National Park System. The rough, untouched beauty of the Sonoran Desert is truly a national resource, and the monument is the crown jewel of the desert's lands.

I urge my colleagues to support the bill and help to preserve these desert lands for future generations.

PAKISTAN'S INTELLIGENCE AGENCIES INVOLVED IN EXPORT OF TERROR

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. DEUTSCH. Mr. Speaker, I would like to share with my colleagues my great disquiet on reading recent reports about Pakistan's deep involvement in terrorism. Last month, we saw a spate of news items about the arrest of Yakub Memon and others suspected for having planned and executed the 11 bomb blasts in downtown Bombay in March 1993. Documents seized from Memon, an Indian citizen, included a Pakistani passport, birth certificate, and driving license provided to him, by his own admission, by Pakistan's Inter Services Intelligence [ISI].

While we were still reflecting over the tremendous import of these reports linking an official agency with masterminding a carnage that left 317 dead and over 1,000 seriously injured, we now see the September 12, 1994, Washington Post report titled: "Heroin Plan by Top Pakistanis Alleged: Former Prime Minister Says Drug Deals Were to Pay for Covert Military Operations."

Mr. Speaker, ISI's murky role in running terrorist training camps in Pakistan to fuel insurgencies in the Indian States of Punjab and Kashmir has been extensively catalogued in the past. In 1992, it was placed on the State Department's watch list of countries sponsoring terrorism in the distinguished company of North Korea, Libya, Iran, and a few others.

The present story, however, goes a step further by exposing a seemingly incredible proposal made in 1991 by Pakistan's Army Chief Gen. Aslam Beg and head of ISI Gen. Asad Durrani to Mr. Nawaz Sharif, who at that time was the country's Prime Minister. The proposal, revealed by the former Prime Minister himself, involved a blueprint prepared by the two generals "for selling heroin to pay for the country's covert military operations." Referring to military sources the report says that following the end of the Afghan war:

Foreign governments—chiefly the United States—stopped funneling money and arms through the ISI to Afghan mujahideen guerillas fighting the Soviet-backed Kabul Government. Without the foreign funds, the sources said, it has been difficult for the agency to continue the same level of operations in other areas, including aiding militants fighting Indian troops across the border in Kashmir. Such operations are increasingly financed through money raised by such private organizations as the Jamat-i-Islami, a leading fundamentalist political party.

The report also cites a Western diplomat who was based in Pakistan's capital, Islamabad, at that time and who had occasional dealings with Beg and Durrani saying that "it's not inconceivable that they could come up with a plan like this."

Mr. Speaker, these reports reflect a disturbingly consistent pattern of behavior. Over the years, ISI has systematically used gunrunners, religious fanatics, and other similar elements to foment subversion in states located on India's periphery. Its use of drug money for the same purpose is only the latest and, in my opinion, most dangerous element. It is a behavior pattern that no civilized society can accept. As the body of evidence pointing to Pakistan's involvement in the Bombay bombings steadily mounts, it becomes imperative for us to review the case for bringing Pakistan back to the watch list of state sponsors of terrorism.

[From the Washington Post, Sept. 12, 1994]

HEROIN PLAN BY TOP PAKISTANIS ALLEGED—FORMER PRIME MINISTER SAYS DRUG DEALS WERE TO PAY FOR COVERT MILITARY OPERATIONS

(By John Ward Anderson and Kamran Khan)

KARACHI, PAKISTAN.—Pakistan's army chief and the head of its intelligence agency proposed a detailed "blueprint" for selling heroin to pay for the country's covert military operations in early 1991, according to former prime minister Nawaz Sharif.

In an interview, Sharif claimed that three months after his election as prime minister in November 1990, Gen. Aslam Beg, then army chief of staff, and Gen. Asad Durrani, then head of the military's Inter-Services Intelligence bureau (ISI), told him the armed forces needed more money for covert foreign operations and wanted to raise it through large-scale drug deals.

"General Durrani told me, 'We have a blueprint ready for your approval,'" said Sharif, who lost to Benazir Bhutto in elections last October and is now leader of the opposition in parliament.

"I was totally flabbergasted," Sharif said, adding that he called Beg a few days later to order the army officially not to launch the drug trafficking plan.

Beg, who retired in August 1991, denied Sharif's allegation, saying, "We have never been so irresponsible at any stage. Our politicians, when they're not in office and in the opposition, they say so many things. There's just no truth to it."

Durrani, now Pakistan's ambassador to Germany, said: "This is a preposterous thing for a former prime minister to say. I know nothing about it. We never ever talked on this subject at all."

Brig. Gen. S.M.A. Iqbal, a spokesman for the armed forces, said, "It's inconceivable and highly derogatory; such a thing could not happen."

The interview with Sharif, conducted at his home in Lahore in May, was part of a broad investigation into narcotics trafficking in Pakistan. It marked the first time a

senior Pakistani official has publicly accused the country's military of having contingency plans to pay for covert operations through drug smuggling.

Officials with the U.S. State Department and the Drug Enforcement Administration said they have no evidence that Pakistan's military is or ever has been involved in drug trafficking. But U.S. and other officials have often complained about the country's weak efforts to curtail the spread of guns, money laundering, official corruption and other elements of the deep-rooted drug culture in Pakistan, which along with Afghanistan and Iran lies along the so-called Golden Crescent, one of the world's biggest drug-producing regions.

In a scathing report two years ago, a consultant hired by the CIA warned that drug corruption had permeated virtually all segments of Pakistani society and that drug kingpins were closely connected to the country's key institutions of power, including the president and military intelligence agencies.

About 70 tons of heroin is produced annually in Pakistan, a third of which is smuggled abroad, mostly to the West, according to the State Department's 1994 report on international drug trafficking. About 20 percent of all heroin consumed in the United States comes from Pakistan and its northern neighbor, Afghanistan, the second largest opium producer in the world after Burma. The United Nations says that as much as 80 percent of the heroin in Europe comes from the region.

It has been rumored for years that Pakistan's military has been involved in the drug trade. Pakistan's army, and particularly its intelligence agency—the equivalent of the CIA—is immensely powerful and is known for pursuing its own agenda. Over the years, civilian political leaders have accused the military—which has run Pakistan for more that half its 47 years of independence—of developing the country's nuclear technology and arming insurgents in India and other countries without their knowledge or approval and sometimes in direct violation of civilian orders. Historically, the army's chief of staff has been the most powerful person in the country.

According to military sources, the intelligence agency has been pinched for funds since the war in Afghanistan ended in 1989 and foreign governments—chiefly the United States—stopped funneling money and arms through the ISI to Afghan mujaheddin guerrillas fighting the Soviet-backed Kabul government. Without the foreign funds, the sources said, it has been difficult for the agency to continue the same level of operations in other areas, including aiding militants fighting Indian troops across the border in Kashmir. Such operations are increasingly being financed through money raised by such private organizations as the Jamiat-i-Islami, a leading fundamentalist political party.

A Western diplomat who was based in Islamabad at the time of the purported meeting and who had occasional dealings with Beg and Durrani, said, "It's not inconceivable that they could come up with a plan like this."

"There were constant rumors that ISI was involved in rogue drug operations with the Afghans—not so much for ISI funding, but to help the Afghans raise money for their operations," the diplomat said.

In the interview, Sharif, claimed that the meeting between him and the generals occurred at the prime minister's official residence in Islamabad after Beg called one morning and asked to brief him personally on a sensitive matter.

"Both Beg and Durrani insisted that Pakistan's name would not be cited at any place because the whole operation would be carried out by trustworthy third parties," Sharif said. "Durrani then went on to list a series of covert military operations in desperate need of money."

Sharif, in the interview, would not discuss operational details of the proposal and refused to disclose what covert plans the intelligence agency wanted to fund with the drug money.

Sharif said he had "no sources" to verify that the ISI had obeyed his orders to abandon the plan but that he assumed the agency had complied.

"I told them categorically not to initiate any such operation, and a few days later I called Beg again to tell that I have disapproved the ISI plan to back heroin smuggling."

Embittered that his political enemies cut short his term as prime minister last year and helped engineer the return of Bhutto, Sharif has gone on an intense political offensive to destabilize her 10-month-old government. He claimed recently that Pakistan has a nuclear bomb and said he made the information public to prevent Bhutto from dismantling the program under pressure from the West. The government has denied possessing a nuclear bomb but repeated previous statements that it has the ability to build one.

Calling Sharif a "loose cannon," a second Western diplomatic source said, "I'd have a hard time believing" his allegations about the military's drug trafficking proposal. The official suggested that Sharif's disclosure might be designed to keep Bhutto and Pakistan-India relations off balance. "If anything should bring these two countries together, it is their common war against the drug problem, but this seems to fly in the face of that," he said.

D-DAY CELEBRATION SALUTE TO VETERANS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BILIRAKIS. Mr. Speaker, one of my constituents, Mrs. Harriet Coren sent me a copy of a speech her son-in-law, Kenneth Shear, delivered at a reunion. As our country commemorates the 50th anniversary of D-day, I want to share this patriotic speech with my colleagues. I urge my colleagues to pay special attention to the words of Kenneth Shear.

SPEECH FOR D-DAY CELEBRATION—SATURDAY, JUNE 4, 1994

I am personally honored and proud to be with you this evening in celebrating this reunion of the 228th Field Artillery Unit. I am also humbled by the fact that in this room are America's heroes.

In preparing for these remarks, I was reminded of those comments from our parents whenever we did something, usually acted out in a negative way: our parents would say and rebuke us severely, "Look what you've done, how could you do such a thing?"

In looking around this room, I have the temerity to ask you all the same question, only my intent is not to conjure up an image of discipline, but to ask the question with a true sense of wonder and awe. for in asking those questions, the answers become evident. In looking at what you've done, the words simply understate the true reality of our lives, the answer is simple. You followed through on the writings of Jefferson and Madison when they discussed the theories of American democracy. You took the theories and molded them and by your actions, made this country the democracy it is. More than that, you sitting here tonight, are able to see the results of your actions with a perspective of fifty years. And now you are entitled to lean back, smile at yourselves and say what a fine job you've done.

In the process, however, of providing that collective and well deserved pat on the back, we should pause to remember those who did not return from Europe and those who are not here with us tonight, who must equally share in the credit so richly deserved.

In a way, the roles set out for you and performed so well, were pretty cut and dried. While horrid and brutal, World War II was an easy war to understand and to follow through on. The enemy was clear; the dangers of failure readily apparent; and the mission was, therefore, truly a straightforward proposition. Dwight Eisenhower, a year later in June of 1945, laid out this proposition as clearly as anyone has ever tried. He said, "More than any other war in history, this war has been an array of the forces of evil against those of righteousness. It had to have its leaders, and it had to be won—but no matter what the sacrifice, no matter what the suffering, no matter what the cost, the war had to be won."

We've not always been so lucky in knowing the clear-cut ramifications of what we're all about when we fight our wars. This began to be seen six years later after D-Day with the Korean action and certainly, with our adventure in Vietnam. But you, and what you did, made us understand how important it was for our country to be united in its efforts and unwavering in our insistence that ruthless totalitarian regimes that threaten our democratic way of life, cannot and must not be tolerated.

Eisenhower, himself, again, made this clear in a letter to his wife, Mamie, He wrote: "This war is serious—we'll never preserve our accustomed ways of living in the United States—free speech, press, and the right to worship as we please—unless we all turn in now and fight and work!" and Finally, let's remember the tone that was set at the very beginning by President Roosevelt, when in 1941, he broadcast to the nation, and made every one feel, and recognize the stakes at hand. "We are now in this war. We are ALL in it—ALL the way. Every single man, woman and child is a partner in the most tremendous undertaking of our American history."

As America fought, the war became the great leveler. We were all in it and we all suffered its consequences—and we all reaped its benefits. Bullets, shrapnel and bombs did not care one whit who they fell on, who they entered and who they killed. They did not seek out blacks over whites, poor over rich, Jews over Christians. Everyone who fought on our side, fought for the preservation of this democratic state that insured an equal opportunity to life, liberty and the pursuit of happiness, as well equal opportunity to die in its wars, or come home a hero.

A half century later, we recognize the fact that if World War II was the turning point in American history, then the Normandy invasion was the turning point in World War II.

And what did we turn to? I ask you all now to stop and think. Think for a moment what the world would be like had you and your buddies not landed on the beaches, or scaled the cliffs, or dropped from the airplanes, or wandered through the hedgerows and meandered through the countryside to Saint Lo and other points in Europe on your way to defeating the tyrant.

Think.

Look around the room.

Picture, if you will, what our lives might be like had you not prevailed.

Let your thoughts, therefore, be our prayer.

Let your thoughts be our prayer of thanksgiving to all of those who made this land of freedom possible. A prayer of hope and peace for the future that such a horror may never be witnessed again.

Look what you've done!

How does it feel to be America's heroes? Was it the great cause that you fought for that was so extraordinary, or was it the men? Sure, we know the cause was right, but without the men, without YOU and YOUR BUDDIES—buddies such as Sal Peluso, Sid Fischer, Rocco Mandart, Saul Sherman, Joe Nigro, and Don Iseman—it would have remained just that—an idea.

These were the men who forged a new day through pure blood and guts. These were the men who permit us to sit, relax, reminisce and continue to build our lives and the lives of our children.

Without these men, there was no cause, and there would have been no tomorrows as we know it, only tomorrows each darker than the previous one.

As many granite monuments as there are to the men who landed at Normandy, they mean little when compared to the true monument to their dedication and sacrifice—a thriving democracy in which we can pray whenever we want—and whenever we want, speak our minds, print our thoughts and essentially live to our fullest capacities in this community we call America.

Look at what you've done! You've permitted us, through your efforts, to live a life of freedom.

Don't you think it's intemperate of me to tell you, our fathers, what you've done? We are the results of your success, yet we were not there, and we did not experience your pain, your terror, your loneliness, and your fear.

You know the story of your success, better than we. I've been amazed, however, at your personal reluctance to tell us your story. To get this information itself from you was a major effort. But, I think, in retrospect, it is that reluctance to convey the horror of war that is uniquely American.

We fly the flags, we play our anthems, but we don't like to—nor are we good at, making war appear to be a noble endeavor. There was nothing pretty about being in the midst of what hell must look like. For all of you here, notwithstanding the hundreds of thousands of comrades you fought with, your participation in the war was your own private affair. There are issues that you have been living with for at least fifty years as a result of this war, and some that will forever be your own secrets—and that's the way it should be.

On the other hand, these reunions provide you with an almost therapeutic safety valve type of experience. As you desire, you can release, and have released memories and issues you have kept all these years; and that, too, is the way it should be. You men have a bond and a set of shared experiences that we, as your children, perhaps, should never know, except as you want us to.

I feel humbled being among you and I am proud that you have asked me to give you some of my thoughts.

Finally, I am most proud that one hero here, for the past twenty-five years, has been my personal hero. When our GI's were collectively known as "Joe," they took that model from my personal "GI Joe"—Joe Coren. A man who wanted nothing more than to provide his wife and children, now that he completed his part of the deed in Europe, to live their lives to their fullest capacities.

After the war, he came back from Europe and began to pick up the pieces here in Philadelphia. He met Harriet at a dance, fell in love, got married, had two children (in those days—that was the way in which things were done) and lived in modest circumstances, pursuing the American dream that he helped to preserve. He was good to his family and unswerving in his loyalty to his country. He honored me by permitting me to marry his daughter, and I feel, made me his second son. He is our Joe, and he typifies all that was done and all that was right in our endeavors since World War II.

When God blessed America, it was only because you gave Him the opportunity to do so. And for that, your children and the rest of the world thank you.

GUNS, GANGS, AND GRAFFITI

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. DORNAN. Mr. Speaker, the city of Santa Ana, CA has been particularly hard hit by gang activity and the graffiti so often associated with it. Indeed, at one point, Santa Ana surpassed the entire Nation in damages done by graffiti by nearly $1.2 million. But thanks to outstanding programs such as Guns, Gangs and Graffiti, we have been able to make headway in the fight against gang violence and graffiti in our community.

Guns, Gangs and Graffiti was founded by a private marketing/public relations businessman, Robert Acosta, and his associate, Arlene Saralegui. Working together, they mobilized the entire outdoor billboard industry to join them in a public relations campaign to inform Orange County residents about the urgent need for action to combat gang violence and the defacement of public property by gang members. Bob and Arlene have also developed an innovative community park carnival program that will bring a little bit of Disneyland to the latino communities of Santa Ana while raising the necessary resources to fund their exemplary initiative.

As a result of the Guns, Gangs and Graffiti campaign, 100 billboards and 175 bus shelters in Orange County are now displaying the message. "Listen Orange County * * * If you ignore the plague of the County—Crime, our children will not have a future. Get involved now! Help reduce the causes of guns, gangs and graffiti."

Mr. Speaker, the Guns, Gangs and Graffiti campaign is an outstanding model for the entire Nation in the fight against gangs and gang-related violence and I commend them for their ongoing service to our community.

MISS AMERICA IS AN INSPIRATION TO US ALL

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. EVERETT. Mr. Speaker, today I had the pleasure of meeting a very inspiring young lady who hails from my congressional district. She is the new Miss America, Heather Whitestone of Dothan, AL.

Heather is an outstanding example of the triumph of the human spirit, having overcome deafness to pursue not only a normal life but to achieve national fame. I am proud of her accomplishments and know that she will be an outstanding representative of, as well as an inspiration for, America's handicapped.

In her much-deserved role as the new Miss America, I'm confident that Heather will pursuade corporate America to realize that people should be judged not by their disabilities but for their abilities.

Mr. Speaker, I would like to insert into the RECORD immediately following my comments a copy of "Anything is Possible," the platform of our lovely new Miss America, Heather Whitestone.

ANYTHING IS POSSIBLE

(By Heather Whitestone, Miss America 1995)

Many young people in America today are challenged. Some face unthinkable adversities and, despite the odds, enjoy healthy and productive lives. Yet those who are unable to overcome their obstacles and find a path of productivity often suffer, in part, from an overwhelming lack of self-esteem and the absence of positive environments in which they are challenged to try, fail, try again, and ultimately, succeed.

In facing my own life's challenges, I have discovered a unique approach that I call STARS: Success Through Action and Realization (of your Dreams). The five points of a star itself have continually reminded me that the essential elements to achieving success are: To have a positive attitude; To believe in your dream, especially education, which is a dream all Americans share; To face your obstacles, no matter how great; To work hard; and To build a support team.

As I travel this country in my role as Miss America, I will communicate the STARS approach to our nation's youth. I will teach them, through word and deed, the value of setting high goals, working hard and achieving their dreams and ambitions, reminding them that their actions speak louder than any words. I will also carry this message to parents, teachers, counselors, ministers and others who influence youth, imploring them to create the proper environments for young people to employ STARS and to serve as committed members of a young person's support team.

As a living example of a challenged person who has used a STARS approach to succeed, I will extend my hand to anyone in need of encouragement and love. I will ask them not to imitate me, but rather to believe in themselves and the power of their spirit, and I will reach out to specific groups with whom I share a special bond.

I will motivate all young people who are deaf or hard of hearing to pursue a broad range of communication and educational options in their lives, choosing those which best reflect their goals and encouraging them to choose the options that will build their self-esteem and, ultimately, ensure their success in life.

I will invite youth with disabilities to join me in reaching out to the nondisabled world—without fear or concern—to tear down the barriers of acceptance that still exist by demonstrating that their lives are about their abilities, not their disabilities. In doing so, I know they will find their own paths to success.

I will encourage all young people facing challenges to confront their obstacles with determination and confidence, avoiding the epidemic of negative thinking that has swept our country and robbed them of their self-esteem. I will help them to realize their own success by setting very clear goals and working hard to achieve them.

And I will challenge opinion leaders and those who influence youth to work ever harder at creating the proper environments for all young people—disabled and nondisabled—to confidently establish their own identity, helping them to find a productive place in our society, and inspiring them always to try, try again, and one day, to succeed.

To these young people and countless others, I will commit myself, speaking out on their behalf when they cannot. I will believe in their dreams. I will help them to work hard. And I will always be the very first member of their support team.

These promises I make today, the fifth day of October, 1994.

THE REPUBLIC OF CHINA CELEBRATES NATIONAL DAY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BOEHLERT. Mr. Speaker, on October 10, the 21 million people of the Republic of China will celebrate National Day, commemorating the date in 1911 when this brave, intrepid nation was founded by Sun Yat-sen as the first republic in Asia.

This should be a joyous time for our friends; they have toiled long and hard to become an economic leader. They engineered a political transformation from authoritarian rule to a working democracy with legalized opposition parties and a free press. The Republic of China (RoC) is the success story that the rest of the world's emerging democracies can learn from.

However, with all its economic and democratic success, the Republic of China is still treated like a virtual pariah in the international community. The RoC is not allowed to participate in the United Nations. Recently, our own President Bill Clinton refused RoC President Lee Teng-hui's request to stay overnight in Hawaii. All this, in hopes of not angering the People's Republic of China—mainland China. The people of the Republic of China need and want our support and hospitality, not a slap in the face and a "No vacancy" sign on the door.

American economic and political interests in Asia are served by the stability of the Taiwan straits. We must work with the President to forge a policy that enhances the RoC's legitimacy and international standing. We should no longer allow outdated and misguided political motives to tarnish the accomplishments this nation has worked so hard to earn and deny the international respect the RoC so richly deserves.

In closing, I would just like to bid farewell to a distinguished public servant and friend from the Republic of China, the Honorable Moushih Ding. He has been promoted to the post of Secretary General of the National Security Council in Taipei. During his last 6 years here with the Coordinating Council for North American Affairs, Mr. Ding honorably represented his country and worked tirelessly to foster good relations between our two countries. He will be missed greatly. However, I look forward to working with his successor, Mr. Benjamin Lu, the representative of the Taipei Economic and Cultural Representative Office in the United States.

TRIBUTE TO THE LATE CONGRESSMAN CLAUDE HARRIS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. GEPHARDT. Mr. Speaker: this weekend, America lost one of its most dedicated champions of justice and opportunity—former Congressman Claude Harris of Birmingham, AL.

Elected to this House in 1986, Claude Harris came to Congress with one mission—to improve the lives of the people of his community. Even as he rose to a position of prominence in Congress, he never forgot the people he was sent here to serve. He truly dedicated his career to them—and for that, he earned the respect and gratitude of all Americans.

Many of us remember Claude Harris for his keen legal mind, and his tough but scrupulously fair sense of justice. Throughout his three terms in the House, he established himself as a strong and independent voice, but also as a legislator who could build coalitions, and work with his colleagues to make real progress. He brought those same skills to his post as U.S. attorney in Birmingham.

I know I speak for all of my colleagues, on both sides of the aisle, when I say that we will miss Claude Harris very deeply. I offer my heartfelt condolences to his wife, Barbara, and to his sons Jeff and Trip at this difficult time.

TRIBUTE TO KATHLEEN VINCENT FOR WINNING PULITZER PRIZE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. HALL of Texas. Mr. Speaker, it is an extraordinary privilege for me to pay tribute today to Kathleen Vincent of Heath, TX, who recently was awarded the 1994 Pulitzer Prize for International Reporting for her part in the Dallas Morning News 15-part series entitled "Violence Against Women: A Question of Human Rights."

The series was timed to end June 14, 1993, the first day of a United Nations Conference in Austria on human rights. Mrs. Vincent was responsible for page layout for the series and contributed to the art designs. This was only the second time the newspaper had included designers for consideration of a Pulitzer.

Mrs. Vincent worked on the project for more than a year. The staff of 20 included 9 reporters—6 women, 5 photographers—all women, 3 graphic designers—1 woman, and 3 editors—1 woman. The series explored violence against women in their homes, workplaces, and lives.

Mrs. Vincent, who recently was promoted to art director of the Morning News, holds a bachelor of fine arts degree in graphic design from the University of Texas at Arlington. She is a member of the Society of Newspaper Design and Association of Women Journalists and comes from an art-oriented family.

Mrs. Vincent's husband, Jerry, is director of the Rockwall YMCA. She finds time to work with the local YMCA and with the Texas YMCA Youth and Government Program.

Mr. Speaker, I join Mrs. Vincent's family and friends in congratulating her on this extraordinary achievement. The Pulitzer Prize, which is awarded annually, represents the highest level of accomplishment in the field of American journalism, as well as in literature and music. I take pride that someone from my hometown of Rockwall has achieved this level of distinction.

Thanks to Judy Thurmond of the Rockwall Texas Success, whose August 5, 1994, article provided the source for this text.

25TH ANNIVERSARY OF EL CHICANO NEWSPAPER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BROWN of California. Mr. Speaker, today, I am pleased to note that 1994 marks the 25th anniversary of El Chicano Newspaper, the first Chicano bilingual publication to serve the Inland Empire.

El Chicano was first published in 1968 on a monthly basis under the auspices of the University of California, Riverside through funds made available by the UCR Extension Program.

In 1969, through the dedication and perseverance of local pioneers in the field of journalism, El Chicano Newspaper became independent and locally owned with Marta Macias Brown as its editor and her sister Gloria Macias Harrison as its first publisher, William B. Harrison as its first business manager and Lupe V. Gutierrez as its first advertising salesman.

Within 6 months of independent ownership, El Chicano Newspaper went from a monthly to a bimonthly, then a weekly publication and has made journalism history as the longest publishing Chicano owned publication in the State of California.

El Chicano Newspaper was originally staffed by six volunteers working from their homes, and eventually the operation expanded and has had offices in San Bernardino and Colton and today owns its 4,000 square foot office in the city of San Bernardino Hospitality Lane Business District.

El Chicano has become a self-sustaining, minority owned business with a current paid staff of over 16, using state of the art computer technology for all its production.

On June 1, 1987, El Chicano owners, Gloria Macias Harrison and Bill Harrison, formed a sister corporation with other minority investors to acquire the Colton Courier and the Rialto Record, two community newspapers serving the cities of Colton and Rialto. It became the second group of newspapers in the State of California owned by Hispanic investors.

Throughout its 25 years of service to the community, El Chicano Newspaper has been a vital link in the Chicano community, serving as a cohesive factor in keeping the community aware of current issues and encouraging a high level of community interest and involvement in local events. El Chicano serves the fastest-growing segment of the population as well as the entire Inland Empire.

ANN BROWN REVITALIZING CPSC

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. COLLINS of Illinois. Mr. Speaker, over the years, the Consumer Product Safety Commission [CPSC] has unfortunately gained the reputation of being "the little agency that can't." But under the leadership of Ann Brown, the Chairman appointed by President Bill Clinton, the agency has been revitalizing itself. Chairman Brown's efforts are detailed in the following column by Hobart Rowen, which appeared in the Washington Post last Sunday, October 2:

[From the Washington Post, Oct. 2, 1994]

CPSC'S ANN BROWN IS PRAGMATIC, PERSISTENT ON PRODUCT SAFETY

(By Hobart Rowen)

When Ann Brown, chairman of the Consumer Product Safety Commission, was a 12-year-old Washington schoolgirl in 1949, she took her homework to Erlebachers', her parents' F Street NW clothing store, instead of going directly home.

"I learned there how small business should work," Brown told me last week. Her father, Jules Winkleman, would demonstrate for his sales staff how to be as concerned in dealing with a customer who brought in a return, as in making the original sale.

"My father would play out the role of the customer. He wanted to make sure his sales force understood that consumer satisfaction came first," Brown recalled. And well ahead of his time, Winkleman encouraged his daughter to think of a business career. "He told me a woman could go ahead and do anything a man could do."

It was an easy progression for Brown to become a consumer activist by profession and—by her own evaluation—one who was an aggressive advocate who viewed most business people as too focused "on short-term profits" and not enough on consumer needs or safety.

Now, at 57, in her first-ever government job, she finds that "times have changed and I have changed." She sees her role as "a regulator for the '90s," who can work with industry groups for compromises that pay off. Business, too, has changed, she believes, because "many large and small companies have had to update and upgrade their own missions and strategic marketing plans."

Brown has gotten across her message that however tough an activist she was in her private incarnation, she has no horns; rather, she portrays herself as a pragmatist willing to work things out with private industry.

A case in point relates to drawstrings in the hood and neck portions of children's garments, long a hazard for small children. Yet, in 1993, 12 children were strangled and another 27 were injured by such drawstrings, easily replaceable by buttons, snaps or velcro. One of the first things Brown did as chairman was to get the industry to agree voluntarily to redesign 200 million garments to eliminate this hazard by next year.

Industry leaders agree that safety in children's garments must become a priority focus. Brown has started a national award program for a company's commitment to safety first, with the first coveted honor going to Procter & Gamble Co. for developing safety caps for drugs that are both child-resistant and easy for seniors to open.

For more than two decades, Brown had been a recognized leader in lobbying for consumer safety and consumer rights. From 1979 until this year, she was vice president of the Consumer Federation of America. From 1983 to 1994 she had also been chairman of Public Voice, a pro-consumer lobby aimed at improving consumer health and nutrition. In addition, from 1972 until joining the Clinton administration. Brown headed consumer affairs for Americans for Democratic Action.

In her Bethesda office, chock-full of consumer products—notably children's toys and garments—that have been modified to make them safe, Brown says: "I'm not trying to be a cop. I don't believe that you can regulate everything that moves, or that you can make every product absolutely safe." But she also knows that not even the most dedicated parents or most conscientious consumers can always guarantee their children's or their own safety.

As government agencies go, you could skip right over the CPSC in the federal budget unless you were using a magnifying glass. Before Bill Clinton appointed Brown in March 10, 1994 to chair the CPSC, it had become a moribund and almost disowned backwater under presidents Reagan and Bush. David Stockman, as director of the Office of Management and Budget, wanted to junk it altogether, but never quite succeeded. It dwindled under the Reagan-Bush years from 978 to 487 employees; Brown's budget for fiscal 1995 will be $41.3 million, down $1 million from 1994.

Occasionally, a startling event makes the headlines, as did the recent untimely death of tennis star Vitas Gerulaitis of carbon monoxide poisoning from a faulty heater. CSPC has accelerated its efforts to make carbon monoxide detectors as common in homes as smoke detectors.

All told, more than 15,000 consumer products come under CPSC's jurisdiction, excluding most forms of transportation or workplace-related equipment. A rising concern is sports-related injuries. For example, rollerblading accidents zoomed from 38,000 in 1993 to an estimated 83,000 in 1994.

In a recent pep talk to employees, Brown recalled an old Washington Post article that referred to the three-member commission as "the little agency that can't." Under her guidance, Brown pledged, the agency will become "the little agency that could."

"It's still a dangerous world out there," Brown says with conviction. "Unintentional injury is the leading cause of death in the nation." One-fourth of those 96,000 deaths annually are related to consumer products. With industry's help, Brown intends to get that number down.

TRIBUTE TO SARATOGA COMMUNITY HOSPITAL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Saratoga Community Hospital. Saratoga is commemorating its 60th anniversary next Friday, October 14, 1994.

Saratoga Community Hospital was founded by Dr. Ralph N. Tassie in a converted commercial building. Dr. Tassie's mission statement, "No person in need of medical assistance should ever be turned away," remains proudly displayed in the lobby.

The medical staff at Saratoga represent 33 medical specialties. They are known for their excellence in emergency care, physical rehabilitation, critical/intermediate care, diagnostic radiology and cardiology services, and senior services. With over 900 employees, Saratoga Community Hospital has become a world class medical facility.

Over the past 60 years, Saratoga has grown from a 45-bed to a 198-bed medical and surgical acute care hospital. Originally known as Saratoga General Hospital, the name was changed in 1984 to reflect the commitment to strengthening the community. By including input from residents and business owners, and its growing involvement in programs outside the hospital, Saratoga is more effectively meeting the health needs of our entire community at all stages of life.

Ultimately each individual must take responsibility for one's health. Saratoga is helping 2,500 people annually do so by providing over 50 educational programs a year. They have established partnerships with two local schools and are in the process of creating a third. The people at Saratoga participate in approximately 20 health and career fairs annually and are actively involved in more than 40 community groups.

Before a single patient enters the hospital, Saratoga is taking care of thousands of members of our community. With so many efforts to improve the health of residents, their commitment to caring for members of our community is truly commendable.

Saratoga Community Hospital has served the people of metropolitan Detroit for 60 years. On the occasion of the hospital's diamond anniversary, I am pleased to pay tribute to Saratoga Community Hospital. I ask that my colleagues join me in saluting a valued resource in southeast Michigan as it prepares for the next 60 years of service.

THE CONTACT LENS PRESCRIPTION RELEASE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. STARK. Mr. Speaker, today I am introducing legislation that, if enacted, will enable consumers to purchase contact lenses at lower prices without any compromise in the quality of care received.

This legislation, the Contact Lens Prescription Release Act, requires the Federal Trade Commission to issue regulations mandating the automatic release of contact lens prescriptions after the fitting process has been completed.

Due to a combination of wide variations in State laws relating to the release of contact lens prescriptions and great differences in the practices of individual optometrists and ophthalmologists, consumers do not have consistent access to their contact lens prescriptions. Some consumers find that contact lens prescriptions are released immediately, enabling them to compare products, prices, and services. Other consumers are prevented entirely from obtaining their prescriptions even after the fitting process has been completed. This results in confusion on the part of consumers as to their rights and also results in unnecessary restrictions on consumers in obtaining vision care.

In 1989, the Federal Trade Commission [FTC] clarified Federal policy relating to the release of prescriptions for eyeglasses. The FTC again required optometrists and ophthalmologists to release eyeglass lens prescriptions to their patients upon completion of an eye examination. The Commission also reiterated the policy that there be automatic release of the prescription. Automatic release was deemed to be preferable to a requirement that prescriptions be released only upon request of the patient. Oftentimes, consumers were found to be unaware of their rights to the prescription. Requiring prescribers to take an active part in providing prescriptions to their patients serves to educate consumers of their rights.

In receiving comments on the release of eyeglass prescriptions, the FTC also requested comments on the issue of contact lens prescription release. More specifically, the Commission sought comments on whether significant numbers of consumers were refused copies of their contact lens prescriptions. The Commission found the following:

While the record suggests that it is not uncommon for practitioners to refuse to give

patients copies of their contact lens prescriptions, and that the resulting costs to consumers could be significant, "we do not believe that the record contains sufficient reliable evidence to permit a conclusion that the practice is prevalent." (Emphasis added, Federal Register, vol. 54, No. 47, Monday, Mar. 13, 1989.)

In issuing their final rule, the FTC raised one other issue that prevented the FTC from requiring the release of contact lens prescriptions. The Commission commented that they lacked sufficient evidence to make a determination on the quality of care concerns raised.

As to the FTC's hesitancy to require release because of a lack of evidence that the problem to be remedied is prevalent, the experiences I am aware of in the 13th District of California counter the FTC's uncertainty and provide sufficient cause for action. I have received several letters stating that contact lens prescriptions are not being released. In my colleagues' districts, I am confident that they too could identify ample reliable evidence of nonrelease of prescriptions and, as a result, sufficient reason for taking the action called for in this legislation.

The second issue cited by the FTC in 1989 concerned the quality of patient care. Two factors relevant to the legislation I am introducing today eliminate these concerns. First, I have yet to see reports signifying that the quality of patient care has suffered in any of the 17 States that currently have some form of mandatory release of contact lens prescriptions in place. Second, to the degree the FTC identified concerns over the quality of care, the concerns applied only to early-release—the release of a prescription prior to the prescriber completing the fitting process. The FTC did not raise any concerns over mandating the release of contact lens prescriptions after the fitting of the contact lenses.

The primary benefit as a result of this legislation, as was the case with implementation of the requirement to release eyeglass prescriptions, will be the ability of consumers to purchase vision care goods at lower prices without compromising the quality of patient care. The findings in this regard are well-documented in the eyeglass market, and even with the difference in timing of the release requirement—upon the writing of the initial eyeglass prescription versus after the fitting of contact lenses is complete—there is no reason to believe that similar benefits to consumers will not result.

We are nearing the end of the 103d Congress. I do not anticipate that Congress will take action on this legislation this year. I have chosen to introduce this bill in the final days of this legislative session in order that interested consumers, providers, and regulators have an opportunity to review and provide comment on the bill prior to introduction in the 104th Congress.

Mr. Speaker, I submit the bill for the RECORD.

H.R. —

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 "Contact Lens Prescription Release Act".

SEC. 2. PRESCRIPTIONS FOR CONTACT LENSES.

(a) IN GENERAL.—The Federal Trade Commission shall amend its trade regulation rule on ophthalmic practice published at 16 C.F.R. 456 to require the release of a prescription for contact lenses after the contact lens fitting process is completed regardless of whether or not the patient requests the prescription.

(b) DEFINITIONS.—For purposes of subsection (a)—

(1) the term "prescription" means the specifications necessary to obtain contact lenses and includes data on the refractive status of patient's eyes,

(2) the term "contact lenses fitting process is completed" means the process which begins after the initial eye examination and includes an examination to determine what the lens specifications should be, the purchase of hard or soft lenses, and an initial evaluation of the fit of the lens on the patient's eyes and follow-up examinations over a period of approximately 6 months and is completed when the lens fitter is satisfied that a successful fit has been achieved.

SEC. 3. EFFECT ON STATE LAW.

The prescription release requirement of section 2 does not affect any State law which permits the release of prescriptions for contact lenses on terms which are not more restrictive than the terms of section 1 or regulates who is to be legally permitted to fit contact lenses.

SATELLITE HOME VIEWER ACT OF 1994

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. HUGHES. Mr. Speaker, I am pleased to note the passage yesterday by the Senate of H.R. 1103, the Satellite Home Viewer Act of 1994. The bill will now be sent to the President for signature.

H.R. 1103 will extend the statutory license for satellite carriers who deliver, by retransmission, television programming to areas which are largely unserved by over-the-air television broadcasting.

In addition to providing a 5-year extension of the authority for such retransmissions, the bill also contains important transitional provisions to help ensure that, at the end of this period of extension, compulsory licensing will end and free market conditions will control. Finally, the bill contains dispute resolution mechanisms which should help resolve conflicts between those who deliver satellite programming and local affiliates of the national television networks regarding satellite delivery of network television programming to households which cannot receive over-the-air signals.

On March 17, 1993, the Subcommittee on Intellectual Property and Judicial Administration, which I Chair, held a hearing on H.R. 1103.

A written statement submitted jointly by the three national television networks for the record of that hearing was inadvertently not included in the final record. I include it at this point so that our colleagues and others interested in this important legislation may have available to them the views of the three networks on this legislation. The statement is as follows:

STATEMENT OF CAPITAL CITIES/ABC, INC., CBS INC., AND NATIONAL BROADCASTING CO., INC. ON H.R. 1103

Capital Cities/ABC, Inc., CBS Inc., and National Broadcasting Co., Inc. (collectively "Networks"), hereby submit their comments about Title I of H.R. 1103.[1] That Title would extend the Satellite Home Viewer Act of 1988 beyond its current sunset date of December 31, 1994, and would also make certain technical changes to the Act.

Should the Committee decide to extend the Act beyond its sunset date, the Networks have several suggestions for improving it. We believe that these suggestions will help protect the network/affiliate distribution system, ensure equitable treatment for all copyright owners, and set the stage for the transition to a voluntary, marketplace solution that the 1988 Act envisioned. We look forward to working with you and other members of the Subcommittee on these issues.

First, the Networks wholeheartedly endorse the testimony of the Network Affiliated Stations Alliance about the need for more stringent enforcement procedures to ensure that satellite carriers in fact comply with the existing "unserved household" restrictions of Section 119.

Second, Congress should adopt a uniform rate for satellite carriage of all commercial television stations to home dish owners. The current pricing differential between independent and network stations is an irrational anachronism.

Third, when the arbitration panel adjusts the royalty fee in the future, it should set the new fee at a marketplace rate.

Finally, the bill should encourage copyright owners and satellite carriers to work out private contractual arrangements if possible, rather than relying on the compulsory license. To avoid stifling such arrangements, the bill should contain a relatively short "sunset" provision.

ENFORCEMENT OF "UNSERVED HOUSEHOLD" LIMITATION

The Networks believe that the provisions for enforcement of the "unserved household" restrictions of Section 119 need to be substantially strengthened. As Congress observed in enacting the Satellite Home Viewer Act, maintenance of the exclusivity of local network stations in their areas is a critical part of the network/affiliate relationship.[2] Yet compliance by satellite carriers with the unserved household restrictions has been disappointing at best.

The testimony of the Network Affiliated Stations Alliance contains extensive documentation of the need for stronger safeguards to ensure that satellite carriers comply with the unserved household restrictions. The Networks endorse that testimony.

EQUALITY OF PRICING

As Section 119 was originally drafted in 1988, it established a much lower rate for network stations than for independent stations (12 cents/month vs. 3 cents/month). An Arbitration Panel raised those rates slightly for 1993–94, but retained a large differential between the rates for independent stations and network stations. (The rate for independent stations is now either 17.5 cents or 14 cents/month, while the rate for network stations is 6 cents/month.)[3] As currently drafted, H.R. 1103 would adopt the Arbitration Panel's determinations for 1993–94, while providing for further adjustments in 1995 and at five-year intervals thereafter.

We respectfully submit that it would be a mistake for the Committee to perpetuate the existing discrimination against network stations. Consider the following undisputed (and indisputable) facts:

The ABC, CBS, and NBC stations that home dish owners receive under Section 119 carry by far the most popular programming available in the marketplace. These programs—such as Roseanne, Murphy Brown, Law and Order, Northern Exposure, 20/20, NFL Football, and the network evening news programs—are the main course of most families' television diets.

Under the "white area" restrictions of Section 119, the *only* families eligible to receive

Footnotes at end of article.

ABC, CBS, or NBC programming from a satellite carrier are those who cannot obtain network programming over the air or through a cable system.

In other words, satellite carriers who deliver network station signals under Section 119 are providing their customers with their *only* access to the most popular programming available anywhere in broadcasting or cable. Yet as the law currently stands, satellite carriers pay much less to deliver a network station than to deliver an independent station, even though the network station's programming is *much more* popular with viewers.[4] This turns the market-place on its head.

Worse still, a recent CRT ruling about distribution of satellite carrier royalties creates a "double whammy" for the owners of programs carried on network stations. Based on the disparate statutory fees now paid into the royalty pool, the CRT divined a congressional intent (which we believe never existed) to create separate funds under Section 119 for network and independent stations.[5] Because of the CRT's ruling, the effect of the unfairly low rates charged for network stations is that the owners of all programs carried on network stations can share in only a tiny fraction of the overall satellite royalty payments, even though that programming commands the bulk of all viewership on satellite-delivered broadcast stations.

A single statistic will make the point: as illustrated on the attached charts, programs carried on network stations[6] accounted for 57.4% of all viewing of "Section 119 signals" in satellite households during a typical month; yet because of the discriminatory "pay-in" rates, the owners of those programs could collectively share (under the 1989-92 rates) only 9.0% of the royalties paid by satellite carriers for those signals.[7] This is obviously, and grossly, unfair.

The solution is simple: the rates paid by satellite carriers for network stations should be at least as high as those for independent station signals. If the Committee wishes to rely on the conclusions of the Arbitration Panel for the period 1993-94, the appropriate rate for all commercial stations should be at least 17.5 cents/month (if not "syndex-proof") or 14 cents/month (if "syndex-proof").[8]

MARKETPLACE RATES

As now written, Section 119 provides for a complex set of seven factors to be taken into account in adjusting the rates to be paid by satellite carriers. *See* §119(c)(3)(D). We respectfully suggest that this lengthy list of factors could better be replaced by a single factor: the rate that would be set in a free marketplace in the absence of a compulsory license.

The purpose of the compulsory license is to solve the problem of excessive transaction costs, not to provide a governmentally-mandated subsidy to satellite carriers. Yet the list of factors in Section 119 includes several that could lead future arbitration panels to vary—without sound justification—from a marketplace rate.

For example, the statutory directive to consider "any disruptive impact on . . . generally prevailing industry practices" (§119(c)(3)(D)(iv)) was read by the recent Arbitration Panel as a directive to ensure that rates not rise rapidly on a percentage basis—whatever marketplace conditions may be.[9] But if participants in the real-world market for similar programming face higher rates for similar programming, there is no reason why copyright owners should be saddled with a below-market rate here. Indeed, since the absolute amounts involved are tiny—a satellite carrier currently pays only 72 cents per household per year for a network station and a maximum of $2.10 per household per year for an independent station—the impact of even a large percentage increase is de minimis as a practical matter.

ENCOURAGING TRANSITION TO VOLUNTARY AGREEMENTS

As Chairman Hughes observed in introducing H.R. 1103, "some progress has been made toward private licensing of satellite service to unserved areas." We believe that the bill can be improved so as to encourage further progress in this direction. In particular, we suggest that the compulsory license for satellite carriers contain a sunset provision, under which the compulsory license would expire after a short period of years. A sunset was, of course, a critical feature of the 1988 Act. Absent such a provision, the satellite carrier industry is unlikely to come to the bargaining table to negotiate about a long-term voluntary solution.

CONCLUSION

ABC, CBS, and NBC strongly urge the Committee to: strengthen the enforcement mechanisms for the "white area" provisions of the Satellite Home Viewer Act; eradicate the unfair discrimination against network stations that is now embodied in Section 119's rate structure; direct future arbitration panels to apply a marketplace test in determining royalty rates, and add a sunset provision to encourage a rapid transition to a voluntary, marketplace solution.

FOOTNOTES

[1] Our comments here are limited to Title I of that bill.

[2] *See* H.R. Rep. No. 100-887, Part 1, at 14 (1988); H.R. Rep. No. 100-887, Part 2, at 19-20 (1988).

[3] *See 1991 Satellite Carrier Rate Adjustment Proceeding*, 57 Fed. Reg. 19,052 (May 1, 1992).

[4] As the satellite carriers admitted before the CRT, they charge as much or more for network signals as for independent station signals. *See 1991 Satellite Carrier Rate Adjustment Proceeding*, 57 Fed. Reg. 19,052, 19,060 (May 1, 1992) ("Carrier witness Hardy testified that the price charged in 1992 by PrimeTime 24 for network signals was about $12.50 per year per signal, while the price charged by Superstar Connection for superstation signals was $11.00 per year per signal.").

[5] *Consolidated 1989-91 Satellite Carrier Royalty Distribution Proceeding*, 57 Fed. Reg. 62,422 (Dec. 30, 1992).

[6] This includes programs distributed nationally by ABC, CBS, and NBC as well as local and syndicated programs carried on network stations.

[7] The rate adjustment adopted by the Arbitration Panel for 1993-94 would reduce this disparity slightly. Since the new rate continues to discriminate sharply against network stations, however, the disparity will continue to be very large. For example, if the current rates for carriage (14/17 cents for independent stations and 6 cents for network stations) had been applied during 1989-91, the network station share of total royalties would have been between 12.0% and 14.5%.

[8] A station is "syndex-proof," as defined in the Arbitration Panel's decision, if it does not carry programs that would be subject to the Federal Communication Commission's syndicated exclusivity rules if they were delivered by a cable system to the same household. 57 Fed. Reg. at 19,056 n.10.

[9] 57 Fed. Reg. at 19,059, 19,061.

CENTENNIAL ANNIVERSARY OF THE ARKANSAS BAPTIST HOME FOR CHILDREN

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. DICKEY. Mr. Speaker, the Arkansas Baptist Home for Children in Monticello, AR, has been an integral part of the southern Arkansas community for 100 years. In 1894, a dream by a young woman named Hannah Hyatt became reality when she donated her inherited home and 80 acres of land to the Arkansas State Baptist Convention for the establishment of an Arkansas Baptist Home for orphan children. Ms. Hyatt, the daughter of early settlers in Arkansas, became very active and devoted to her church and community.

After the death of her parents, she opened her home to orphan children, and subsequently, in 1894, donated her home and land which became the Arkansas Baptist Home for Children. It has provided a great service to children and families in need of care and guidance by providing food and shelter, work and play, church and school. More than anything else, it's a place of love, care, and discipline for approximately 100 children each year.

The Arkansas Baptist Home for Children is celebrating its centennial year. Monticello mayor, Harold D. West, has proclaimed October 15, 1994, as Arkansas Baptist Home for Children Day, in Monticello, AR. I want to share with my colleagues this important centennial anniversary, and join with the citizens of southern Arkansas to extend congratulations and appreciation to the staff and children of the Arkansas Baptist Home for Children.

HONORING G. OLIVER KOPPELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of my long-time colleague and dear friend, G. Oliver Koppell, the attorney general of the State of New York.

Oliver Koppell has always set the standard to which an elected official should aspire. His intellect, energy, integrity, commitment and decency have always been exemplary.

Mr. Koppell will be leaving elected office at the end of December after 24 years of public service. His career has been one filled with stellar achievement that is marked by an unparalleled dedication to his constituents. He was the author of New York's bottle bill that was years ahead of its time, and he is recognized as a leader on such issues as tenants' rights, Government ethics, minority opportunity, and domestic violence. I know of no other public official who can match the record of Oliver Koppell.

I met Oliver more than 20 years ago when we first worked together to reform the Democratic Party in the Bronx and in New York State. Oliver was elected to the New York State Assembly in 1970 in a special election, under the banner of the "Reform Party," defeating the entrenched political establishment. Seven years later, he helped me accomplish the same feat in a special election for my assembly seat.

Oliver Koppell and I served together as colleagues in Albany for 12 years, and I was fortunate to be able to work closely with him in both legislative and political affairs. He has been an ally and close personal friend, and we have always stood side-by-side during both good and bad times. We fought many political battles together in the Bronx, trying to reform the Democratic Party and supporting candidates whom we believed made a positive difference in people's lives.

During his tenure in the State assembly, Oliver Koppell rose to chair the Corporations Committee, and later the very powerful Judiciary Committee. After 23 years in the assembly, his legislative colleagues unanimously

chose him to be New York's attorney general, filling a vacancy for that position. This appointment says a great deal about the high regard in which Oliver Koppell is held by his colleagues in government. Those that know him best selected him for this very important position. I am so proud of the job Oliver Koppell has done as State attorney general.

Wherever his career path takes him next, I know Oliver will never lose his feeling for public service that is so familiar to those of use who know him well. He will always be involved in the community and he will always speak out and act when he sees injustice.

I am proud to call Oliver Koppell my friend, and consider it an honor to have fought by his side for so many years. I wish him all the best as he embarks on a new phase of his life. On behalf of the local community, I thank him for all his efforts on our behalf. I also thank his wife, Lorraine Coyle Koppell, and his children, Carla, Jonathan, and Jacqueline, for sharing Oliver with us.

CONGRATULATING LT. COL. ROLLAN HARDY ON HIS RETIREMENT FROM THE AIR NATIONAL GUARD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. MONTGOMERY. Mr. Speaker, I want to take this time to pay tribute to Lt. Col. Rollan E. Hardy of Waldorf, MD, who retired from the Air National Guard last month after more than 29 years of service to our country.

His professionalism, knowledge and experience in fiscal management matters made things run smoothly at the Air National Guard Readiness Center, where he served as accounting and finance officer and chief of plans and programs for more than a decade. He is a great American and I want to salute Colonel Hardy for a job well done.

LT. COL. ROLLAN E. HARDY

Lieutenant Colonel Rollan Hardy enlisted in the 140FW Colorado Air National Guard in May 1965. He served as a traditional guardsman in the Accounting and Finance section until January 1968 when he was called to active duty during the Pueblo Crisis. Lt Col Hardy served for sixteen months at 12AF Headquarters, Bergstrom AFB, Texas until being released from active duty on 30 May 1969.

Lt Col Hardy returned to Colorado and accepted a full-time Accounting Technician position with the Colorado Air National Guard in August 1969. He also held the positions of Accounting Superintendent and Accounting and Budget Superintendent. Lt Col Hardy was commissioned through the ANG Academy of Military Sciences commissioning program in February 1980.

After receiving his commission, Lt Col Hardy served for a short time as the Budget Technician and then as the Budget Officer for the 140FW. Lt Col Hardy accepted a position with the National Guard Bureau in February 1983, with an assignment to the Air National Guard Support Center as a Budget Staff Officer. He served as the Chief, Budget Execution, during this division's infancy stage, and went on to serve as both the Accounting & Finance Officer and the Chief of Plans and Programs during his 11-year tenure with the Air National Guard Readiness Center.

Lt Col Hardy has a Bachelor of Science Degree in Business Management from the University of Colorado and has completed Air Command and Staff College by seminar. Among his military decorations, he has been awarded the Air Force Meritorious Service Medal (2OLC) and the Air Force Commendation Medal (1OLC). Lt Col Hardy is married to the former Gloria Jean Adams and is blessed with three children and three grandchildren.

A TRIBUTE TO CIRCUIT JUDGE ZOE S. BURKHOLZ

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. UPTON. Mr. Speaker, I rise today to bring to your attention, and to pay tribute to, Circuit Judge Zoe S. Burkholz; a person who has dedicated her life to the people of Michigan and to the law of our great country.

A resident of Benton Harbor, MI for most of her life, Judge Burkholz received her A.B. degree from the University of Michigan in 1945 and her juris doctor degree from the University of Michigan Law School 2 years later.

In 1952 Judge Burkholz embarked on her life of service by winning an appointment from Governor G. Mennen Williams to the bipartisan Board of State Canvassers, the board which supervises and certifies State elections. Reappointed to this body by three successive Governors, Judge Burkholz was eventually made the board's chairman and served in this highly esteemed position for a total of 12 years.

In addition to the critical task of overseeing State elections, Judge Burkholz has donated her time and energy to the people of Michigan by serving as a delegate to the State Health Coordinating Council and by serving on Governor Milliken's Advisory Committee for State Correctional Health Care. Besides these activities, she has also been actively involved with the Girls Scouts, Boys Scouts and YMCA.

In 1972, Zoe Burkholz left her law firm of 25 years to be elected a probate and juvenile judge of Michigan for the county of Berrien. Judge Burkholz continued to interpret and uphold the law from the bench for another 22 years, highlighted by her 8 year service as chief circuit judge.

Mr. Speaker, Judge Burkholz has used her keen intellect, strong sense of values and deep commitment to public service to truly make a difference in the lives of so many in southwestern Michigan. Her efforts, dedication and self sacrifice are to be applauded and emulated. I feel honored to have her as one of my constituents and friends.

A TRIBUTE TO ALLEN TEMPLE BAPTIST CHURCH UNDER THE LEADERSHIP OF REV. J. ALFRED SMITH, SR., AND REV. J. SMITH, JR.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. DELLUMS. Mr. Speaker, I rise today with pride and honor to share with you and my colleagues a tribute to Allen Temple Baptist Church in celebration of its 75th anniversary as a pillar and institution in Oakland, CA. Located in the heart of East Oakland and under the leadership of Rev. Dr. J. Alfred Smith, Sr., and Rev. J. Smith, Jr., Copastor, the church has grown from 21 members in 1919 to over 4,000 members. Allen Temple Baptist Church services thousands of citizens through numerous ministries and community services. The current church includes a 1,500 seat sanctuary with educational facilities and, through its development corporation, has constructed two senior citizen housing complexes with 126 apartments. Future plans include building a family life center.

Allen Temple's commitment to its community is long and deep. Church sponsored Scout and athletic programs minister to youth while social service programs provide help with food, housing, clothing, crisis assistance programs, and employment services. Health, education, and senior programs serve those with special needs. The church's broader ministries include the support of a school, church, and health clinic in Sierra Leone, West Africa. The four-star rated Allen Temple Federal Credit Union, with assets over $2 million, is the only financial institution serving the East Oakland community and Allen Temple members.

Allen Temple sponsors a drug and alcohol rehabilitation program. The members of the business and professional women committee raise over $50,000 in scholarships for students with a financial need. Under the leadership of Dr. Smith, a ministers-in-training program has been established for young ministers preparing for the ministry. Ten ministers from the program were ordained in July 1993.

Dr. J. Alfred Smith, Sr., has served Allen Temple for 23 years. Recipient of over 175 awards, Dr. Smith serves on community and corporate boards, including the chancellor's advisory board at the University of California at Berkeley. He is the founder of the Bay Area Black United Fund, and chairman of the public safety task force which recently sponsored a city-wide conference on violence prevention.

I pay tribute to the achievements of Allen Temple Baptist Church and its continued success as a stable, influential pillar of the community.

WELCOME TO REPRESENTATIVE BENJAMIN LU

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. LAZIO. Mr. Speaker, I rise today to extend my personal welcome to Representative Benjamin Lu of the Republic of China on Taiwan, who arrived in Washington on September 30, 1994. I wish him a most productive and pleasant stay.

The district I represent maintains a very close business relationship with Taiwan, which is not only a major customer of my district's products but is also an important market for United States exports. Last year, our two-way trade amounted to $41.3 billion, making Taiwan our 5th largest trading partner.

Over the past 2 years, I have enjoyed the friendship and support of Representative Moushih Ding, who worked diligently to strengthen

the ties that bind our two countries. I now look forward to working with Representative Lu, who I understand is an expert on trade matters, to continue this good relationship.

I would also like to take this opportunity to extend my congratulations to Representative Lu, as the Republic of China's 83d National Day approaches.

TRIBUTE TO PLUM BROOK COUNTRY CLUB ON THE OCCASION OF ITS 80TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to the Plum Brook Country Club on the occasion of its upcoming 80th anniversary.

Originally organized in 1914 as the Sandusky Golf Club, with $600 invested for grass seed, the royal and ancient game of golf was introduced to the city of Sandusky. From its humble beginnings—one observer called it a "crow pasture"—the club has evolved into one of the most respected courses in the Midwest.

As membership grew, the board of trustees decided to upgrade the location. This resulted in the location and purchase of the land at Galloway and Hull Roads. This new location had rolling terrain and Plum Brook flowing through the property. Thus the change in location and new name for the club, Plum Brook Country Club, in 1916.

Over the years, additional land has been acquired and the layout expanded, to create the present sporty and challenging course. Many prestigious golfing names have played Plum Brook and commented favorably on the course. The club has hosted many tournaments in its history and is currently hosting the Ohio Senior Open. Plum Brook is also the permanent home of the Northern Ohio PGA Golf Hall of Fame. Plum Brook is a family club and places an emphasis on junior golf. In fact, it has the honor of having the first national caddy champion.

Mr. Speaker, anniversaries are a time to reflect upon a accomplishments. They are also a time to look toward new horizons. It is obvious that the Plum Brook Golf Club has greatly enhanced the quality of life for the Sandusky community and the members of the club since its humble beginnings in 1914. Today, I ask my colleagues to join me today in recognizing the growth and achievement of the Plum Brook Country Club and to wish them many more years of service and sportsmanship.

JOE LANG KERSHAW: AN AMERICAN HERO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. MEEK of Florida. Mr. Speaker, in the 1930's a young black college student found a job as a janitor sweeping up cigarette butts off the floor of the all-white Florida Legislature In order to pay for his school expenses at Florida A&M University. Joe Kershaw did that job, and he received his bachelor's degree in history and social studies. He continued with his studies and earned his master's degree in administration and supervision. Joe Lang Kershaw has always worked hard to make a difference, and what a difference he's made.

Just a few years after his humble beginnings sweeping trash off the floor of the Florida Legislature, Joe Kershaw returned there, only this time as the first African-American elected to the legislature since Reconstruction.

Joe Lang Kershaw did not stop while he was a janitor, and would not stop as a legislator. He served as vice chairman of the House Committees on Health and Rehabilitative Services, as well as the Committee on Regulated Industries and Criminal Justice. As chairman of the Elections Committee, Mr. Kershaw hand-crafted the reform of the State's election code, and thereby created a system of increased representation and public participation in the electoral process.

Some of Joe Lang Kershaw's finest accomplishments have been in the field of education. He established the Black Archives Research Center and Museum at Florida A&M University, which today is one of the largest repositories of African and African-American artifacts and papers in the Nation.

This past August, Mr. Kershaw was awarded an honorary doctorate from Florida A&M, the very same university he worked so hard to attend so many years ago. It is a fitting way to thank an individual who has played such an important role in opening doors for citizens of all colors and origins, and who has consistently placed the wants of the community before his own personal needs. He is an inspiration to his community, his State, and to his Nation. We are proud of his accomplishments, and thank him for a job well done.

COMMENDING PAT RISSLER ON A DISTINGUISHED CAREER

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. SAWYER. Mr Speaker, I rise today to express my gratitude and appreciation to Pat Rissler, staff director of the House Education and Labor Committee, who will be leaving the Hill at the end of this year after a distinguished 30 year career.

For much of her career Pat has been the "eyes and ears" of BILL FORD who chaired both the Post Office and Civil Service Committee and the Education and Labor Committee. Actually, that is how Pat describes herself and her job. As most of us who know Pat well, that is a considerable understatement.

Pat has applied her steady hand and incisive political instincts, in two committees, to enactment of some of the most social legislation of the past three decades. That includes the Higher Education Act, the Civil Rights Act of 1990, the Family and Medical Leave Act, the Workplace Fairness Act and most recently the most far-reaching reform of America's aid programs to elementary and secondary schools since its enactment in 1965.

Most of these proposals, and a host of others that I have not mentioned, were the results of complex and difficult negotiations. Pat was always there, setting priorities, making the tough judgment calls and dispensing humor and good will to everyone. She is, in my view, the exemplar of grace under pressure.

I don't know how many people can claim with a straight face to do what Pat has done over the last 30 years, and that is, devote her professional life to advancing the rights and opportunities of the people of this Nation and making life more pleasant for the people around her.

I will miss her, everyone that has worked with her will miss her; but this institution will really miss her.

Mr. Speaker, thank you for providing me with this opportunity to join Pat Rissler's legion of admirers and to wish her good luck in her future endeavors.

CONGRESSIONAL RECORD INSERT SALUTE TO SIMI VALLEY ON THE CITY'S 25TH ANNIVERSARY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a place I have called home for nearly three decades—the city of Simi Valley, which this year is celebrating the 25th anniversary of its incorporation.

Like many other long-time residents, I was originally drawn to the area that would become Simi Valley because of its rural atmosphere and reasonable home prices. Back then, Simi Valley was a place where you could buy more home than you thought you could afford and enjoy a quality of life you didn't think was possible so close to a large metropolitan city like Los Angeles.

Housing prices have increased over the years as word of Simi Valley spread, but both new and established residents continue to enjoy the city's rural atmosphere and Western flavor. Even as the city has grown—now numbering more than 100,000 people—Simi Valley has retained its small-town feel and sense of community.

The city has also had success in building up its commercial and industrial base. As a former mayor, I am happy to have been able to play some small role in Simi Valley's transition from a bedroom community to one in which people can live, play, work, and shop.

As a result of this progress, Simi Valley today is a very different place than it was when I moved in nearly 28 years ago. Thankfully, the changes that have come have been positive and the qualities of the city that people enjoy most have been retained over the years.

In the face of higher crime rates around the country, Simi Valley continues to be a very safe place to live and to raise a family. It continues to be a physically beautiful place, a picturesque valley surrounded by scenic mountains. And it continues to be a place where you not only know your neighbors, you consider them friends.

With the recent opening of the Ronald Reagan Presidential Library, Simi Valley has become a destination point for both tourists from across the Nation and some of the leading figures from the political world.

When this wide variety of visitors converge on Simi Valley they will recognize what long-time residents already know, that this city in eastern Ventura County—now 25 years old—has made dramatic progress over its short history while still retaining the qualities that make

it very similar to the sleepy bedroom community that newcomers such as myself found so alluring all those years ago.

U.J. BRUALDI, JR. AND ADT SECURITY SYSTEMS RECEIVE CARL M. LOEB, JR. AWARD

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. SAXTON. Mr. Speaker, on September 30 of this year, a truly outstanding businessperson, U.J. Brualdi, Jr. and the corporation which he leads, ADT Security System, Inc., were presented with the Carl M. Loeb, Jr. Award. This award was presented by the National Crime Prevention Council [NCPC] at its annual board meeting in New York City. It is fitting that in this, the company's 120th anniversary year, ADT be honored.

Mr. Brualdi, president and chief executive officer of ADT Security Systems, has long been a champion of corporate community involvement and has consistently stressed its importance to ADT Associates nationwide. While serving as the leader of this major international corporation, Mr. Brualdi has been a dynamic pacesetter in business and in spurring ADT to a remarkable record of corporate citizenship.

In 1986, ADT was an active partner in the funding, development, and distribution of more than 20,000 corporate action kits. This vital resource has provided tools for businesses large and small across the country which help make workplaces and employees safer both on the job and in the community.

A second major ADT initiative was the creation of the National Spotlight Awards luncheon series. Mr. Brualdi launched this program in 1987, which highlighted local citizen's extraordinary efforts in crime prevention at the grassroots. Initiated in Kansas City, the program was honored with great local acclaim, and as of this month, luncheons have been hosted by the mayors of 15 of America's largest cities. This ongoing spotlight series culminated in a White House ceremony.

ADT's most recent community effort is the creation of the nationally recognized AWARE [Abused Women's Active Response Emergency] program. The program places security systems and emergency pendants in the homes of battered and abused women. Started in 1992, this unique program features the cooperation of both public and private sectors of the community. AWARE has extended to more than 25 cities, and it is now credited with helping to save the lives of 14 women.

In 1990 Mr. Brualdi was elected to the NCPC board of directors in recognition of his longtime commitment, and that of ADT, to the prevention of crime, NCPC is a nonprofit educational organization best known for, McGruff the crime dog public education campaign and informative materials for community action.

ADT Security Systems is a leading provider of electronic security services and vehicle auction services with operations in North America, the United Kingdom, and continental Europe. ADT is the largest single provider of electronic products and services worldwide. ADT helps safeguard nearly 1 million customers, including more than a half million homeowners, as well as 493 of the Fortune 500 companies.

Mr. Brualdi and ADT are the fourth recipients of the Carl M Loeb, Jr. Award. ADT is the first corporation so honored with the Loeb Award.

Mr. Speaker, I am honored to recognize the efforts of Mr. Brualdi and ADT Security Systems, Inc.

TIMOTHY J. MORENCY, TWO DECADES OF OUTSTANDING LAW ENFORCEMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. SOLOMON. Mr. Speaker, Timothy J. Morency was born in Fort Edward, NY with law enforcement blood in his veins.

His father was Fort Edward police chief during the 1950's, and Mr. Morency always dreamed of being a police officer. And I and many others are glad that he pursued that dream, including a number of people who wouldn't be alive today without him. He worked for short periods of time with the New York State Department of Corrections and with the New York State Capital Police. But in 1973 he returned to Fort Edward and joined the Village Police Department. And now, nearly 21 years and many commendations later, Officer Morency is retiring.

Mr. Speaker, many days and nights of a law enforcement are routine, but when a crisis occurs, the officer involved must respond quickly and calmly. Lives may be at stake, or the apprehension of a dangerous felon may depend on the professionalism of the investigators on the scene. Officer Morency was tested a number of times and he always came through with flying colors.

On the bitterly cold night of December 27, 1980, Officer Morency was on patrol when he discovered a serious fire in progress. His quick response to the fire, sounding the alarm and leading residents of the building to safety, kept loss of life to a minimum and prevented the fire from spreading to adjoining buildings.

On another occasion, he discovered a fire in a barn close to the farmhouse. He alerted the sleeping family, all of whom most certainly would have perished.

On at least two occasions, his initial investigation at the scene of homicides led to the arrest and conviction of the perpetrators.

Mr. Speaker, I've written Officer Morency to commend him, and he has been cited by the Fort Edward village board and by the Washington County board of supervisors. But since it is people like Officer Morency who make this country the greatest in the world, and who make our smaller towns and villages such nice places to live, I wanted to share his story with you.

Officer Morency will be honored at an October 14 testimonial dinner. Let us pay our own tribute today. Please join me in saluting Officer Timothy J. Morency for more than 20 years of the highest professionalism in the field of law enforcement, and to wish him all the best in the future.

TRIBUTE TO HENRY MROZ

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. MEEHAN. Mr. Speaker, I rise to note the passing of Mr. Henry Mroz, a former school superintendent and school committeeman of Lowell, MA.

Henry Mroz will be remembered for many great attributes; his professionalism, intellect and dedication to name a few. But more than anything else, Henry Mroz will be remembered for spearheading a $131 million school building and renovation program that is scheduled for completion next year. Mr. Mroz was the prime mover in securing the Federal funding for these schools and is overseeing their construction. It is these schools that will serve as a lasting monument to him for generations to come.

A Lowell High graduate, Mroz held a master's degree in education from Fitchburg State College and a law degree from the New England School of Law.

In 1982 he became superintendent after serving as the director of Federal programs for the Lowell schools from 1969 to 1981 and the assistant superintendent of the Lowell schools in 1981. He previously taught math, history, and science in the classroom.

Henry Mroz will be remembered for leading the schools through the sometimes turbulent 1980's, when the system's populations of Southeast Asian youths skyrocketed from 1 percent to more than 25 percent. During this time, Mr. Mroz demonstrated his leadership skills, keeping the school system on track and guiding it through challenges it had never seen before.

His commitment to education in Lowell will never be surpassed. Mr. Mroz and his wife Theresa had no children of their own, but there was never any doubt that both regarded the 13,000 children of the Lowell public schools as their own.

Henry Mroz succumbed to a heart condition that he had struggled against with strength and courage. Friends and family, as well as the city of Lowell, will be forever in debt to the contributions that Henry Mroz made to the Lowell schools during his long tenure. I join in paying tribute to this distinguished man. He will be missed by all who knew him.

TRIBUTE TO WILLIAM E. WOODS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. PICKLE. Mr. Speaker, I rise today because I could not let my service to the 10th District of Texas conclude without making a few remarks in recognition of my good friend and schoolmate, William E. Woods. Bill and I have known one another since our days at the University of Texas, and although he has since retired to Maryland, I am proud to claim him as one of Texas' own.

Born in the small town of Ballinger, TX, in 1917, Bill Woods spent his high school years working in a local drug store. Under the positive influence of his employer and mentor, he went on to University of Texas to pursue degrees in both pharmacy and law. He practiced

law in Corpus Christi, TX, and served as the first director of the University of Texas Pharmacy Extension Service. In 1964, Mr. Woods began a 20-year association with the National Association of Retail Druggists, serving as associate general council until 1976 when he was made CEO and executive vice president.

Bill Woods has been a tireless advocate of the independent retail pharmacists of this Nation, and defended small business as an essential component of the American economy. He also helped secure the survival of the independent pharmacist by focusing the Nation's attention on big business interests which threatened this vital industry.

In recent years, Bill Woods established the William Ellis Woods Endowed Presidential Scholarship in Law to benefit students with a special interest in health care law. In addition to his commitment to the pharmacy industry, this endowment is an indication to his civic pride and his appreciation for the opportunities he has been afforded.

In my years of association with Bill Woods, I have found him to be an admired colleague, an intelligent and dedicated advocate of the pharmacy industry, and a true friend. I am sure that all Members of the House join me in wishing him and his wife Martha many years of happiness in their well-earned retirement.

THE WOMEN'S PROGRESS ASSESSMENT ACT OF 1994

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. SCHROEDER. Mr. Speaker, the International Conference on Population and Development in Cairo was a turning point for the world's approach to population policy. For the first time, nations of the world agreed that women are the key to ensuring a livable world for our children and grandchildren.

The 160-plus countries involved agreed that we can only stabilize population by addressing women's needs in a holistic way, and improving women's health, women's jobs, and women's power over their own lives instead of simply promoting contraceptives.

U.S. Congress nor parliaments from around the world can give life to the document's words, however, unless we first understand the complexities of women's lives.

Timely and reliable data on women around the world is critical to understanding women's lives, and therefore, key to the effective implementation of the Program of Action and in evaluating the cost-effectiveness of U.S. domestic and foreign assistance programs.

Unfortunately, the information available is inadequate, and defies comparison between countries, and is not generally published or analyzed in a useful form. Because empowering women is the critical element for transforming the world in the 21st century, we need to know the whole story. Today, my colleague, Rep. CONNIE MORELLA and I are introducing the Women's Progress Assessment Act of 1994 to give us the tools we need to learn the whole story.

A SALUTE TO DANIEL M. ROSS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues the annual Northern Virginia Community Foundation's Founders Award, which this year on October 21, at the Sheraton Premier Hotel in Tysons Corner, will be presented to an outstanding citizen of northern Virginia—Daniel M. Ross.

The Northern Virginia Community Foundation was established in 1978 by a group of northern Virginia residents seeking to improve the community in which they live. The foundation is a nonprofit community endowment which has provided grants totaling nearly $1 million to support the arts, education, health, youth, and civic improvement for the benefit of northern Virginia.

The foundation's Founders Award presented each year pays tribute to the vision and commitment of individuals for their outstanding community service and dedication to the betterment of northern Virginia and to promote awareness of the significance of individual action in improving the quality of life for all persons in the community.

Daniel M. Ross, the 1994 Founders Award recipient, epitomizes the meaning behind the award through his personal support of, dedication of, a variety of issues and community needs. As a long-time active member of the community, he is a trustee of the Marine Corps Command and Staff College Foundation and a member of the board of the Marine Corps Executive Association, the Marine Corps Scholarship Foundation, and the Northern Virginia Community Foundation. He has been a major supporter, both personally and through his major business holdings, of the Close-Up Foundation, No Greater Love, American Heart Association, American Cancer Society, and a host of other causes.

A practicing attorney and real estate developer, Daniel Ross moved to the Washington area from his native Pennsylvania to attend the George Washington University, where he received his bachelor of arts, masters, and law degrees following noteworthy service as a combat Marine during World War II and the Korean conflict. He began his legal career after being admitted to the District of Columbia Bar in 1954 and subsequently became involved in real estate investment. In addition to land holdings, he owns and operates five Washington area hotels and several office buildings.

Professional and community service achievements mark the life of Daniel Ross. His dedication to the betterment of northern Virginia serves as a reminder that each individual can make a difference. On behalf of all northern Virginians, I offer him sincere congratulations and best wishes as the 1994 Founders Award recipient.

AMNESTY INTERNATIONAL BARRED FROM TURKEY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. HOYER. Mr. Speaker, in what is becoming an all too frequent occurrence, I again rise to protest actions by the Turkish Government which raise serious questions about professed human rights commitments. Amnesty International's leading researcher on Turkey, Jonathen Sugden, has been declared persona non grata and is now barred from entering Turkey to look further into the deteriorating human rights situation of Turkey's Kurdish population.

Mr. Speaker, I do not need to detail for this body the excellent work Amnesty International does around the world. As cochairman of the Commission on Security and Cooperation in Europe, I know the value of Amnesty's human rights research and reporting. Its grassroots membership around the world often serve as the eyes, ears, and conscience of governmental and nongovernmental efforts to promote human rights protections, indeed to save lives.

Over the years, the Government of Turkey has understandably resented Amnesty's attention to widespread torture, political prisoners, and the brutality used to suppress Kurds. Yet through Turkey's leadership denounced Amnesty's findings as being politically motivated and often refused to meet with Amnesty officials, they nevertheless allowed Amnesty researchers access to the country. If leaders of Turkey now believe that by barring human rights investigators they will escape embarrassing scrutiny, they have again seriously miscalculated. Such action will only draw increased interest and attention to the very practices the Government seeks to keep out of view. This issue will surely be raised at the upcoming CSCE Budapest Review Meeting Conference and will likely contribute to calls by a number of states to invoke the Moscow Human Rights Mechanism to mandate a CSCE monitoring mission to Turkey.

Mr. Speaker, the Turkish Government continues to view its human rights problems as a result of terrorism employed by the Kurdish Workers Party [PKK]. For years Turkish Governments have vowed to crush the PKK militarily. And while this objective is understandable, in the process of combating the PKK, the Government has waged war upon its own citizens—razing Kurdish villages, destroying livestock and crops, and forcing over 1 million Kurds to become refugees in their own country. In effect, their actions have generated more recruits for the PKK than the PKK could have ever enlisted itself.

Mr. Speaker, I am coming to believe that despite our mutual strategic and economic interests we should express serious reservations about continuing to provide the weapons Turkey uses on its own citizens. The action taken by this Congress to condition 10 percent of Turkey's foreign assistance on human rights performance indicates growing concern, yet affects only a small amount of favorable loans. Turkey also receives billions of dollars of excess defense equipment and other assistance, and perhaps it is time that we consider conditioning this.

50 YEARS OF EDUCATIONAL EXCELLENCE

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. KIM. Mr. Speaker, it gives me great pleasure to recognize the scholastic excellence of the students, teachers, and administration of the Ontario Christian School.

In 1944, a small group of parents founded the Ontario Christian School in a rented garage which they renovated for $800 into a one room schoolhouse. Since that humble beginning, the school has continued to expand into the largest private K–12 system in the Inland Empire area of California.

The high school, which is accredited by the Western Association of Secondary Schools and Colleges, sends out its graduates into a variety of careers which helps serve the community as well as the State and the Nation.

Mr. Speaker, the school will be celebrating its 50th anniversary during the week of October 23, 1994. This celebration will reflect the historic Christian roots that the school was founded on and retains today.

Mr. Speaker, again I want to offer my congratulations on 50 years of educational excellence to the Ontario Christian School.

HENRY LUCE III HONORED FOR COMMITMENT TO THE ARTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district on Tuesday, October 11. On that day, the American Association of Museums will present Henry Luce III, chairman and CEO of the Henry Luce Foundation, with the AAM Medal for Distinguished Philanthropy. The presentation will be given at the Metropolitan Museum of Art.

Mr. Speaker, no award could be more deserved. Henry Luce III, has spent a lifetime contributing to American art. Beginning in 1956, when he supervised the construction of the Time-Life building in Rockefeller Center, Mr. Luce's love and commitment to the arts has grown over the past four decades.

In 1982, the Henry Luce Foundation created its first formal support program for the arts. After considering where resources were most necessary, the foundation embarked upon a critically important quest to support art museums—perhaps the most important intellectual resource in the field of the arts.

And during the past 12 years, the foundation has provided a huge boost to American art. By giving over $30 million in support of catalogs and exhibitions at major and minor museums across the country, the Henry Luce Foundation has brought remarkable American art to those who otherwise would never have had the chance to see it.

It is, of course, particularly appropriate that Mr. Luce will be honored at the Metropolitan for his contributions. For it is at the Met that the Henry Luce Foundation made possible, by a gift of $3.5 million, the creation of the Henry Luce Center for the Study of American Art. The Luce Center has made available an entire collection of wondrous works which had never before been accessible to the public. And the center, with its high-technology computer system, represents a new step forward in the integration of art and technology.

Mr. Speaker, art gives our lives meaning. It uplifts our spirits, it challenges us; the need to express ourselves is, after all, our must unique human quality. When we support the arts, we make it possible for humanity to move forward. Henry Luce III, has truly earned recognition for his distinguished philanthropy, and I hope all of my colleagues here will join the American Association of Museums in congratulating him for his achievements.

RECOGNITION FOR MITCH KEHETIAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. LEVIN. Mr. Speaker, on September 21, 1994 at the annual meeting of the Michigan State Bar, the membership chose to recognize the efforts of Mitch Kehetian to focus attention on the need for truth in sentencing and ending early parole of violent criminals.

Mitch Kehetian has used his position as editorial page editor of The Macomb Daily to responsibly address serious problems facing Macomb County, the State of Michigan and the Nation as a whole.

It is for this service to our community that the Michigan State Bar chose to bestow upon Mitch the 21st Annual Wade H. McCree, Jr. Award for the Advancement of Justice.

I insert into the CONGRESSIONAL RECORD a story from the Macomb Daily detailing the award to Mitch and I join many people in congratulating him on his continuing achievement and well-deserved recognition.

The article follows:

MACOMB DAILY EDITORIAL PAGE EDITOR HONORED

Mitch Kehetian, editorial page editor of The Macomb Daily, will be recognized this week by the State Bar of Michigan as one of the winners of the 21st Annual Wade H. McCree Jr. Awards for the Advancement of Justice.

Kehetian, a former president of both the Detroit Press Club and the Society of Professional Journalists, Detroit Chapter, will be honored for a series of columns that called for the adoption of truth-in-sentencing guidelines in the criminal justice system.

Other print category winners include the Delta Reporter in Escanaba, and the Detroit Free Press.

Winning entries in the broadcast category include WKAR Radio in East Lansing and WEYI-TV in Clio.

The McCree Awards recognize Michigan's print and broadcast professionals whose works have made outstanding contributions to the advancement of justice by fostering greater public understanding of our legal system, exposing abuses and serving as a catalyst for change.

Kehetian's winning entry was a series of columns examining the need for truth in sentencing in Michigan and across the nation.

The series also called on the judiciary to enforce mandatory sentencing to help stop the early parole of felons convicted of violent crimes.

The veteran editor's series cited examples of homicides committed by felons who had been released on parole prior to having served the minimum of their sentences.

Thomas C. Oren, director of communication for the State Bar, said Kehetian's award marks the "first time editorials or opinion pieces have been so recognized" in the McCree Awards competition.

The winning print entry by the Delta Reporter, was a series that examined divorce cases in Delta County, its Friend of the Court and decisions reached by the Upper Peninsula court.

Two Free Press articles were chosen. "The Other Class of '93" pointed out that more young men in Detroit graduate into the adult criminal justice system than receive diplomas from the city's high schools, and the second winning entry took an in-depth look at the staff and office of Oakland County Prosecutor Richard Thompson.

The order in which the winners were selected will be announced Wednesday during a luncheon of the State Bar's 59th annual meeting at the Cobo Conference/Exhibition Center in Detroit.

For the Daily, this is the third Wade McCree award in the past five years.

Reporters Chad Selweski and Frank DeFrank twice won state honors for series on a Macomb County Jail furlough program and then on the plea bargaining practices of the Macomb County prosecutor's office.

The McCree Awards honor the late Wade H. McCree, Jr., an early supporter of the competition and a distinguished lawyer, judge, law professor and solicitor general of the United States.

HONORING THE SERVICE OF CHAIRMAN ROMANO MAZZOLI

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an outstanding public official, good friend, and distinguished colleague who is retiring from this House after 23 years of service to the people of Kentucky's Third District and the people of the United States.

I have had the privilege of serving on the Immigration Subcommittee under the leadership of Chairman ROMANO MAZZOLI during my first term in this House. I have greatly appreciated his fairness in the conduct of the subcommittee, as well as his guidance and expertise in the fields of immigration and refugee law.

We are a nation of immigrants, coming here from every corner of the world, seeking freedom from oppression, a shelter from the ravages of war, and the promise of a better life in America. The work of the Subcommittee on International Law, Immigration and Refugees touches on this uniquely American phenomenon. We are Americans not so much because of where any of us or our parents were born, but because of where we are all going, our dreams, our aspirations and our values. To the extent that we share a common heritage, it is from the experience of our families seeking freedom, tolerance, peace and a better life. Although our subcommittee is not often in the headlines, we always deal with matters which go to the very heart of what this great country about.

I also want to reflect on Chairman MAZZOLI's encyclopedic knowledge of the subcommittee's subject area. It is an important ingredient in his success. Chairman MAZZOLI's views and

observations have always proved enlightening and helpful.

Mr. Speaker, while many voters have become angry and cynical about our Government, I think we should all reflect on the retirement of the gentleman from Louisville. His personal decency, his collegiality, and his firm grasp of the often complex issues before the Congress, and his workmanlike approach to the job of Representative, typify what I think voters want to see in their elected officials from across the political spectrum. I want to join every Member of this body and the American people in thanking Chairman MAZZOLI for his career of outstanding service to this Nation.

SOUTH END LADIES DEMOCRATIC CLUB

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. KENNELLY. Mr. Speaker, this month, one of Hartford, CT's most cherished organizations will celebrate its silver anniversary—the South End Ladies Democratic Club of Greater Hartford.

This club of dedicated women has worked for 25 years on behalf of many worthy causes. The Leukemia Society of America, Save the Children, Big Brothers, St. Jude's Children's Hospital, and the Cooley's Anemia Society are but a few of the groups to benefit from the work of the South End Ladies.

All of its members throughout the years deserve our thanks, but one lady stands out in particular. Vinnie Russo, the club's founder and mentor, deserves special recognition. She, along with the entire Russo family, guided the club to reflect their concern for the city of Hartford and the entire State of Connecticut. Today, that family tradition of caring continues through the work of Linda Peterson Russo as president.

Many other South End women have shaped the club over the past 25 years. It was their vision, hard work, and commitment that enabled the club to grow and prosper, and that resulted in benefits for numerous organizations.

I am pleased to congratulate the South End Ladies on their silver anniversary and I wish them well as they continue their good works for Hartford and Connecticut.

A TRIBUTE TO MOU SHIH DING

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ACKERMAN. Mr. Speaker, Mou Shih Ding has recently completed 6 years of service as the Representative of the Coordination Council for North American Affairs, Taiwan's unofficial representative office in the United States. In his capacity as Taiwan's unofficial ambassador to Washington, Mou Shih Ding worked tirelessly to improve the level of dialog and understanding between the United States and its fifth largest trading partner, Taiwan. During his tenure, the Coordination Council for North American Affairs helped to facilitate an ever-growing relationship between the United States and Taiwan.

Many of our colleagues have traveled to this bustling island off the Chinese mainland, to learn, firsthand, how the 23 million residents have transformed Taiwan from a largely rural economy to an industrial and technological powerhouse in less than 50 years. Today, Taiwan is the world's 14th largest trading nation. Its annual per capita income exceeds U.S. $10,000. Its foreign exchange reserves are greater than U.S. $80 billion and it has become the world's seventh largest outbound investor. Taiwan is on the cutting edge of major industries such as steel, shipping, and computers.

Mr. Speaker, during the past 6 years Mou Shih Ding has worked to make certain that the bonds between the United States and Taiwan have grown even stronger. A thoroughly professional diplomat, Mr. Ding has guided the Coordination Council with an even-handedness and a quiet resolve which have yielded several important successes. Among these successes has been the growing movement in the U.S. Congress to change the nature and level of our Government's relationship with Taiwan to more accurately reflect Taiwan's increased economic stature in the world order, as well as its longstanding friendship with the United States.

Mr. Speaker, Mou Shih Ding is returning to Taipei to assume a new assignment as Secretary General to the National Security Council. I know my colleagues join me in wishing Mou Shih Ding and his lovely wife, MeiChange Shih, congratulations on a job well done and best wishes for continued success in his important new assignment. As chairman of the Asia and Pacific Subcommittee, I look forward to seeing Mr. Ding on a future visit to Taiwan and to welcoming him back to Washington on a future visit to our Capitol.

REINTRODUCTION OF THE REEMPLOYMENT ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. WILLIAMS. Mr. Speaker, I rise with Chairman FORD to introduce a new version of the Reemployment Act, H.R. 4050. The Subcommittee on Labor Management Relations held numerous hearings in this Congress both in Washington and across the United States on dislocated workers and the Reemployment Act. I expect that the committee will use this legislation as a starting point for consideration next year.

Many Members of the House of Representatives, as I did, cosponsored the Reemployment Act when it was introduced in March 1994. There was a broad-based concern with different parts of the legislation from Governors, mayors, county officials, unions, educators, and community-based groups. I cosponsored this legislation in order to move the debate further.

As a result of the concern expressed about the legislation and our own concerns, Chairman FORD and I redrafted the bill. We made a draft available in mid-August to all of the interested parties above and others who requested the opportunity to review the legislation. As a result of that review, we received numerous comments which we made every attempt to accommodate in the legislation we are introducing today.

The legislation that we are introducing today simplifies the original bill so that governance, program consolidation, money flow, one-stop centers, and conflict-of-interest rules are clarified.

We are introducing this bill today so that interested parties can review our legislation between now and the beginning of the 104th Congress. I join in this effort despite the fact that I remain concerned with the effectiveness of training programs and the lack of jobs in many labor markets.

MURPHY PARK HONORED AS URBAN SUCCESS STORY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. MALONEY. Mr. Speaker, the 103d Congress has brought many great victories. But today, I rise to bring to the attention of my colleagues a small victory for a neighborhood back home.

Quality of life in New York City faces many threats—crime, homelessness, air pollution, and the high cost of living are on the minds of New Yorkers every day. So it is inspiring when we can fix up a small parcel of land in New York City and reclaim it as our own.

Three years ago, when I served on the New York City Council, I visited a small park in my district called Murphy Park, officially called Murphy's Brother's Park. I was saddened by what I saw. The park was dilapidated, the basketball rims were gone, the play equipment was hazardous, and graffiti and drug use were prevalent. The park had been overrun by the destructive forces in our city which threaten to drive the middle class away.

As the mother of two daughters, one who is just 7 years old, I know that parents cherish places in New York where they can let their kids be kids. So I obtained capital funds to renovate the park. Thanks to outstanding work by the New York City Parks Department, Murphy Park is a sparkling gem that the entire community can be proud of. Tucked in the extreme east side of Manhattan adjacent to Stuyvesant Town and in the shadow of the FDR Drive, Murphy Park has been restored. It has a beautiful mini-baseball diamond where young children in the Peter Stuyvesant Little League play tee ball; a handball court, a basketball court, and all sorts of play equipment.

When I visited Murphy Park in August, parents and children were sprawled all over the park—using the swings, playing ball, rollerblading on the basketball court. One small, blighted parcel of this city has been transformed into a field of dreams, just like in the movies. There was one small imperfection, Mr. Speaker. Whoever chose the day equipment apparently did not share my political affiliation. There is a plastic statue that children climb on in Murphy Park. It is the statue of an elephant. But a statue of a donkey is nowhere to be found. Perhaps that is one small consequence of having a Republican mayor.

But I am happy to put partisan politics aside as long as the children benefit. If climbing on the elephant means having fun and staying out of trouble, then they can climb on the elephant all they want. For my part, I'll be shooting free throws. So I congratulate the Parks

Department and the residents of Stuyvesant Town and Peter Cooper Village for making New York City a better place to live, one acre at a time.

TRIBUTE TO MU CHAPTER OF ALPHA DELTA KAPPA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. LEVIN. Mr. Speaker, I pay tribute today to the Mu Chapter of Alpha Delta Kappa in Hazel Park, MI. Alpha Delta Kappa is an international professional organization for women educators. The success of any international organization is dependent upon its local chapters, and Hazel Park's Mu Chapter continues to make a strong, substantive contribution. It is important to recognize the efforts of this chapter during October, Alpha Delta Kappa month.

As a parent of four children, I have been consistently aware of the positive influence teachers can have on the lives of America's youth. When teachers take their good deeds beyond the classroom, our children take obvious notice of their civic contributions and, hopefully, follow their lead.

The members of the Mu Chapter of Alpha Delta Kappa work tirelessly to contribute both their time and money to better the lives of their neighbors. With absolute selflessness, these volunteers work regularly with senior citizens groups, the Special Olympics, the Michigan Cancer Foundation, local libraries, and the South Oakland Shelter for the Homeless. As professional educators, some members offer free tutoring to develop the learning skills of our Nation's children. The Mu Chapter works with other local educators and school administrators, offering training workshops and fostering professional growth.

Mr. Speaker, I am pleased to have the opportunity to honor the women educators of the Mu Chapter of Alpha Delta Kappa. They exemplify the professionalism and dedication of purpose that has long been associated with America's teachers.

COMMENDING SIDNEY JONAS ON HIS 90TH BIRTHDAY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. NADLER. Mr. Speaker, I rise to pay tribute to Sidney Jonas, a remarkable individual who will celebrate his 90th birthday on Sunday, October 9, 1994, at an affair in his honor at Temple Beth Abraham in Brooklyn's Shorefront.

Sidney, who emigrated from Poland in 1922, became a recognized union leader in the United States. He successfully organized numerous unions throughout New York, New England, and the Midwest.

Sidney is also a recognized leader in service to his community. He was a founding member and chairman of the Brighton division of the Brooklyn Arts and Culture Association, vice-president and culture chairman of the Oceanfront Coordinating Council, a former member of the Warbasse Houses board of directors, vice chairman of the executive board of Branch 1020–23 of the Workmen's Circle, member of the Jewish War Veterans Post No. 6, and the Histadrut. Sidney has also served for the past 25 years as the chairman of the Parks, Recreation, and Culture Committee of Community Board 13.

Sidney played an instrumental role in the building of a bandshell for Asser Levy/Seaside Park, and is actively involved in the summer concert series held there each year and attended by residents from all over New York City.

Sidney has remarkable energy and continues to work for the betterment of our community. Mr. Speaker, I ask my colleagues to join me and my neighbors in honoring Sidney Jonas on the occasion of his 90th birthday.

THANKS, DOC

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I want to take this opportunity to pay tribute to one of the last great oldtime country doctors, Dr. E.C. Holdship. Known simply as Doc to those in Ubly, MI, E.C. continues to touch the lives of those around him through his interminable commitment, dedication, and love for his patients.

Since 1951, Doc has continued a Holdship medical tradition spanning 90 years, mending countless sprains, breaks, aches, coughs, and fevers, as well as having delivered enough babies to populate the entire city of Bad Axe. Doc similarly impacts our community through countless hours of service in the Ubly Lion's Club, Community Club, and Thumb Veterans Organization. Not surprisingly, Doc's love for his Ubly neighbors is best represented by his move to provide needed uniforms for the Ubly High School band when the school budget could not.

Doc's good deeds and medical expertise have not, however, gone unnoticed. He is a recipient of the Fraternal Order of Police Distinguished Service Award, the Bad Axe Jaycees 1979 Outstanding Citizen Award, the Eunice Shriver Award for Special Olympics and Care of the Handicapped, and for his dedication, skill, and humanity, his peers have named him outstanding physician in the State of Michigan.

Doc continues to care for those in and around Ubly 5 days a week, and as such remains a fixture in our community. I urge my colleagues to wish Doc, his lovely wife Dian, his sons Bill and Barry, daughter Gigi, and grandsons Nicholas and Alexander our very best.

RESTITUTION FOR THE ALEUTIANS, A DEBT OF HONOR FOR GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. UNDERWOOD. Mr. Speaker, today the House of Representatives will consider, and is expected to pass, S. 1457, an act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II. This act increases the authorization from $1.4 to $4.7 million.

This bill would bring closure to the unfortunate experience of the Aleutian islanders in World War II. The Aleutian islanders were evacuated from their homes just prior to the outbreak of hostilities between Japan and the United States, and their islands were subsequently captured by the Japanese forces. The restitution authorized by the original act is for damages occurring to homes and churches during this period.

I support S. 147 but I call the Nation's attention to another tragic occupation in World War II and a restitution issue that has yet to be addressed by the U.S. Congress. The occupation I am speaking of, that of Guam from December 10, 1941, to July 21, 1944.

Unlike the Aleutian islanders, however, the Chamorus—the indigenous people of Guam—were never evacuated, but were left to endure a brutal 32-month enemy occupation. Military planners who deemed that both Guam and the Aleutian Islands were vulnerable and were both likely to be attacked ensured two different fates for the Chamorus and the Aleutian islanders.

During the occupation of Guam, the Chamorus endured atrocities including death, personal injury, internment in concentration camps forced labor, and forced marches. An effort was made in 1945, under provisions of the Guam Meritorious Claims Act, to compensate the people of Guam for their wartime claims. The Guam Meritorious Claims Act was seriously flawed and poorly administered. The result was that many Chamorus were denied their just claims. Typical of the injustice is the claim paid to the family of Mr. Cruz, who was beheaded by the Japanese for saving the life of an American aviator who was shot down over Guam. Mr. Cruz's life was compensated at a mere $36.

Congress passed legislation in 1948, and again in 1962, to rectify the problems with claims of American citizens and nationals resulting from World War II. Guam's problems and the injustice of the claims administration on Guam, were not addressed in either corrective legislation.

That injustices occurred in the payment of just claims to the people by Guam by the United States Government is not in dispute. That the Guam Meritorious Claims Act was seriously flawed is not in dispute. And that Congress, in all the opportunities it had to correct these problems when it addressed wartime claims for all other American citizens and nationals, failed in its responsibility to address Guam's claims is not in dispute.

I introduced H.R. 4741, the Guam War Restitution Act, to correct these injustices and to provide for compensation for the just claims of the people of Guam. While it is not possible to pass H.R. 4741 in the remaining days of this Congress, I will reintroduce the Guam War Restitution Act in the 104th Congress. In a significant endorsement, on October 4, 1994, the Subcommittee on Insular and International Affairs reported H.R. 4741 favorably to the Committee on Natural Resources. I am also pleased that a companion bill has been offered by Senator Inouye and I applaud the Senator's efforts on behalf of the people of Guam.

I request that my colleagues bear in mind as they vote to approve restitution for the Aleutian islanders that the tragic story of the people of Guam and the injustices of their war claims must likewise be addressed by Congress.

JIM JOHNSON—CEO OF FANNIE MAE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. SABO. Mr. Speaker, I rise to recognize the efforts and achievements of Jim Johnson, Chairman and CEO of the Federal National Mortgage Association, also known as Fannie Mae. Under Jim's leadership, Fannie Mae will open a partnership office in the Twin Cities that will create new opportunities to those who have been locked out of the mortgage finance system.

I applaud Fannie Mae's actions in Minnesota and across the Nation. We all are fortunate that Jim Johnson has chosen to focus his talent and energy on our Nation's housing finance system. Through Fannie Mae, he is revolutionizing mortgage finance and opening new opportunities to thousands of Americans. With Jim Johnson leading the way, there are few limits to what Fannie Mae can achieve in affordable housing.

I would like to share with you an editorial and article from the Minneapolis Star Tribune regarding Jim Johnson's accomplishments as CEO of Fannie Mae.

FANNIE MAE—A $1 TRILLION PROMISE TO HOUSE 10 MILLION

By now, periodic reports tracking bias in mortgage lending seem as common as a change in the seasons, suggesting that however unacceptable that bias is, rooting it out is a very difficult task. That's why a new, high-profile effort to end discrimination as an obstacle to homeownership is especially welcome.

Last Saturday, top brass from the Federal National Mortgage Association (Fannie Mae) joined some of Minnesota's congressional delegation and the two Twin Cities mayors to initiate a local chapter to a very ambitious plan aimed at helping Americans with homeownership. The Twin Cities will be among 26 U.S. metropolitan areas to host an office linking renters, minorities, recent immigrants and people with low to moderate incomes with $1 trillion in mortgage lending that targets these groups.

Make no mistake about the size of this effort; it's huge. If the six-year program is successful, about 10 million more Americans will become homeowners.

Apparently such a massive effort is needed to excise from the lending process the demons of racial discrimination, lack of information, inadequate homebuyer counseling and arbitrary barriers in the housing finance system. Those barriers remain formidable despite honorable attempts by some lenders in recent years to ensure approval of more loan applications from minorities and low-income people. Federal Reserve Board studies released each fall still describe persistent mortgage bias and make a case that even more needs to be done. For instance, a study last year showed that lenders rejected applications from blacks at more than twice the rate of those from whites in 1992.

Fannie Mae is a privately managed, shareholder-owned and profit-oriented corporation, not a government institution. It has become the nation's largest source of home mortgage funds by investing in mortgages originated by banks, thrifts and mortgage companies. Lenders are able to continually issue new loans by grouping old ones together and selling them to secondary market corporations like Fannie Mae, which buys only those loans that meet its underwriting criteria.

For years, lenders have asserted that they weren't responsible for mortgage lending biases. The problem, they said, was underwriting guidelines set by Fannie Mae and other secondary market agencies. Such excuses soon will become untenable as corporations such as Fannie Mae move to rewrite underwriting guidelines with an emphasis on mortgage access for home-aspiring members of minority groups, low-income people, renters and others who have suffered lending bias. Not only is that new emphasis on equity good mortgage business, it is good policy for building strong families and stable American communities.

Fannie Mae is providing a fresh opportunity for many whose dreams of homeownership had grown dim. They should take up Fannie Mae's offer by dialing 1-800-7FANNIE (732-6643). Call the number and find your way home.

FANNIE MAE TO OPEN TWIN CITIES OFFICE AS PART OF PLAN TO BOOST HOME-BUYING

(By Neal Gendler)

The Nation's largest source of home mortgage money will open a Twin Cities office as part of a national commitment to provide $1 trillion over seven years to help people of low and moderate incomes buy 10 million homes.

James Johnson, chairman of the Federal National Mortgage Association—known as Fannie Mae—is to announce plans for the "Partnership Office" today at a news conference after a bus tour of Twin Cities neighborhoods with public officials.

"Fannie Mae and the Twin Cities will work together to develop a five-year strategic plan to address the cities' major housing needs." Johnson said in a statement. "Our commitment . . . to the entire state is to make home ownership more accessible than ever before."

Johnson, who is from Benson, Minn., was Walter Mondale's executive assistant when Mondale was vice president. Fannie Mae is a congressionally chartered, shareholder-owned company that provides money for mortgages by purchasing them from lenders with funds raised by selling bonds or securities backed by the mortgages.

The Twin Cities office, the first to serve an entire state, will be the sixth of 10 to be announced this year and one of 25 to be opened by the end of 1996. It is to open in December in one of the two central cities, said Jack Hayes, Fannie Mae senior vice president and director of the Mid-west office, which serves 10 states from Chicago.

It will deal with members of the lending community, nonprofit organizations and state and local government people, but not directly with consumers.

But Fannie Mae hopes consumers will notice a difference, because the offices are intended "to expand the corporation's capacity to serve more people, especially minorities and new immigrants."

Hayes said the office is needed because "we have somebody from this office in the Twin Cities literally every week." Fannie Mae buys mortgages from more than 20 lenders in Minnesota, and through July of this year it bought about 32,000 home mortgages worth nearly $3 billion in the state. That includes 12.126 "affordable-housing" loans worth $848.1 million, he said.

He said that Minnesota is a leader in the development of affordable housing and that cooperation among city government, lenders and nonprofit agencies is uncommonly high.

Seventy-two percent of Minnesota households own their homes, ahead of the national figure of 64 percent, according to 1990 census data, but in St. Paul, the number is only 54 percent and Minneapolis is at 50 percent, Fannie Mae said. Hayes said economic data show good prospects for ownership here because the area has a strong and diverse economy, the state has per-capita income 16 percent above the national average and housing is considered affordable.

The Partnership Offices and the $1 trillion commitment are part of an 11-point program that is intended to help break down barriers for potential borrowers. Key goals include reducing origination costs for loans of $50,000 or less and using technology to reduce paperwork, speed loan origination and cut loan costs $1,000.

Among the other key points of the plan are national consumer outreach using multilingual television, radio and print advertising, direct mail and other techniques; working to "make elimination of discrimination the No. 1 priority of every participant in the mortgage finance system," and a multilingual "New Americans" campaign to reach the 8 million immigrants expected in the 1990s.

The $1 trillion is targeted at people at or below the median income in their communities; minority families; new immigrants; people living in central cities; and other underserved communities, perhaps rural areas that need more affordable housing, and people with special housing needs like the elderly, Fannie Mae spokesman Gene Eisman said.

Fannie Mae plans to begin advertising availability of such loans next year and will offer a toll-free number.

TO STAY OR NOT TO STAY

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ABERCROMBIE. Mr. Speaker, "To Stay or Not to Stay" is a video produced by the Hawaii Domestic Violence Clearinghouse and Legal Hotline describing the lives of four women in Hawaii who were victims of domestic violence. Two left and lived. Two left and died.

One woman stayed until her husband threatened to kill her baby. She left, struggled and eventually created a new life for herself and her child. One left her boyfriend after living with him for 4 months. He shot her when she gave him a ride home one night. Another woman stayed with her husband until her children witnessed the violence. Divorced for 2 difficult and dangerous years, she says her escape was worth the struggle. Another left her violent husband three times. Each time she left he pursued her relentlessly. Afraid for her life, she went into hiding and planned an escape from Oahu. Her estranged husband found her and shot her to death 3 days before she planned to leave.

Life circumstances and different realities make the question, we so often ask, "why did she stay" difficult to answer. We need to provide the resources and support for victims of domestic violence to make a choice clear and safe.

SALUTE TO MRS. ELIZABETH RILEY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Mrs. Elizabeth Riley who will be turning 90 years old this Sunday. Mrs. Riley, a parishioner at the Enon Baptist Church, and a resident of the 5400 block of Market Street in West Philadelphia, was born in Elkridge, MD, on October 9, 1904, and was raised in Philadelphia, by her parents, Harry Gans and Elizabeth Walker Turtty. Mrs. Riley was married to the late Mr. Robert J. Riley, and is great aunt to my good friend, the Honorable Dwight Evans, chairman of the Committee on Appropriations in the House of Representatives of the Commonwealth of Pennsylvania. Mr. Speaker, I join Mrs. Riley's friends and family in wishing her a very happy and healthy 90th birthday.

SIDDHARTHA S. RAY COMPLETES 2 SUCCESSFUL YEARS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. McDERMOTT. Mr. Speaker, I call to the attention of our colleagues an article regarding Indian Ambassador Siddhartha Shankar Ray appearing in the September 23d edition of India West, one of the most influential Indian-American weekly newspapers in the United States. The article, written by India West's Washington correspondent, Vasantha Arora, reflects on Ambassador Ray's recently completed 2-year term as Indian Ambassador to the United States. As the article correctly notes, during the past 2 years Indo-U.S. relations have improved dramatically. Economic activity between India and the United States is up sharply. Diplomatic tensions have declined. Indian Prime Minister P.V. Narasimha Rao enjoyed a successful visit to Washington earlier this year, including being honored as the first foreign political leader invited to address the Congress during the Clinton administration. Energy Secretary Hazel O'Leary has just returned from a successful trade mission to India. Secretaries Bentsen, Brown and Perry all plan to make similar missions in the next 5 months. Divisive amendments to curtail foreign aid to India have been absent from the House and Senate floors.

Mr. Speaker, each of these successes is a tribute to Ambassador Ray's work here in Washington. Ambassador Ray's leadership has been duly recognized by Prime Minister Rao, who has shown excellent judgment in asking Ambassador Ray to continue his representation of India in the United States for a second 2-year term. Fortunately for the United States and for India, Ambassador Ray has accepted this offer and will continue his program to bring the Indo-U.S. relationship to an even higher plateau.

Mr. Speaker, I know my colleagues join me in congratulating Siddhartha Shankar Ray on a job well done. India's many friends in the Congress look forward to continuing to work with him during the next 2 years. I ask unanimous consent to have the India West article included in the RECORD and urge my colleagues to read the article closely.

[From India West, Sept. 23, 1994]

RAY ENSURES INDIA, U.S. TIES ARE ON EVEN KEEL

(Bay Vasantha Arora)

WASHINGTON—Ambassador Siddhartha Shankar Ray describes his first ever assignment as a diplomat in Washington a challenging one—"in fact, as challenging as being the governor of Punjab during the height of terrorism or chief minister of West Bengal when Naxalism ruled the roost."

During his long an distinguished innings of public life, the veteran Congress leader has held the office of the governor and the chief minister of these two troubled states respectively under trying circumstances.

In an informal chat with India-West here Sept. 2, he said he has to deal with a variety of issues ranging from nuclear nonproliferation to human rights, as well as anti-India propaganda by Kashmiri separatists and Pakistan.

The most daunting task of a diplomat is to ensure that New Delhi's relations with Washington are kept on an even keel, if not sailing smoothly.

In this Ray could certainly pat himself on the back as the Clinton administration, which came to power just nine months earlier than his own posting here, has taken India more seriously than any other U.S. administration in recent times.

According to Ray, Indo-U.S. relations have changed for the better not only qualitatively but also quantitatively. Not that "we do not have problems. We do have areas of disagreements but there is a desire to have them settled through a democratic dialogue. We have to learn to agree to disagree."

The Clinton administration wants to improve not only its economic ties, but also military cooperation with India. It is keen to share information, energy and other hi-technology provided India shakes off some of age-old prejudices.

Unless the two countries understood each others' problems, Ray pointed out, they could not have the kind of partnership that President Clinton and Prime Minister P.V. Narasimha Rao had visualized in their talks in May last.

In fact, Ray said the joint statement that was issued after the visit of Rao was testament to the slow cementing of bilateral ties between India and the U.S. There have been considerable narrowing down of differences and it could easily be said that it is now passing through a stage of stability.

Here Ray mentioned about how the sanctions against the Indian Space Research Organization have been lifted and the U.S. has signed an agreement for sharing data provided by Indian satellites at the EOSAT Norman facility in Oklahoma, marking a new era in Indo-U.S. space technology.

REMOVED

India, Ray said, has also been removed from the watch list of the Special 301 trade law.

Regarding security concerns, Ray said the U.S. is today much more aware of India's security concerns than it had ever seen before. In this context, he referred to Defense Secretary William Perry's forthcoming visit to India which could lead to greater defense cooperation between the two countries.

Asked about Kashmir, Ray said the U.S. has all along been consistent in its stand regarding Jammu and Kashmir state. It has always encouraged bilateral talks between India and Pakistan to solve the issue. It no more talks about third party intervention—which India does not want.

On the nuclear issue, Ray said when he first came here there as a lot of talk about India signing the Non-Proliferation Treaty. But no one talks about it now as NPT itself is being reviewed in about a week at Geneva. A kind of "wait and watch situation" prevails now in this regard, he added.

About the economic sphere, Ray said Indo-U.S. ties have been "better than expectations." The total U.S. investment in India in 1933 was larger than the total cumulative investments of U.S. since 1947, Ray said, adding that in 1994 the total investment currently stood at $5.3 billion.

Ray also spoke about better access on Capitol Hill, in the administration and good connections with the Pentagon. The White House and the Commerce Department.

In this connection he mentioned the India Caucus, which now has 40 supporters and is the second largest group after the Black Caucus. The India Interest Group, he says, has done a "tremendous job for India." The lobbyist firm has made communication easier with the administration and the Congress.

So it is not surprising that Ray has been asked to continue as envoy in Washington for another term by the Narasimha Rao government. It is a foregone conclusion though not yet officially announced.

SHAKY WICKET

However, it is common knowledge here that Ray did begin on a shaky wicket a little less than two years ago. Within two months of his coming here the Babri Masjid was pulled down in Ayodhya and the forces supporting the shameful act in the U.S. lost no time in condemning Ray for voicing his secular views on the incident.

A series of demonstrations were organized against him at every opportunity. His detractors, which included anti-India elements, worked overtime to ensure that he did not feel comfortable in his office.

The reason was not merely Ray's political background but also personal. Some in the media and in the Indian Embassy itself did not take kindly to Ray because they have been led by supporters of his predecessor Abid Hussain to believe that the former bureaucrat Hussain would get an extension.

Some even went to the extent of quoting unnamed officials in the State Department asking New Delhi to give an extension to Hussain, little knowing that the State Department does not interfere in the internal affairs of a sovereign nation.

It is relevant to point out here that it was during Hussain's tenure that the United States slapped sanctions against India for trying to get cryogenic engine technology from Russia. The second big blow for India also came during Hussain's tenure. New Delhi was placed on the Special 301 watch list and the Damocles' sword of trade sanctions was kept dangling over India throughout Hussain's term.

The same pattern of criticism, adverse publicity and a hostile press dogged Ray when he decided to hire a professional lobbyist and a public relations firm to look after India's image in the United States.

Credit here should go entirely to Ray who went about hiring the lobbyist against a steady tide of criticism. The move has paid rich dividends.

Ray says that "if I have to do any work for India, it should be first class work." Therein lies his strength as well as his success.

RULE ON GATT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. FIELDS of Texas. Mr. Speaker, there has been a campaign of misinformation concerning one of the provisions in the GATT

bill—title VIII—addressing the FCC's pioneer preference policy. Today, in response to a request by the Democratic and Republican leadership, the Subcommittees on Telecommunications and Finance and Oversight and Investigations held a hearing to clarify the confusion created by this campaign.

The subcommittees took testimony from Government witnesses, one of the pioneer companies, and critics of the policy. I want to take this time to report on the facts with respect to this issue so that members can make an informed decision on the issue rather than react to misleading newspaper advertisements.

We are all aware of the advertisement which ran in the Washington Post and the New York Times which charged that Congress was providing a loophole to give a billion dollar price break to certain companies for their licenses to provide PCS services. This advertisement is pure bunk.

The facts are that Congress, in title VIII of the GATT legislation, intended to ensure that a give away of these licenses did not occur and that the pioneer licensee pay a significant portion of the market value of a PCS license—without which they would likely pay nothing.

Let's review the history. The pioneer preference policy was established nearly 4 years ago by the FCC. This policy offers the guarantee of an FCC license to entrepreneurs who successfully developed important new communications services and technologies. This FCC policy is not unique to PCS services. For example, pioneer preferences have been awarded in other telecommunications cases such as to VITA, a nonprofit company offering low-earth-orbit satellite services; Suite 12, a company offering wireless cable services; and M-TEL, a company offering narrowband personal communications services.

Last December, the FCC awarded a pioneer preference to 3 PCS applicants—out of more than 100. In so doing, the FCC guaranteed these companies a license in 3 of the top 20 markets. The FCC awarded these preferences in recognition for their unique contribution to the development of PCS technology. They only received one of the two licenses to be awarded in each market.

American Personal Communications [APC] developed and demonstrated technologies which facilitated spectrum sharing by PCS and microwave at 2 gigahertz resulting in a more efficient use of spectrum.

Cox developed and demonstrated a PCS-cable interface technology and equipment which also improved spectrum efficiency for PCS.

Finally, omnipoint developed 2 gigahertz hand-held equipment utilizing advanced techniques known as spread spectrum which facilitated broader range of PCS services.

No one, not even their competitors who have taken out advertisements in the Post, denies the importance and benefit of these developments to the deployment of PCS services.

In addition to guaranteeing the pioneers' a license in three markets, the FCC also decided that these applicants should be awarded these licenses at no cost.

In response to concern that valuable spectrum was being given away, Chairman DINGELL and Congressman MOORHEAD introduced a bill, H.R. 4700, which would require the pioneers to pay 90 percent of the value of the license in their market.

The FCC then reversed their decision and required the three pioneer recipients to pay an amount comparable to that H.R. 4700. However, the committee was concerned that the FCC did not have the explicit legal authority under the Communications Act in which to require payment for a license that was given for free. If, as our legal experts advised us, the FCC's decision was overturned, the original FCC decision would remain and the pioneers would pay nothing for these valuable licenses.

At that point, the administration, Senate, and House entered into negotiations to determine the appropriate fee which should be charged for these licenses. After lengthy negotiations, it was agreed that the pioneers should pay 85 percent of the per capita average of the top 20 markets after adjusting for the anomolies created in the three award markets. The administration decided that the legislation should be placed in GATT in order to raise revenue.

Without this legislation, the Government will most likely receive nothing for these licenses. That result would be a terrible deal for the taxpayers.

CELEBRATING THE GREENPOINT-WILLIAMSBURG COLUMBUS DAY PARADE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. MALONEY. Mr. Speaker, I rise today in celebration of the eighth annual Columbus Day parade to be held in my district on Sunday, October 9. Conducted by the Federation of Italian-American Organizations of Greenpoint-Williamsburg, the parade will kick off from the St. Francis of Paola Church following the 11:30 Mass.

Founded in 1986, the federation is comprised of eight-member organizations from Greenpoint and Williamsburg areas of New York City. Its mission is to make Greenpoint-Williamsburg a richer place for its residents, and to help those who are in need. The federation also organizes services for legal immigrants who wish to be naturalized, organizes townhall meetings, and fosters and encourages pride in the achievements of Italians and Italian-Americans.

Sunday's parade will recognize the accomplishments of one of Italy's most famous native sons, Christopher Columbus. Convinced that there was a western route to Asia, Columbus convinced King Ferdinand and Queen Isabella of Spain to finance his historic voyage across the Atlantic. Setting sail in August 1492, it was only through his outstanding navigational skills and sheer determination that Columbus landed in the Bahamas almost 2 months later.

He would make three more trips across the Atlantic, trying desperately to find the Asian continent, which was actually thousands of miles to the west. Nonetheless, his expedition helped launch the Italian Renaissance, and changed the course of Western civilization forever.

The Columbus Day Parade will mark these accomplishments, as well as the achievements of all Italians and Italian-Americans. The grand marshal of this year's parade will be Vincent Abate. Mr. Abate is the head of community Board 1, and is a founding member of the federation. In addition to his work with the foundation, he serves as chairman of the School Settlement House, and is a leader of the American Legion.

Mr. Speaker, I have great admiration for the Federation of Italian-American Organizations of Greenpoint-Williamsburg, and its work toward bettering the community. I urge my colleagues to take time on this Columbus Day to salute the tremendous contributions of Italians, and Italian-Americans, in shaping this country's history.

TAIWAN'S NATIONAL DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ACKERMAN. Mr. Speaker, October 10 marks the 83d anniversary of the founding of the Republic of China and is celebrated throughout the world as Taiwan's National Day. October 10 offers us the opportunity to acknowledge the dual achievements of the 23 million people of Taiwan. During the past 47 years, Taiwan has transformed itself from a largely agrarian economy into a modern and potent economic powerhouse. At the same time that Taiwan has undergone such a dynamic economic transformation, its Government has also become one of the most vibrant and democratic in the Pacific rim.

Mr. Speaker, this year's National Day celebration corresponds with the arrival of Taiwan's new Representative to the United States, Mr. Benjamin Lu. Mr. Lu, a trade expert and recently Taiwan's Representative to Belgium, will formally begin his term of service on October 10, when he presides over this year's National Day celebration in Washington. Previously, Mr. Lu served here in Washington as economic director of Taiwan's Coordination Council on North American Affairs.

Mr. Speaker, I am certain my colleagues join me in welcoming Benjamin Lu back to Washington in his new capacity as Representative. As chairman of the Subcommittee on Asia and the Pacific, I look forward to greeting Mr. Lu personally at the celebration and to working with him in furtherance of the important and valued relationship between the United States and Taiwan.

TRIBUTE TO 1ST LT. RON MATTIOLI ON THE OCCASION OF HIS RETIREMENT AFTER 25 YEARS OF SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to 1st Lt. Ron Mattioli who is retiring from the Michigan State Police after 25 years of service.

First Lieutenant Mattioli graduated from Iron River High School in 1965 and then served his country in the U.S. Navy from 1965 to 1968. First Lieutenant Mattioli did a tour of Vietnam where he received the Vietnamese Service Medal and the Vietnamese Cross of Gallantry.

Ron enlisted with the Michigan State Police on September 14, 1969. His first post was

Ionia, then Bridgeport, and then he was promoted to desk sergeant at Flat Rock. From there Ron became a detective/sergeant at CID Livonia. East Tawas has had the good fortune of having First Lieutenant Mattioli as its post commander since 1992. Throughout his career the awards and commendations bestowed upon Ron are too numerous to mention, however, as a sampling he received three State Police Citations for Professional Excellence, two State Police Citations for Lifesaving, and the City of Highland Park Meritorious Service Award. Ron is also a past president of the Genesee County Detective's Association.

In addition to his professional career, Ron has given to the community by being a member of the Tawas Kiwanis and the Veterans of Foreign Wars as well as an active member of the Immaculate Heart Catholic Church.

Ron will be with his wife Julie and their children Ryan and Lauren upon his retirement. Ron is the son of Falio and Mary Mattioli and has two brothers Tom, a lieutenant in the Michigan State Police, and Jerry, a former Michigan State Police and DEA agent, as well as two sisters Ann and Catherine.

Mr. Speaker, I would like to thank 1st Lt. Ron Mattioli for all of his hard work and service to the people of Michigan and I would like to wish him a very happy, restful and well-deserved retirement.

HONORING THE INDEPENDENCE OF THE REPUBLIC OF PALAU

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. UNDERWOOD. Mr. Speaker, I rise to pay tribute to the people of the Republic of Palau on the occasion of the implementation of the Compact of Free Association between the Republic of Palau and the United States on October 1, 1994.

It was my honor to attend the ceremonies in Koror, the capital of the Republic of Palau as a representative of the Committee on Natural Resources. I was 1 of 4,000 people, including 300 foreign dignitaries, who had the privilege to witness the citizens of the Republic of Palau raise their national flag for the first time to the international community as an independent nation.

The United States has fulfilled its commitment to the Pacific peoples who were entrusted to its care after World War II by the United Nations. I commend Secretary Bruce Babbitt for his stewardship in completing this obligation.

After more than 40 years under the United Nations trusteeship administered by the United States, the new political status of the Republic of Palau is manifested in their Compact of Free Association. The Subcommittee on Insular and International Affairs, chaired by the Honorable RON DELUGO, deserves praise in being the primary supporter of the compact since 1987. Chairman DELUGO and the Honorable GEORGE MILLER, chairman of the Committee on Natural Resources, were instrumental in guiding the implementation of the compact through Congress. I commend them for their personal commitment and assistance to the people of Palau.

Through their respective compacts, the Republic of Palau joins the ranks of the Republic of the Marshall Islands and the Federated States of Micronesia as independent Pacific nations associated with the United States. Along with terminating the United Nations mandate and establishing Palau as a New Independent State, the compact provides for the mutual security of Palau and the United States, and assistance to the new Republic to ensure a viable economic future by investing in essential infrastructure.

The Honorable Kuniwo Nakamura, the first President of the Republic of Palau, declared to the world on October 1 that,

> Today Palau leaves behind the safe harbor of trusteeship and journeys forth as the newest member of the international family of nations. Our relationship with the United States has always been, and always will continue to be, based on mutual friendship, respect and trust.

I commend President Nakamura for his visionary leadership. The people of Palau, in choosing to be independent, have embarked on a journey destined to ensure their rightful place in the world and their place in history. As a small Pacific island nation of 15,000 people in an archipelago of 343 islands, the Palauans have linked their fate to their self-confidence in their ability to forge a republic that would, above all, ensure the cultural survival of a proud people.

The people of Guam, joins me today in extending our very best wishes and congratulations to the people of the Republic of Palau on this historic occasion. As island neighbors, we on Guam have been inspired by the persistence and fortitude of the Palauan people in achieving their new political status. In what has been a difficult, and often tumultuous path to independence, the people of Palau have shown great courage in reaching their goal.

We share the joy of the Palauan people on their independence, we share their confidence in their own abilities to forge a new nation, and we share their hopes for a prosperous and secure future for their children.

HONORING NATIVE AMERICAN VETERANS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to join me in calling to the attention of the U.S. Postmaster and the Citizens Stamp Advisory Committee in work on Vera Allen, a young woman from Thoreau, NM.

Ms. Allen has been working very hard for the past 2 years to have the U.S. Postal Service issue stamps honoring the contribution made by modern native Americans. Ms. Allen has argued that native American World War II veterans deserve more respect and recognition. She has lobbied hard to have Clarence Tinker, a native American general, Ira Hayes, who was among the Marines who raised the flag at Iwo Jima, and Frank Billy Jealous of Him, an Army scout, to be honored by the people of the United States through a commemorative stamp series.

As chairman of the Native American Subcommittee I am very happy to recognize the remarkable achievement of Ms. Allen, a 17-year-old high school student in the Blessed Kateri Tekakwitha Academy, commonly known as St. Bonaventure. She is a marvelous role model for any teenager across the country on what can be achieved through hard work and perseverance.

Mr. Speaker, this is the very least we as a Nation can do to honor our Native American war heroes. I urge my colleagues to review an article and favorable editorial in the Albuquerque Journal and to help Ms. Allen in her proposal to honor Native Americans.

[From the Albuquerque Journal, Sept. 4, 1994]

STAMPING OUT INDIAN STEREOTYPES

(By Leslie Linthicum)

TOREAU—It started, like a few other important things, with Elvis Presley.

Eighty-year-old Alfred Becenti looked at the new Elvis postage stamp and was dismayed.

"That wiggly guy?"

His granddaughter brought up the subject of the stamp in history class at high school and asked, "Isn't that crazy?"

Elvis, never the rage in Navajoland, had accomplished one more thing from the grave. He had gotten sophomore Vera Allen thinking—about respect and about how the U.S. government shows it through the 1-inch squares it sells for postage.

That was two years ago. Now as then, Allen is like a tornado with a heart, stirring things up and then setting them down in a better place.

She was already busy organizing students to sit with kidney dialysis patients as the hospital in Gallup and cleaning up a drinking spot up at Castle Rock when she went to the local post office in 1992 and inquired about stamps depicting Indians.

Postmaster Dorothy English dug through her stamp registries and handed them over. Allen went through the books, line by line, looking for people who looked like her and her family.

There were Dakota chiefs Crazy Horse and Sitting Bull, who died at the end of the 19th century; Cherokee leader Sequoyah, who died in 1843; and Pocahontas, the Indian princess credited with saving colonist John Smith from execution. She died in 1617.

The newest Native American stamps were depictions of rugs and war bonnets.

"There nothing really modern about the Native American," says Allen. "It's like, 'Oh, they wore war bonnets. Oh, they make rugs.' There's nothing about us now."

Allen was 15 then. She is 17 now, a senior, and awaiting a decision by the Citizens Stamp Advisory Committee on whether her proposal for a series of Native American stamps will be accepted.

It has been a two-year journey through federal bureaucracy, American history as told by White authors and Allen's own experiences with racism as the daughter of a Navajo mother and Black father.

To be truthful, Allen says, "I'm kind of sick of it. I was hoping I could just send off a letter and they'd say 'Here's your stamp.'"

Allen is slumped dramatically in a chair in the lounge at Blessed Kateri Tekakwitha Academy, more commonly known as St. Bonaventure, where clusters of mobile homes and metal buildings house kindergarteners through seniors.

This is the school, in the eastern checkerboard of the Navajo reservation, that served as the murder scene in Tony Hillerman's newest mystery, "Sacred Clowns." Before it became a minor celebrity, the school had plugged along for 14 years, educating a couple of hundred students from the surrounding Navajo communities each year on the strength of donations and teachers who volunteer their time.

Allen has been a student at St. Bonaventure since she was in eight grade when she moved from Albuquerque to live

with her mother's people six miles north of Thoreau in a community called San Antonio.

From the start, Allen and her brother, seven years younger, didn't fit in. They were city kids, used to seeing movies as soon as they came out and walking to the corner store.

And they were half Navajo and half Black, Allen didn't speak Navajo when she moved to the reservation, but she quickly learned the words for "blacks" and "baboon," uttered from the backs of pickup trucks and in the aisles of stores.

"If you're half Black out here," she says, "you're not Indian."

Allen concentrated on school and family, diving into science classes in preparation for a career in bio-chemistry and getting to know Boccnti, the maternal grandfather she had seen only on visits since she was a small child.

Allen's mother died three years after moving the children back to the reservation, and Allen and her brother now live with their grandfather and a cousin. Allen visits her father, a counselor for Health Care for the Homeless, in Albuquerque on weekends.

Allen also got involved in a summer leadership program through Futures for Children, a non-profit self-help organization based in Albuquerque. It was a leadership program assignment to work on a project that would help the community that got Allen started on her stamp crusade.

Allen asked the students in her history class to write letters to the U.S. Postal Service, suggesting a stamp honoring the Navajo Code Talkers. They got no response.

Then Allen began researching other Native American War heroes, quickly exhausting St. Bouaventure's small library and going on to the Albuquerque Public Library. What she found was precious little.

Most books made no mention of Indians' involvement in the armed services and other devoted only a sentence or two.

Allen was impressed by two World War II veterans, Clarence Tinker, a little-known Indian Army general, and by Frank Billy Jealous of Hirn, a Lakota Army scout.

Allen dropped the idea of a Code Talker's stamp in favor of Tinker, Jealous of Hirn and Ira Hayes, the Pima who was among Marines raising the American flag on Meatgrinder Hill in Iwo Jima in the famous 1945 victory photo.

She talked to Tony Abeyra, a Navajo painter, about doing the artwork for the stamps. And with the help of her mentor for the Futures for Children program, science teacher Christopher Pietraszewski, Allen sent more letters and waited.

She might have been waiting still if U.S. Postmaster General Marvin T. Runyon had not been shopping in the Santa Fe gallery that represents Abeyra and been told by gallery owner Sandy Green about Allen's stamp proposal. He drew his office's attention to Allen's quest and got her proposal before the advisory committee.

The committee should make its decision by the end of the year.

Although the process has consumed a lot of Allen's high school years, a trip she took to Atlanta to visit Emory University recently convinced her that the work has been necessary.

There, Allen encountered students who had never met a Native American before.

They wanted to know whether Navajos had toilet paper and TV's and whether they lived in teepees. Allen, who is comfortable in baggy jeans, T-shirts and high-tops, was asked where her feathers were.

"That really got me," Allen says. "We don't just sit around and weave all day and go out and butcher the sheep for dinner. We go to McDonalds's. I wanted something that showed that Indian people do modern things."

THOREAU TEEN'S PROPOSAL MERITS STAMP OF APPROVAL

American Indians have a rich, complex history that intrigues people around the world. Often, the greatest interest centers on great Indian chiefs and buffalo hunts from long ago.

But too many people—including considerable numbers of Americans—don't realize that contemporary Native Americans also have fascinating stories to tell. Among the stories are accounts of tribal members who have made history in this century, such as the Navajo Code Talkers who helped defeat the Japanese in World War II.

Now, thanks to a tenacious New Mexico teenager, more Americans may learn that Native Americans are a vibrant part of our nation's contemporary culture. Vera Allen, a student at Blessed Kateri Tekakwitha Academy in Thoreau, has waged a two-year campaign to have the U.S. Postal Service issue stamps honoring modern Native Americans.

Vera, who has a Navajo mother and Black father, researched contemporary Indian history and came up with some possible candidates for stamps. One is Ira Hayes, the Pima who was among Marines raising the American flag on Iwo Jima.

Now she is awaiting word from the U.S. Citizens Stamp Advisory Committee on her proposal for a series of Native American stamps. She and the nation's other Indians deserve this answer: Yes!

A stamp is a small piece of paper, but represents a big honor. If the committee goes along with the idea, no doubt some letters will be postmarked Thoreau—with the Native American stamp in the right hand corner and the name of one particular sender in the left hand corner: Vera Allen.

ALLAN M. KLUGER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a distinguished attorney, community leader, and close personal friend from my district in Pennsylvania, Allan M. Kluger. This week, Allan will be honored by the Ethics Institute of Northeastern Pennsylvania at their annual awards dinner.

The Ethics Institute award is bestowed on an individual who has demonstrated fairness, understanding, and exemplary ethical behavior in personal, civic, and professional life. Allan Kluger is unquestionably an excellent choice for this year's award.

Allan's involvement in the community is far-reaching. The list of his present and past board memberships is nearly endless. Currently, Allan sits on the board of Temple Israel, King's College, the F.M. Kirby Center for the Performing Arts, Greater Wilkes-Barre Partnership, Bloomsburg University Foundation, and the Valley Auto Club. He is committed to working with organizations dedicated to promoting ethical conduct including the Pennsylvania State Ethics Commission, and the board of the Ethics Institute of Northeast Pennsylvania. He is president and senior partner of the prestigious law firm of Hourigan, Kluger, Spohrer & Quinn.

Some of Attorney Kluger's past affiliations include, director, Continental Bancorp; director and vice president, First National Bank of Wyoming; director and secretary, Greater Wilkes-Barre Chamber of Commerce; chairman of the board, Temple Israel; director, United Way and executive committee, Luzerne County Bar Association. In 1982, Allan was the recipient of the B'nai B'rith Outstanding Citizen Award.

Mr. Speaker, in addition to being a good friend, Allan has been an outstanding citizen and role model because of his service and commitment to our community. I must add that Allan's community service is not unique in the Kluger family. His wife, Sue, has been recognized on several occasions for her selflessness as well. I am pleased to be able to join the many who are paying tribute to Allan and his accomplishments today .

CHILD SUPPORT ENFORCEMENT REFORM ACT OF 1994

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ANDREWS of New Jersey. Mr. Speaker, today I am introducing a bill to maximize child support payment collections on behalf of poor children in America. This bill, the Child Support Enforcement Reform Act of 1994, will provide States more tools to use in establishing and enforcing child support orders. In turn, it will hold States more accountable for their performance in collecting on these orders.

Specifically, this bill will: establish a national network for registering child support awards; increase payment collectors' access to State and Federal databases for locating and tracking absent parents; require States to honor and enforce out-of-State child support orders; permit States to require that AFDC applicants cooperate in establishing paternity as a condition of AFDC eligibility; require States to meet a national minimum collection rate on child support orders; and reward States that exceed minimum collection requirements.

Our current child support enforcement system is grossly inefficient and ineffective. Less than 20 percent of the 17 million families relying on this system had collections made on their behalf in fiscal year 1993. The administration estimates that the total amount of child support payments that could be collected annually is $47 billion. To ensure the future of millions of American children, it is imperative that we do a better job collecting this money.

I believe that this bill will substantially increase the amount of money collected on behalf of poor children, and I look forward to working with you and my colleagues on this issue in the future.

AMERICAN LAW DIVISION RECEIVES HODSON AWARD

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ROSE. Mr. Speaker, as the chairman of the Joint Committee on the Library, I am pleased to be able to bring to my colleagues attention that the American Law Division of the Congressional Research Service within the Library of Congress is the 1994 recipient of the American Bar Association's Hodson Award. This prestigious award, presented last month by the Government and Public Sector Lawyers Division of ABA, is "in recognition of sustained

extraordinary service and achievement in the field of public law."

The American Law Division provides objective, nonpartisan, and confidential research, analysis, and information services to a clientele of 535 House and Senate offices, over 250 committees and subcommittees, and congressional support offices. Over the last 10 years, the American Law Division, with a staff of 65 attorneys, paralegals, and library and support staff, has processed more than 147,000 legal inquiries, produced more than 3,200 reports and confidential opinions and analyses.

As chairman of the Committee on House Administration, I have come to rely on the expertise of the Division frequently for legal advice and information. Most recently, Vince Treacy, Jay Shampansky, and Charles Dale assisted in the markup of legislation that would apply various laws to the Congress and briefed Members on the potential implications of the proposed legislation. Their expertise was invaluable to the legislative consideration of this complex piece of legislation.

The Hodson Award recognized the outstanding public service provided by the American Law Division. Since the entire division—attorneys, paralegals, library and production staff—shares in the award and should be proud of this recognition, I think it appropriate to list them by name:

David Ackerman, Pamela Baldwin, Anita Basilio, Elizabeth Bazan, Frances Bufalo, Fay Butler, Robert Burdette, Thomas P. Carr, Jean Clark, Henry Cohen, John Contrubis, George Costello, Charles Dale, Charles Doyle, Diane Duffy, Thomas M. Durbin, Richard C. Ehlke, Larry Eig, Dana L. Ely, Ida Eustis, Harry Gourevitch, Kevin B. Greely.

Jeanne J. Grimmett, Mark Gurevitz, Robin Jeweler, Nancy L. Jones, Johnny Killian, Robin Lancaster-Campbell, Ellen Lazarus, Margaret M. Lee, Karen J. Lewis, John R. Luckey, Crystal Maiden-Thomas, George Mangan, Lavonne M. Mangan, Jack H. Maskell, Michael Materon, Robert Meltz, Paul L. Morgan, Marie B. Morris, M. Maureen Murphy, Ingrid Nelson, Thomas Nicola, Maria Pembrook.

Vastine Platte, Robert D. Poling, Mabel Reyes, Thomas B. Ripy, Kent M. Ronhovde, Morton Rosenberg, Janice E. Rubin, Michael Seitzinger, Jay R. Shampansky, Gina M. Stevens, Gloria P. Sugars, Kathleen S. Swendiman, Ken Thomas, Joyce Thorpe, Brenda Todd, Vincent E. Treacy, Mildred Washington, Douglas R. Weimer, L. Paige Whitaker, Carolyn Wilson, Mary Ann Wolfe, James A. Ziegler.

In congratulating the American Law Division, Librarian of Congress, Dr James Billington acknowledged that the staff of the Division "brings a unique honor to the Library" and that "their skill, diligence, and hard work have benefited not only Members and their staffs but have contributed greatly to the mission of the entire Library." Daniel Mulhollan, Director of CRS, echoed these sentiments in noting that the "American Law Division's tradition of service, and the skill by which it is delivered, is a priceless asset that has earned the Division well deserved respect, not only from our congressional clients but also from your colleagues in CRS and the Library."

It is with sincere gratitude for the extraordinary work in support of the legislative, oversight, and representative functions of the Members of Congress that, on behalf of the U.S. Congress, I commend and congratulate the American Law Division.

REINVENTING GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 5, 1994, into the CONGRESSIONAL RECORD.

REINVENTING GOVERNMENT

Americans have traditionally been suspicious of big government, but in recent years this healthy skepticism has hardened into a corrosive cynicism—a belief among many citizens that government is inherently wasteful, intrusive, and arrogant. This attitude ignores many successful and popular government programs such as social security, medical research and the interstate highway system. But for government to confront the pressing social and economic problems of the day, steps must be taken to improve public confidence in government. The federal government today does need an overhaul. We simply have to make it work better and cost less.

BACKGROUND

One promising effort launched by the Administration is the National Performance Review (NPR), directed by Vice President Gore. After nine months of extensive study, the NPR outlined its agenda in September of 1993. The report provided an action plan to "reinvent" the federal government. Included among the 384 recommendations were proposals to phase out some 252,000 federal jobs over five years, which, along with other streamlining measures would save $108 billion. The Vice President's report also suggested ways to cut red tape and change the bureaucratic mindset of federal agencies to make them more service-oriented toward the public. At the same time, the proposed elimination of layers of middle management would encourage employees to take the initiative and assume greater responsibility.

Certainly such an ambitious agenda gives rise to skepticism that it can be pulled off. While there have been repeated efforts to reform the federal bureaucracy since the Truman Administration, the Vice President's reinventing government agenda is the most farreaching. Yet it has been largely ignored by the media and many citizens.

ACCOMPLISHMENTS

Of the 384 recommendations proposed by the NPR last year, 90% are under way, with about $47 billion in savings over five years already enacted. Another $16 billion in savings is pending before Congress. Most important, over the past year federal employment has been reduced by about 71,000 full-time positions. As the buyout and streamlining process continues, a total of 272,900 federal jobs will be dropped.

A proposal to overhaul the $200 billion per year federal procurement system has passed Congress with my support. The resulting streamlining will end government monopolies and subject federal purchases of goods and services to market mechanisms and competition, lowering costs and improving quality. Steps also have been taken to decentralize federal personnel policy. The infamous Standard Form 171, required of all federal job applicants, has been abolished, as has the 10,000-page Federal Personnel Manual. More flexible personnel procedures are being developed. Next year the Administration will send Congress legislation to overhaul the civil service system.

A number of agencies have been restructured to save money and promote more efficient service delivery. For example, the Department of Housing and Urban Development has closed its 10 regional management offices. Over the next few years, 21 of the overseas missions run by the Agency for International Development will be shut down. In addition, President Clinton signed an executive order creating a Community Enterprise Board, chaired by Vice President Gore, to reduce federal regulations. Another executive order prohibits the imposition of unfunded mandates on states and localities without full consultation.

To make government more responsive to the needs of ordinary citizens, the Administration has implemented an NPR recommendation requiring federal agencies to create formal customer service programs. As a result of another recommendation, the General Services Administration has weeded out over a billion dollars of possible savings from federal real estate and construction programs. And steps have been taken to promote greater accountability and initiative in the federal workforce. The National Partnership Council, made up of top government officials and federal union leaders, has been formed to recommend major changes in the civil service system and promote labor-management cooperation. A Presidential Management Council has been created to supervise the streamlining process government-wide.

CONCERNS

Reinventing government has had some important successes during the first year, but some recommendations have stalled. And certain proposals already accepted have drawn criticism.

Among the proposals not yet implemented are recommendations to streamline the federal budget process by shifting it from an annual to a biennial process. A. proposal to allow agencies to "roll over" funds from year to year (and thus curb last-minute spending binges) is still under consideration. Efforts to shift the Food Safety and Inspection Service to the Food and Drug Administration have been blocked, as have proposals to close 1,200 Agriculture Department field offices and several Army Corps of Engineers regional offices.

More generally, certain of the basic goals of the reinventing government effort have been questioned. Some critics suggest that the cuts taking place may lead to a deterioration in government service or higher costs. Others suggest that federal employee morale is suffering, particularly among mid-level managers whose positions are under fire. In addition, more follow-through from the Administration is needed to get its proposals through Congress. The key budget process reforms, for example, threaten the power of important Members. Agency office closures are often opposed by Members representing constituencies affected by what these offices provide.

CONCLUSION

Reinventing government is off to a good start. We are going forward toward a federal government that works better and costs less, has fewer layers of bureaucracy, and is less bound by excessively rigid rules and procedures. But the hard work has just begun. The greatest risk is that the effort will not be carried on. What is needed is sustained commitment and a higher level of intensity from the Administration and Congress, so that more of the laudable goals of the NPR can become reality, improving government performance and hopefully enhancing the public confidence in government.

THIRTY YEARS OF BROADCAST QUALITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I take great pride today in saluting the outstanding work of Delta College Public Television, a mid-Michigan institution that has been educating and entertaining viewers for 30 years. October 12, 1964, marks the date when Delta College Public Television became the first community college to broadcast its own public television station, WUCM–TV Channel 19, in Michigan and only the second to do so nationwide.

Since its inception in 1964, Delta College Public Television has offered a diverse range of programming not found on other stations, including educational programs, news, and family entertainment. WUCM–TV has forged the way in public television by being one of the first stations to offer programming operated by enthusiastic and creative college students who are both learning their craft and enlightening the public on issues relevant to the local community.

In its 30-year history, WUCM–TV has continually sought to improve its broadcast capabilities and expand its coverage to reach the maximum number of people. In 1969, the station more than doubled its output power to 562,000 watts. Soon thereafter, WUCM–TV joined the public television Satellite Interconnection System and created WUCX–TV Channel 35 in Bad Axe-Ubly to serve residents of Michigan's thumb.

Delta College Public Television has received numerous accolades and awards during its 30-year tenure. A sampling of these include the School Bell Award and a certificate of achievement for membership activities, both from the Michigan Education Association. It has received the Focus Award for outstanding community service programming and outstanding support of literacy efforts from the Michigan State Board of Education.

Clearly, we owe this institution a great debt of gratitude for its outstanding work and service to mid-Michigan and the thumb. I want to personally thank the people of Delta College Public Television for their commitment to excellence and I am proud to pay tribute to their distinguished 30-year history.

VILLAGE VIEW TURNS 30

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. MALONEY. Mr. Speaker, I have spent much of my life working to preserve and create affordable housing in New York City. I have found that this struggle makes more of a difference for New York's quality of life than almost any other.

And Mr. Speaker, it is almost always an uphill battle. I know that many of my colleagues here share in my aspirations for their communities, and I know that they have found that there are often many forces which oppose the preservation of safe, affordable housing. Sometimes it seems easy to despair.

That's why I want to bring to the attention of my colleagues one particular place which is close to my heart and which has served as a great source of inspiration to me. That place is Village View.

Mr. Speaker, this year Village View turned 30. Since its creation in 1964 under the Mitchell-Lama program, Village View has maintained its commitment to affordable housing for thousands of families. Currently, it is home to over 1,600 families of all ethnic backgrounds. Truly, Village View is the very essence of the melting pot which we call America.

There are a number of individuals who deserve to be singled out for their leadership in seeing Village View through its first three decades and into the future. To begin with, I would like to acknowledge the efforts of the entire board of directors, who work so hard to keep Village View such a special place: Hyman Genee; Arlene Goldstein; George Hamila; Guy Impallomeni; Carolyn Kozlowsky; Sal Leone; Paul Nadel; Frank Saulevis; Max Schwartz; Martin Siegel; George Semus; David Stone; Henry Zdonowski, and Eva Zysk.

In addition, Elm Management should be commended for the way they labor to ensure that the grounds are properly maintained. And of course, Village View's manager, Kenneth Klinger, who has served the community for over 10 years, deserves special praise.

I also want to thank three particular community leaders for their commitment and support: Mollie Siegel, Linda Belfer, and Adam Silvera. It has been my pleasure to work with these three dedicated individuals, and I look forward to continuing our cooperation for many years to come.

But in truth, Mr. Speaker, a community is only successful when all of its members work together. That's why every resident should take satisfaction in the success of Village View.

On a sadder note, one man who was truly believed by the entire community and who gave so much of himself to Village View is not with us to mark this anniversary. Last year, Phil Wachtel passed away. He is greatly missed.

But Phil would not have wanted us to mourn his passing. He was a leader who always had his eye on the future. And in his spirit, as we celebrate the past 30 years, we must renew our resolve, we must redouble our commitment to preserving the special nature of Village View. So I hope colleagues will join me in congratulating Village View on its 30th anniversary and in wishing it another 30 years of success for the future.

GLENN JONES: CABLE VISIONARY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. MANTON. Mr. Speaker, I would like to call to the attention of my colleagues an article regarding Glenn Jones which appeared in the September 26 edition of Business Week. Glenn Jones is the chairman of Jones Intercable, our Nation's seventh largest cable operator.

Mr. Speaker, the Business Week article is extremely timely because the cable industry is in a state of rapid technological transformation. At the cutting edge of this transformation is Glenn Jones, who has been on the forefront of such important developments in cable technology such as using fiber optic backbones for cable systems, implementing joint cable telephone systems, bringing individual inventors into cable limited partnerships, and seeking telecommunications markets in other parts of the world.

As the Business Week article correctly points out, Glenn Jones has been very successful. His net worth has been pegged at $300 million. Glenn Jones, however, is an important visionary who has not chosen simply to acquire wealth, but rather to spend a sizable portion of his fortune to transform cable technology into a vehicle for raising the intellectual capacity of our Nation. For the past 5 years, Glenn Jones has put more than $30 million of his wealth into Mind Extension University, a long-distance learning project that permits Americans to obtain a college education without traveling to a college classroom. Mind Extension University has vast potential for every region of the country, from inner cities, where single-income parents struggle to find time to obtain a degree, to people in rural communities which are hundreds of miles from the nearest campus.

Mr. Speaker, Glenn Jones always is on the move. Even as Mind Extension University continues to evolve and grow, he is now hard at work in developing a new cable programming service devoted to computer science and leasing satellite transponder space through his Jones Spacelink subsidiary. During the past several years, critics of the cable industry, both in and out of Congress, have suggested the cable industry has become staid and complacent. While there are numerous important success stories within the industry that prove that charge is false, none is more compelling than the story of Glenn Jones. I urge my colleagues to read the Business Week article, and I ask that it be included in the RECORD at this point.

THE EXPANDING UNIVERSE OF GLENN JONES

Employee meetings at the Englewood, Colo., headquarters of Jones Intercable Inc. are hard to miss. "It's the sound of the bagpipes," says Robert Luff, the company's former chief technology officer. Summoned by kilted musicians, employees attend "state-of-the-fleet meetings."

That's fleet as in spaceships, reflecting the founder's fascination with the science fiction classic "Dune." There's also the company's Medallion of the Alliance, awarded to employees who have achieved the rank of "dragon slayer" by beating back the fire-breathing challenges of the day.

True north.—To the uninitiated it may sound less like a day at the office than one at a theme park. But to the faithful at Jones Intercable, the nation's seventh-largest cable operator, such corporate flamboyance is simply testimony to the entrepreneurial brilliance of founder Glenn R. Jones. The 64-year-old Jones, a onetime bomb-disposal expert for the U.S. Navy, is known as much for his offbeat enthusiasms as for making his $683 million-a-year cable-television empire one of the most innovative in the industry. "Glenn's a dreamer, and sometimes that makes him seem a little different," says Bill Daniels, a Denver-based investment banker who specializes in cable TV. "But his dreams have turned out pretty well."

Indeed, driven by what Jones calls his "own North Star," his company was among the first to replace old-style coaxial cable with high-performance optical fiber and to secure a European beachhead. Both moves

have since paid huge dividends. In July, Intercable folded its six British cable franchises into a company controlled by Bell Canada International Inc., getting in return a 14% stake in Bell Cablemedia PLC, Britain's largest public cable and telephone company.

Now, Jones is again pushing the frontiers. With the launch of tests offering telephone services to its cable customers outside Washington D.C. and Chicago later this year, Intercable is rushing to become the first cable outfit to counter the wave of telephone companies that are moving to sell video services over phone lines. And Jones's ties to Bell Canada will soon grow exponentially. By yearend, federal approval is expected for BCI's December agreement to pay up to $400 million for a 30% stake in Jones Intercable. The deal would give Jones access to BCI technology he needs to expand into phone and data services, as well as provide the muscle to raise up to $1.6 billion to buy new cable systems.

Jones has long excelled at deft management of cable systems. Far ahead of competitors, he saw the advantage of building systems in close regional clusters, concentrating on upscale suburban areas such as Northern Virginia and outside Chicago. Clustering cuts down on administrative and other operational costs. Jones's systems are also among the most technologically advanced, with fiber-optic cabling beginning ahead of the pack in 1989. "When you talk about vision and getting somewhere first, Jones is usually at the top of the list," says Sharan Stover, vice-president at cable rival Tele-Communications Inc.

The son of a Pennsylvania coal miner, Jones labored briefly as a lawyer and found cable TV after an unsuccessful 1964 run for Congress as a Goldwater Republican left him $40,000 in debt. In an oft-repeated story, he borrowed $400 on his beat-up Volkswagen for the downpayment on a cable system that served 150 homes in Georgetown, Colo. Borrowing again, he bought two more systems.

Then, he started dreaming bigger. "I sat down and figured that it would take $10 billion to cable all of America, and I didn't have any way of getting that much," he says. So, Jones copied the deals common in oil and gas, becoming the first cable operator to finance growth through what became a widely popular vehicle, limited partnerships. The partnerships, which paid fees to his company for managing cable systems owned by investors, shielded Jones from heavy debt. As rising values brought new investors, shielded Jones from heavy debt. As rising values brought new investors, the network of cable systems Jones's companies own or manage has grown to 55, with 1.3 million subscribers.

Today, publicly held Jones Intercable and its sister company, Jones Spacelink Ltd., have combined revenues of $299 million, up 15% from $260 million in 1992, while the partnerships they manage have revenues of $386 million. Like most cable operators, however, they lose money. Intercable and Spacelink together lost $35 million in the fiscal year ended in May, while the partnerships lost $73.3 million.

But in the cable-TV industry, reported losses matter little. Cable companies have enormous capital costs—and the partnerships are designed to give tax losses to investors. More important than producing earnings has been Jones's ability to generate cash flow needed to fund expansion and upgrade systems with fiber-optic cable. Still, the complex web of partnerships and the relatively thin trading of its stock have hurt Jones's tightly controlled public companies on Wall Street. "It's just not worth the time it takes to understand it." says Kidder, Peabody & Co. analyst Alan Gould, who follows one of Jones's partnerships.

The complexity hasn't hurt Jones, however. He has amassed a fortune estimated at more than $300 million by holding huge blocks of both Intercable and Spacelink, as well as a controlling stake in Jones Space Segment, a private company that generates millions from the operating companies by leasing satellite transponder space. A few years back. Jones Intercable also paid its chairman $4.3 million for his stake in Jones Galactic Radio, which provides stereo music to cable subscribers, while other private companies owned by Jones provide data and financial services and arrange deals for the public cable companies.

Jones's deal with BCI is expected to simplify the structure, giving the company more allure on Wall Street. Intercable and Spacelink will be merged and many of the investment partnerships bought out. Although the deal will cut Jones's personal stake in the merged companies to 35%—he currently controls 86% of Spacelink and 48% of Intercable—it will give him the funds to go shopping for more cable systems. He'll also pour more money into his longtime infatuation, Mind Extension University. Jones spent $30 million of his own to launch the seven-year-old cable university, which offers college courses to some 26 million cable homes.

For Jones, a voracious reader who employs a full-time staffer to summarize books for him, education is a mantra. But he insists the money-losing Mind Extension University is also a business in the making; he is currently launching three new channels with courses in computers, foreign languages, and health.

Jones plots his empire's next move from a building just outside Denver that is designed to give employees a grand view of the Rocky Mountains. The waterfall in the atrium, he admits, was inspired by a scene from "Dune." His office suite includes a "war room" with a console of TV screens and electronic devices that would do that Starship Enterprise proud.

No question about it, there are few chief executives who do things quite like Glenn Jones. Writing as "Yankee Jones" in a series of books he has published called Briefcase Poetry, Jones might be talking of himself in a poem entitled "Entrepreneur": "The dreamer is a practical man, he can do things no one else can." And now he has the cash to turn more of his dreams into reality.

TAIWAN'S 83D NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ORTIZ. Mr. Speaker, I rise to extend my best wishes and congratulations to President Lee Teng-hui and Ambassador Benjamin Lu of the Republic of China on the occasion of Taiwan's 83d National Day on October 10, 1994.

In recent weeks, we have seen the Republic of China's campaign to rejoin the United Nations. I believe we should give Taiwan our support.

The Republic of China is a full-fledged democracy and its government policies conform to those of other democratic nations.

The Republic of China is one of the most important economic powers in the world. Despite its small population of 21 million people, its gross national product ranks among the 20 largest in the world and its foreign reserve is one of the biggest in the world.

The Republic of China has established a program of economic assistance to many underdeveloped nations and has joined major international organizations such as the APEC—the Asian Pacific Economic Cooperation forum.

One of the most compelling reasons for us to support the Republic of China's aspiration for United Nations membership is Taipei's willingness to be a helpful partner in the international community.

In closing, I wish to take this opportunity to say my personal goodbye to Ambassador Mou-shih Ding, who has returned to Taipei to assume the post Secretary-General of the Republic of China's National Security Council. I look forward to working closely with Ambassador Ding's successor, Ambassador Benjamin Lu.

God bless the Republic of China on Taiwan.

TRIBUTE TO THE REPUBLIC OF CHINA AND THE UNITED NATIONS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BLACKWELL. Mr. Speaker, I rise today to congratulate the Republic of China on its forthcoming 83d anniversary. I commend President Lee Teng-hui, Vice President Li Yuan-zu, Premier Lien Chan and Foreign Minister Frederick Chien for their diligent efforts in campaigning for the return of this country to the United Nations. I am certain that many would agree that this country is deserving of such membership.

The Republic of China on Taiwan has been in total control over the Taiwan area from 1945 to the present. It governs 21 million Chinese on the island. Mr. Speaker, I was pleased to learn that the Republic of China has declared that its political authority does not extend over the Chinese mainland and that it looks forward to a peaceful settlement on the issue of reunification with the mainland.

No doubt, the Republic of China should have a reasonable international status and should be able to participate in U.N.-sponsored activities. Mr. Speaker, such exclusion from the United Nations leaves the rights and interests of 21 million Chinese citizens unprotected.

All nations large and small should enjoy membership with the United Nations. Mr. Speaker, I hope to see the day, real soon, when the Republic of Taiwan will once again be a proud member of the United Nations.

OPPOSITION TO FROSTING A BURNT CAKE IN REBUILDING MOSCOW EMBASSY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. GILMAN. Mr. Speaker, on a number of occasions over the years I have expressed my concerns about the construction plans for the Moscow Embassy. This is a highly sensitive post and warrants the most secure facility we can build. The State Department has advised Congress based on earlier budget decisions, that it intends to follow the so-called hard hat building plan. That option would reconstruct

the Russian built, and Russian penetrated building, instead of tearing down the structure and starting anew. The distinguished Congresswoman from Maine [Ms. SNOWE] and I strongly oppose this approach because we do not believe such an important project should be decided on narrow budgetary grounds alone. The previous administration supported a complete tear down option, even though the cost was higher because it provided critically important security.

Today several of our colleagues have joined in signing a letter to Secretary of State, Warren Christopher expressing our disapproval of the ill-advised Moscow Embassy construction plan. They share our concern that we are taking needless risks with our national security with such an ill-conceived building plan.

Let us not put any frosting on a burnt cake.

HONORING THE EAST BAYSIDE HOMEOWNERS' ASSOCIATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in the Fifth Congressional District in honoring the East Bayside Homeowners' Association [EBHA] as it celebrates its 20th anniversary. Initiated in 1974 by a group of determined residents and inspired by the dynamic leadership of its president, Frank Skala, the group undertook a broad and comprehensive program of initiatives that would eventually have the EBHA emerge as a yardstick by which all effective civic association would be measured.

Frank Skala, the EBHA's president, is a true representative of selfless dedication to the community. Upon graduation from Queens College, Frank began a career as a teacher of social studies in the New York City school system. He quickly gained recognition as a unique teacher who effectively challenged his students to learn, explore and grow. In addition, his faculty colleagues quickly recognized his leadership talents and elected him to serve as their chapter chairman to head the school's teacher organization.

Through Frank's efforts and insight, the EBHA has successfully undertaken major efforts of community concern that include zoning, utilization of police personnel, environmental issues, noise pollution and a comprehensive approach to maintaining the East Bayside community as an attractive community. This has been done through a well-established community desire to undertake any issue and devote any amount of time in addressing these concerns.

In a time when we search for heroes who undertake insurmountable hardships and reflect America's time-honored tradition of volunteerism, it is reassuring that the EBHA continues to successfully protect and enhance their neighborhood.

I urge my colleagues to join me in honoring the East Bayside Homeowners' Association.

TRIBUTE TO HOME-BASED BUSINESSES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the more than 24 million citizens who exemplify the American entrepreneurial spirit by establishing businesses in their homes.

Millions of men and women across America work at home. These dedicated professionals are consultants, word processors, writers, computer manufacturers, teachers, realtors, artists, entertainers, sign language interpreters, crafters, and farmers. Whether they were outplaced by new technology or fired up by a desire to bring their services and new ideas to the American marketplace, these home-based business owners continue to fuel the growth of some of this country's most important inventions, services, and ideas.

Home-based business owners are concerned about their families and the quality of their lives. They are concerned about road congestion and commuter pollution, and they are sincere in their convictions to live the American dream.

Home-based business owners serve other community needs. They provide safe harbors for latch-key children returning to empty houses after school, and they perform countless hours of volunteer service to schools and other community organizations because of their flexible work schedules.

Mr. Speaker, I also wish to pay tribute to the American Association of Home-Based Businesses, headquartered in Montgomery County, MD, which I am honored to represent in Congress. Their president, Beverly Williams, and their national directors, Jan Caldwell, Betty Stehman, and Ronald Wohl, community leaders and home-based business people themselves, are working to establish a national network of chapters which provide self-help seminars and workshops to encourage their members and help them stay in business by working for entrepreneurial education, business loans, financial support, health care for small businesses, and to lobby against restrictive local ordinances.

I am particularly proud to honor the American Association of Home-Based Businesses and their Montgomery County chapter. I might add that Gaithersburg, MD, in Montgomery County, has been named by Home Computing magazine as the Nation's top location for home-based business entrepreneurs.

In celebration of National Home-Based Business Week, October 9 to 15, 1994, I ask my colleagues to join me in commending all of the hard-working individuals who work at home for their contributions to their communities and to the economy, and wishing them and their association continued success.

HONORING THE OSSERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. ENGEL. Mr. Speaker, I would like to take a moment to recognize two special residents of my district, Sidney and Lillian Osser, who this year are celebrating their 60th year of marriage.

The Ossers have been active members of the Co-op City community for a long time, and I am proud of the contributions they have made. Sid Osser is a former president of the Co-op City Arts Council, and he has also served as president of the Baychester Library Association. He was selected to the Governors Conference on Libraries and Educational Projects.

Sid Osser is also a former silent movie star, and the only surviving cast member of the 1919 film, "Humoresque." In 1985, Paramount Pictures flew him to Hollywood for a remake of the film.

There are many other interesting and important activities in which the Ossers have been involved, perhaps the greatest of which is the raising of their two children, Arlene and Leonard, and the joyous addition of their two grandchildren.

On behalf of all the people that know and care for the Ossers, I congratulate them on their long and fruitful relationship.

SUPERFUND AND THE DAVIS-BACON ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. RAHALL. Mr. Speaker, there has been a great deal of discussion in recent weeks over the Davis-Bacon Act amendment I sponsored to the Superfund Reform Act of 1994. It is now apparent that this legislation, unfortunately, will not be enacted by the 103d Congress. However, I did want to take this opportunity to set the record straight on my Davis-Bacon Act issue.

First, so that there is no confusion, let me make it perfectly clear that the Davis-Bacon Act has nothing to do with labor unions.

The act does not require that labor unions, or any particular labor union, conduct work at a federally assisted project.

Simply put, all that the Davis-Bacon Act requires is that where Federal funds are spent on a project, the contractor pays its workers the prevailing wage rate for the area where the project is located.

The prevailing wage rate is vastly different throughout the country.

For example, the Davis-Bacon wage rate for heavy construction—the type of construction applicable to a Superfund project—in Raleigh County, WV, which is located within the district I represent in the House, is $17.50 an hour.

Those who oppose the inclusion of my Davis-Bacon Act amendment in the reauthorization of the Superfund Act are, in effect, saying that workers at a Superfund project that may be located in southern West Virginia are not worth $17.50 an hour. I disagree with that premise.

Let us look at another locale, say, Whitfield County, GA, where the Davis-Bacon prevailing wage rate for heavy construction is $6.84 an hour.

Few would dispute that at the very least we should be willing to pay workers $6.84 an hour to engage in the risky business of removing hazardous and toxic wastes from Superfund sites.

The point is that under my amendment to the Superfund reauthorization bill, the prevailing wage rate in Raleigh County, WV, would

continue to be $17.50 an hour and it would continue to be $6.84 an hour in Whitfield County, GA. As I mentioned, the prevailing wage rate is vastly different throughout the country and my amendment has no bearing whatsoever on what it happens to be.

The second point I would raise as a matter of clarification is that my amendment maintains Davis-Bacon Act coverage only where Federal funding exists. In the event no Federal funds are involved at a cleanup project, under the amendment the Davis-Bacon Act would not apply.

As such, this amendment is similar to some 60 other related Davis-Bacon Act provisions in current law where Congress has provided that federally financed and assisted construction projects are subject to prevailing wage standards. These provisions apply to a wide variety of Federal aid, grant, insurance, guarantee, and loan programs involving everything from the construction of housing to mass transportation and airport redevelopment projects.

Finally, I believe that in our efforts to reauthorize and reform the Superfund Act, we must not ignore one fundamental fact: environmental restoration without fair compensation to the workers is simply not enough.

In addition, by providing for the prevailing wage rate to be paid at federally assisted Superfund projects, we are ensuring that a well-trained work force will be employed.

And by using a well-trained work force, money will be saved because the project will be done right, the first time, and not have to be revisited time after time as is so often the case today.

In conclusion, it is my observation that the Davis-Bacon Act amendment has been used in recent weeks by certain interests as an excuse to scuttle the Superfund Act reauthorization bill for reasons that are totally unrelated to the issue of paying prevailing wage rates to workers. Perhaps next year, in the light of a new Congress, these agendas that are completely unrelated to the Davis-Bacon Act may be exposed and dealt with in a more forthright fashion so that the Nation can get on with the business of restoring the environment while providing for adequate compensation to those who engage in environmental restoration projects.

TRIBUTE TO IAN A. HOPKINS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Ian A. Hopkins of Troop 44 in Glocester, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Ian made and installed duck boxes around Shingle Mill Pond in West Glocester, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Ian A. Hopkins. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Ian A. Hopkins will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

POLIO ELIMINATED FROM THE AMERICAS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. RICHARDSON. Mr. Speaker, today brings us one of those rare moments when we can celebrate a very special human achievement and reflect, with pride, on the role the Congress played in making it possible. Today at the Pan American Health Organization, here in Washington, a formal declaration is being made that the Americas, from Alaska to Argentina, are free of polio.

Only a few short years ago the entire world was declared free of smallpox. That scourge was eliminated first here in the Western Hemisphere. It is the hope and expectation of the World Health Organization that polio can be eliminated throughout the world by the year 2000.

Mr. Speaker, this magnificent achievement represents what can be accomplished with vision, leadership, and dedication. Building on the historic discoveries of polio vaccines, further research succeeded in making these vaccines stable in conditions of arctic cold and tropical heat. Congress, and especially the efforts of Senator EDWARD KENNEDY, of DAVID OBEY, our colleague from Wisconsin who now chairs the Appropriations Committee, and of Chairman JOHN DINGELL, were key in getting funding for AID to support this critical research. It was the success of those efforts to have vaccines that could be successfully administered to people living in the remotest areas of two vast continents that made possible the very idea that polio could be eradicated, not just reduced.

Having the right vaccine was critical to success but that was only one part of the story. Implementing a strategy to eliminate polio in the Americas required unprecedented collaboration among numerous international organizations, national governments, non-governmental organizations, and millions of citizens. It also required resources. The total costs for eliminating polio are estimated at around $540 million, a small fraction of the costs this dreaded disease would incur medical care for polio's victims. But no financial estimate can account for the real costs this disease wrought in the pain and suffering of the victims and the anguish of their friends and families.

This is an achievement dependent on the efforts of so many, including our own taxpayers. There is not time to mention all those whose contributions deserve our applause. First, of course, is Albert Sabin whose achievements, along with Jonas Salk, made possible the eradication of polio. The roles of the Pan American Health Organization, the World Health Organization UNICEF, and our own U.S. Agency for International Development were key as were the efforts of the peoples and governments of every nation in the hemisphere. Also playing important roles were Rotary International, the Inter-American Development Bank, and the Canadian Public Health Association. To all those who played a part in this achievement, large and small, go our thanks and appreciation.

HONORING THE CASTROVILLE, TX, SESQUICENTENNIAL

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. BONILLA. Mr. Speaker, my colleagues, I would like to take this opportunity to share with you remarks delivered by Monseigneur Roy Rihn on the occasion of Castroville, Texas' Sesquicentennial. This statement eloquently recounts the history of this proud community and I strongly recommend it to all. I am also sharing a copy of a letter I sent Castroville Mayor McPherson on this historic occasion.

SEPTEMBER 3, 1994.

Hon. RON L. MCPHERSON,
1209 Fiorella,
Castroville, TX.

DEAR MAYOR MCPHERSON: I am honored to be here today and I would like to thank you, the Medina County Historical Commission and all of the citizens of Castroville for allowing my family and I to participate in Castroville's sesquicentennial celebration.

Upon my return to Washington, I will submit today's remarks to the Congressional Record as an official account of today's events celebrating the history of Castroville.

Mr. Speaker, I would like to recognize the warm and friendly community of Castroville Texas on its 150th anniversary. Known as the "little Alsace of Texas," Castroville's ancestors traveled from the Rhine provinces of France and settled on a scenic spot along the banks of the Medina River, fifteen miles west of San Antonio in 1844.

What is known as the old part of Castroville has been designated as a National Historic area, and today almost 100 original homes are still in use.

Henri Castro, a French citizen of Portuguese descent sought colonists to come to Texas from Europe. He proved to be quite successful attracting 485 families and 457 single men to the Republic of Texas. In fact, only Stephen F. Austin brought more settlers to the State.

I can think of no better example of a community committed to the preservation of its history and the prosperity of its future than Castroville, Texas.

This commitment will serve to benefit the citizens of Castroville for generations to come.

Congratulations, Castroville, on your sesquicentennial!

Sincerely,

HENRY BONILLA,
Member of Congress.

REMARKS OF ROY RIHN

It rained torrents all day in San Antonio de Bejar Sunday, September 1, 1844. But that was the date Henri Castro had set to begin the 25-mile trek westward to the site he had chosen for his first colony, so, rain or no rain, the 22 carts he had assembled finally got underway around 4:00 in the afternoon. The cavalcade included Castro, his trusted lieutenant, Louis Huth, 27 colonists, 8 hired helpers and a 20-man armed guard. (The women and children had stayed in San Antonio for safety.) By nightfall the following day, they reached the east banks of the Medina River where they encamped overnight. Early the next morning, Tuesday, September 3rd, under a now-clear and benign sky, the entire party crossed the Medina to the lush flatland bounded on the north, east and south by the river's horseshoe bend, on the west by gentle hills. Castro drew up the carts in a circle inside which, he reports, each man had by nightfall constructed a cabin of brush and reeds. That evening, made festive by a copious supply of stout red wine (compliments of the impresario), all the men savored a meal featuring wild turkey, deer and bear shot that day—in what was to prove the first of many "wild game dinners" in Castroville. This day, marked by hard labor and ending with hard partying, was the foundation-day of this storied town—exactly 150 years ago today. Thus September 3, 1844, is the date of the actual founding, though the formal founding ceremonies occurred September 12th—a momentous day which included the laying of the corner-stone of St. Louis church by Bishop Odin, the official adoption of Castroville as the name of the colony, and the first election of local county officials.

This may give the impression that developments had gone smoothly for Castro once he had signed a contract with the Republic of Texas on February 15, 1842, to settle, within 3 years, 1200 colonist-families on the 3 huge tracts of public lands between San Antonio and the Rio Grande. Not so! Indicative of the frustrations, disasters and treacheries which dogged Henri Castro from the outset is the fact that, even though he had recruited and transported across the Atlantic to Texas more than 700 persons in 7 ships between November, 1842, and May, 1844, only 27 hardy souls showed up that rainy Sunday to begin the hazardous venture into the wilderness. What happened? The heart-breaking story is too long to re-tell here, but let me mention only 2 details. The surrender of Santa Ana at San Jacinto in 1836 did not end the Texan-Mexican war—Mexican forces recaptured San Antonio twice in 1842: once in March and again in September. Those invading forces had marched through the heart of the Castro concession. This daunting news greeted the Castro recruits when they disembarked on Texas soil between January 1843 and July 1844. Many of them opted for the safer terrain of Victoria or Houston and never got even to San Antonio, let alone to Castroville. Some (who could afford it) sailed back to Europe. And those who did make it to San Antonio found themselves in a precarious limbo: not until Louis Huth arrived on the scene early in 1844 was there anyone there to meet them, to advise them, to help them. (Castro himself, busy recruiting more settlers in Europe, was not to arrive in San Antonio until July 1844.) Luckily, these bewildered immigrants did have one thing going for them upon arriving in San Antonio: housing was plentiful, since most of the inhabitants had fled in terror, leaving their houses vacant, when the Mexican army twice re-occupied the city in 1842. Then there were the native Americans—the Indians. Though generally friendly, they could at times be as savage as their European invaders. The news of the first massacre of one of Castro's colonists en route from Port Lavaca to San Antonio in August, 1844, shocked and terrified the remnant waiting in the San Antonio staging area. Ever fewer dared the risks of settling west of San Antonio where Indians were even more in control. All this (and much more) contributed to the embarrassing 27-out-of-700 response to Castro's clarion call to get the great adventure underway September 1st, 1844.

Except for a quirk of fate, we would be celebrating this sesquicentennial not here but in Quihi. The easternmost boundary of Castro's concession began some 7 miles west of here. On July 25th, 1844, just one week after Castro first arrived in San Antonio, he led a scouting party to inspect his concession for the purpose of selecting a suitable site for the first colony. Their unanimous choice was Quihi Lake, about 9 miles west-northwest of here. But when Castro got back to San Antonio July 31st, he learned that his competitor, Prince Solms, was negotiating with one John McMullen to purchase for colonization a 50,000-acre tract along the Medina River. Castro knew that if this deal were to go through, his own project would be doomed: few settlers would cross through available land much closer to San Antonio (and therefore much safer)—rich land with a clear river flowing through it—to get to his concession farther west. He immediately sought out McMullen, used all his charm and powers of persuasion, and within 3 weeks—on August 22nd, 1844—got McMullen to sign a contract selling him 25,000 acres of his Medina Valley tract for $2,000.00! Within less than 2 weeks Castro had his first colonists ensconced here on the banks of the Medina, busy building the town they were to name Castroville.

The dedication of a Texas Historical marker honoring Henri Castro will be highlight of today's observance. Books have been written about this colorful man, so I shall not attempt even to summarize the story of his remarkable life. Let me say only that the State of Texas is well advised to honor his memory, for he played a significant role in its history—both as a Republic and as a fledgling State. Of the several empresarios with whom the Republic of Texas contracted to colonize public lands, Henri Castro was the only one who followed that contract through to a successful conclusion—and did so in the face of incredible odds. Between 1844 and 1847 he was responsible for the founding of 4 frontier settlements in the vulnerable buffer zone between Texas and Mexico—2 of which, Dhanis and Castroville, flourished, and remain 2 of this county's major communities. And even though fewer than half the 2,134 colonists he brought from Europe to Texas actually settled on his concession lands, almost all of them put down roots somewhere in Texas at a time when settlers were desperately needed to populate its vast undeveloped spaces.

Henri Castro began recruiting colonists in 1842 in his native France. But he had scant success because the French government was at the time itself vigorously recruiting colonists to settle its African foothold, Algeria, and overtly sabotaged Castro's efforts. Scant success, that is, until his agents got to France's 2 easternmost departments, Bas-Rhin and Haut-Rhin—better known as Alsace. There the response was electrifying. For sheer wanderlust, the Alsatians are unrivaled—even by the Irish! Though their homeland is tiny, both in size and in population, you find Alsatian emigres everywhere. It was they who made up the bulk of Castro's colonists, though Germany's Saarland and Baden contributed their fair share. The outnumbered Germans, however, were no match for the "Elsassers" who quickly established theirs as the dominant culture: language, architecture, cuisine, traditions. This was especially true in Castroville which, throughout the first 100 of its 150 years, was an Alsatian enclave. As a boy growing up here I remember that when some unsuspecting family moved into town from elsewhere they were immediately ostracized. Word quickly got around in the village (in the language all villagers then spoke): "Sie sinnd Americawner!") Strange, but the irony of this never dawned on us: that here in this place in America, Americans were the outsiders! Most everyone's first language was the Alsatian dialect, not English. All that is now changed. Despite the last "Blackie" Tschirhart's valiant efforts to preserve the dialect, it's gone—except for a few rapidly dwindling "old timers". The unique architecture of the PCHs (Pioneer Castroville Houses) is the last visible link with the culture which 150 years ago was transplanted "lock, stock and barrel" from Alsace to the southwest Texas wilderness. Those original colonists were sturdy stock—enduring hardships, privations, dangers beyond belief. What magnificent witness they gave to that mysterious spark in the human spirit which is ready, whatever the cost, to leave the security of the status quo to begin again.

Today's observance would not be complete without at least a brief salute to the memory of Ferdinand Louis Huth, Castroville's unsung hero, without whom the infant colony would probably not have survived. Louis Huth was the hands-on head of the colony during the first two and most crucial years of its existence. Scarcely 2 months after Castroville's founding Castro had to return to Europe to meet the growing demands of his project. In a contract signed by both men, Castro placed Louis Huth in sole charge of the infant colony during his absence. Castro was unable to return to Castroville until September, 1846, and during those 22 critical months Huth not only proved himself an able administrator, as well as a compassionate and generous friend of the struggling colonists, he also established the second and third settlements (first and second on concession lands): Quihi in March 1846 and Vandenburg in September 1846. The Huth family's financial disputes with Castro led to Louis' dismissal by Castro in November 1846. Nevertheless, until Louis Huth moved his family to San Antonio in 1863, he was not only a respected citizen of Castroville, he was repeatedly elected to high public office in the newly-created Medina County and was co-founder of Castroville's historic Zion Lutheran Church.

There are many wonderful old Castroville stories. Let me share just one with you. It is no secret that Castroville's #1 industry during "Prohibition" (1918 to 1933) was bootlegging: selling home-brew beer. It was not an uncommon weekend sight to see beer flowing down the street where the "Revenooers" had sprung a surprise raid and smashed hundreds of bottles of home-brew. (Raids were always on weekends because that's when the bootleggers' patrons drove out from San Antonio.) One Saturday "Augueschty" Tschirhart was hosting a big poker party in his home, selling lots of home-brew to the players and the crowd of kibitzers. Dozens of cars were parked outside Augueschty's house—the telltale sign the Revenuers looked for. Word reached the house that the dreaded Revenooers were coming into town. Augueschty, whose avocation was coachman to drive the hearse for the town's funerals, got a bright idea. He hurried to the garage next-door where the

hearse was kept, hitched up the horses, then parked the hearse in front of his house. When the Revenuers reached that part of town, out of respect for the dead, they passed up Augueschty's house. Two serious crimes—public gambling and selling home-brew—went on uninterrupted. Augueschty became a legend. (By the way, this elegant old carriage-hearse now graces San Antonio's Institute of Texan Cultures—one of its more prized exhibits.)

The Second Texas Legislative created Medina County on February 12, 1848, with Castroville as the County Seat. In 1880 the Southern Pacific was extending the railroad west from San Antonio to California, but the citizens of Castroville voted no on the $100,000 bonus demanded by the company to route the line through town, so the Southern Pacific chose a route several miles south of Castroville. The town's commercial activity began a steady decline, while the new town of Hondo, some 15 miles to the west and a regular stop on the "S–P", prospered and grew. In August, 1892, Medina County citizens voted to transfer the County Seat from Castroville to Hondo. By-passed by progress, the old town appeared to be dying on the vine. Around this time an anonymous author wrote the following obituary: "Castroville is no more . . . she is defunct . . . the light of her political life has gone out. . . The remains are now reposing in state under the spreading boughs of her once-loved pecan trees." (Quoted from Ruth Lawler's "The Story of Castroville".)

Well, Castroville might have said with Mark Twain, "The reports of my death are premature". From our vantage point we now see that losing the railroad and the County Seat were among the best things ever happened to our beloved old town. Had "progress" won the day, Castroville would have grown into just another stereotypical Texas town. The lovely old Alsatian homes and public buildings would have been razed to make room for more modern (and soulless) construction. What makes Castroville unique in these 50 States would have been lost forever.

I may well stand corrected, but I attribute Castroville's rebirth to an outsider, an "Amerikawner", who came to Castroville in 1927 but who refused to succumb to the usual ostracism. Her name: Ruth Curry Lawler. This well-bred New Orleans lady not only recognized the uniqueness of Castroville but fell in love with it. It was she, in her quiet but strong way, who convinced us that "Alsatian is beautiful". She taught us not only to save but to savor our precious heritage. She was the moving spirit behind the founding, in 1975, of the Castro Colonies Heritage Association, a co-sponsor of today's event, and the guarantor that our unique heritage will now never be lost.

I close by using this bully pulpit to make 3 recommendations to the City of Castroville and to the Castro Colonies Heritage Association. One: bring back the remains of Henri Castro from Monterrey, Mexico, for re-interment here where he belongs. Two: lobby the Texas Historical Commission to erect here in our town an historical marker to Ferdinand Louis Huth. Three: ditto for another to Ruth Curry Lawler.

NOISE ABATEMENT AND ENVIRONMENTAL DEGRADATION AT CHARLIE BROWN AND HARTSFIELD INTERNATIONAL AIRPORTS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. LEWIS of Georgia. Mr. Speaker, we all know how important the airlines are to our daily lives. For communities in close proximity to airports, they can be a source of jobs and essential to local economic prosperity. However, airports also negatively impact these communities. They bring increased traffic, noise pollution, and other forms of environmental degradation.

On September 8, 1994, I held a hearing in Georgia's Fifth Congressional District to examine how residents around Hartsfield International and Charlie Brown Airports are affected by these problems. Community representatives met with officials from the Federal Aviation Administration and the Environmental Protection Agency to discuss the adverse effects of these airports and to seek solutions to these problems.

The following are testimonies of some of the community representatives who participated in the hearing. I urge my colleagues and Federal officials to take heed to these testimonies, as they represent the concerns of people who must live with the roar of engines and the fumes from jet fuel.

The Fulton County Airport, Charlie Brown Airfield, is a major reliever airport for the Hartsfield International Airport. Our main problems with the Charlie Brown Airfield in the northwest and southwest quadrant of the city of Atlanta are, noise and air pollution and health and environmental concerns and issues.

We have major problems with airplanes flying over our homes at 3 a.m. and 4 a.m., 7 days a week; yet, the air traffic control tower is unmanned between the hours of 12 a.m. midnight, and 6 a.m. We would like a curfew for airplane flights at Charlie Brown Airport between the hours of 10 p.m. and 7 a.m., as is the policy of many major metropolitan cities. Our other concern is low-level jet aircraft flights in our area as a result of us being directly in the holding area for Hartsfield International Airport.

Occurrences of flights with fatalities need to be monitored closely and the risk to our community noted. The LDN—day-night average sound level has no relationship to the impact airplanes flying in the area bring to our area, or to the acquisition of homes in our area. All of Carroll Heights should be considered the clear zone, because we are impacted by air flights. However, 32 homes and 1 business were purchased almost 2 years ago, because they were in the clear zone. Fulton County purchased eight additional homes in the clear zone area, but four or five homes which are still directly impacted by the airport because our area is so densely populated. Airplane noise is unbelievably unbearable by day and night, but is even more unbearable when it rains because of low flying aircraft.

We are asking for a health and environmental study which would include our air, water, and soil. We would like a risk assessment of our health concerns because many residents have cancer and respiratory illnesses. We would like the entire area monitored, and data collected in a timely manner, over a period of time, not many many years, in order to draw a logical conclusion to incidences of disease in this area.

Our quality of life is not as good as it could be, we live in fear of airplanes falling daily, the air that we breathe reeks of fumes, the noise from aircraft that we hear is deafening, the environment is unclean and unsafe. We have complained to local and Federal authorities for years, but to no avail. From this hearing, we hope to attain a commitment for, and to set wheels in motion for a full environmental study of the air, water and soil. A health study to address the high incidences of cancer and respiratory illnesses and other health related problems. We also hope to attain and have put into action a noise study to determine the urgent need for a curfew of the late night flights at the Fulton County Airport, Charlie Brown Airfield.

GEORGE HIGH COMMUNITY CONGRESSIONAL HEARING PRESENTATION

The George High Community is located in extreme southeast Atlanta bordered on the east by the Dekalb County line, on the south by the Clayton County line, on the west by Jonesboro Road, and on the north by South River Industrial Boulevard.

Ours is a neighborhood of approximately 550 homes and 5 apartment complexes so secretly trucked away in this beautifully wooded area that most people don't know we are here. We are proud of our natural forest and historical background where artifacts have been founded that date back to the day of the Indian. The trees and shrubs provide an array of beauty that enhances the whole area and provide a quality of life lost to most metropolitan areas with the same quantity of commercial development.

Most of the houses in our community were built over 30 years ago. Most are brick ranch, split level or split foyer two-level homes. The medium length of time lived in the neighborhood is about 20 years. Most of the homeowners are over 40 years of age and a substantial number of those are elderly and retired—people who had planned to live out the remainder of their days in this community.

Over the years the beauty, safety and serenity of our neighborhood have been encroached upon by outside factors. It would be petty, but true, to say we were here first. Twenty years ago when I moved into the area we rarely heard an airplane fly over, landfills were unheard of, and the north end of our community was a nature park called Lake Charlotte.

Today, we are boxed in on the north by several low-end trucking companies, on the east by the multi-million-dollar Live Oak Landfill, on the south by Clayton County and its nude dance clubs, on the west by the Airport, and overhead by the mighty airplane with its noise and vibration.

Our homes are literally being shaken from their foundation and when we go out we can not hear and often can not bear the smell. Many of the younger residents have given up the battle and either put their homes up for sale or rented them under Section 8, when they did not sell.

We realize some of our environmental issues are not within your jurisdiction. However, we feel you can have a positive impact on the airplane noise and legislation regarding landfills.

The next page details our concerns/problems and our request for your assistance.

My name is Martha Wilson. I am Chairperson for the Normandy Home Owners Association.

The information which I will present summarizes some of the complaints made by our Members relating to noise from the Hartsfield Airport and other issues.

In the course of our many meetings, it was decided to do a physical check at random times of planes flying over the Normandy Subdivision. The results of this exercise for portions of 5 days—July 11 and 21 1994, and August 1, 22, and 24, are given at Appendix 1.

Although we get our worst problems (of very low flying airplanes) whenever the weather is inclement, there were no weather problems existing on the days of our Survey.

In addition to the Survey, we have had a video tape prepared by Mr. Jerome Williams, one of our Home Owners, which will give you a factual idea of the sort of noise levels we are subjected to.

Other Speakers from our Subdivision will also address the Panel on other aspects of our problems.

The items of complaint are summarized as follows:

1. The Noise we suffer is loud and constant as the survey and video tape will show.

2. Property has been depreciated. We have reports of driveways, decks and roofs which have been so discolored, that they have had to be replaced in less than 5 years.

3. Family life is disrupted. Noise is heard during breakfast, lunch and dinner time. There is interference during family viewing of Television Programs. Telephones develop static. There is little quiet time for children or adults.

4. People in positions, who could address the noise issues, have not done so. Instead they have pointed the finger. Of all the letters sent (Correspondence attached), and invitations to Meetings, the only two persons, so far, who have endeavored to assist, are Congressman John Lewis, and Commissioner Hightower.

5. Communities once inside the Noise Survey Limits are now outside of it at a time when the air traffic over our area is increasing, and the 5th Runway will bring traffic closer to us.

6. Natural barriers which existed when the original guidelines were developed, no longer exist. Several parcels of standing trees, have now been replaced by paving and building construction.

7. The Program has not been equitably distributed. Some areas which are farther from the Airport are now included, and areas much nearer have been excluded. In some instances houses almost adjacent to each other, have seen one included, and the other excluded.

8. We were told that Eastern Airlines had left and that quieter Aircraft are being used. This is just not so.

9. South Fulton is bombarded with Waste Treatment Plants, Land fills and noise. An Environmental Justice Act needs to be instituted.

We are recommending the following:

1. The EPA be requested to report on what they have done or will do, to protect our health, as it relates to the Airport noise and pollution.

2. That regulations which govern the LDN needs to be updated and rewritten.

3. That the administration of Federal Funding for the Noise Abatement Program be changed. It is suggested that a Regional Panel be formulated to disburse the funds, instead of the City of Atlanta. (See FAA letter to Congressman Lewis dated May 31, 1993, the second paragraph of which states "An audit found that the city of Atlanta overcompensated Property Owners by about $49m ($39m Federal Share), and would potentially overcompensate additional Homeowners an additional $179m ($14m Federal Share). After finding this out, I quote from the fourth paragraph "Atlanta opted to modify its Program by utilizing a new Noise Contour Map, which was prepared for the proposed Commuter runway. This new Map, which has not yet been approved by FAA, effectively removes 3000 homes from the Program by locating them outside the Noise affected area." (End Quote). A Regional Panel, including Fulton county Representatives, needs to be established, since most of the affected residents live in Fulton County, and this will ensure accountability.

We ask further that say within 30 days of this Hearing, a follow up report of action taken on these recommendations, be provided us.

I am Allan McDermott, a Retired Civil Engineer. Prior to retiring, I was for 5 months, Acting Commissioner of Public Works, for the City of Atlanta.

I have been a Home Owner in the Normandy Subdivision for the past 15 years.

For the past 5 years or so, our Neighborhood Association has unsuccessfully tried to have our area qualified for consideration under the Airport Noise Abatement Program. In August '93, I and others in the Subdivision, received letters from Max Walker, then Commissioner of Aviation for the City of Atlanta, which said in effect, that the existing Noise Level Contours (which presumably included us) had been declared invalid by FAA, because they exaggerated the current Noise Level; and that new Noise Contour Maps would now be required to attract additional Federal Funding. The suggested reasons for the exaggeration in the existing contours were quoted as (1) The demise of Eastern Airlines meant that there were fewer flights and (2) the projected use of quieter airplanes.

The actual facts as I personally can testify to are that (1) An estimated 150-200 (I base this on the fact that on a recent Sunday afternoon, between the hours of 5-6 pm, I counted 9 such flights; I conservatively estimate that there are at least 20 such instances per annum) pass over my house annually, seemingly at tree top level. Most such flights—but certainly not all—take place during inclement weather. During the few minutes that it takes for these flights to approach and pass over, conversation is impossible; TV Programs develop the jitters; if at night, one is suddenly awakened from the deepest slumber; and at times, there is a pervasive smell of Airplane Fuel, which, my wife tells me, blocks up her sinuses. Sometimes it is just plain frightening. (2) On a regular basis, mainly on a Sunday between midnight and day break, we suffer apalling noises, which I presume to be Jet Engines being tested at full throttle, and (3) On a regular basis, during the late night hours, airplanes, which I presume are Air Cargo planes, awakens everyone in the house with their take off noise.

Having read the Environmental Assessment Study relating to the 5th runway at Hartsfield, it appears that the Noise Level Contours were developed by averaging over a 24 Hour/Annual period, with some weighting given to nightime readings. This data is diluted by guesstimating the effect of quieter planes in the future. The resulting curves are not therefore rigidly factual, but contains some reasoned guess work and extrapolation. The Flight Pattern Diagrams show smooth Circular Segments radiating from the ends of the existing runways. None that I saw showed the flights over Normandy Subdivision—which, I assure you gentlement is no figment of my imagination.

Having administered the City's Noise Control Ordinance for many years, and having on occasion been dragged out of bed at 2 am to address the complaints of irate citizens to the noise from a Tunnel Shaft Exhaust Fan, or Contractors 250 cfm Compressor (examples which spring to mind), I have had some exposure to what constitures objectionale noise. In my opinion, the average 65 db extended period noise is likely to be more easily endured, than the 85-90 db (my guesstimate) intermittent noise, over a 1-2 hour period. In actual fact, I am familiar with cases of property—presumably in the Noise Contour Area—which are currently receiving treatment under the Noise Abatement Program, although they are twice as far from the Airport than our Subdivision, and had no special problem with Noise.

Having stated the above, I would submit the following for your consideration:

When the 5th Runway is added, our Subdivision will be less than 1000 meters away. In the past year or so, we have been a slew of "No Frill" Airlines, which use older, leased and refurbished plans, and whose noise levels are just as high as they ever were. There is also a great increase in Overseas flights requiring the construction of a new Concourse. I do not think that it requires much technical know-how to conclude that the noise problem is going to get a lot worse for the Normandy Subdivision.

I do not think that the FAA suggestion that the original Noise level Contours is invalid because of projected less flights and less noisy planes, has been proven. I think there is a strong case for the original Contours to be applied. If this view is not accepted, I urge the Authorities to formulate new guidelines to ensure that concerns such as ours, are equitably addressed.

I feel strongly that there exists a clear and compensible case for the 300 Home Owners in the Normandy Subdivision, where we have been denied the privacy and quiet which we should like to enjoy like other Citizens; this denial is due directly to the intrusive noise and pollution from Hartsfield Air Traffic.

I thank Congressman Lewis and the Panel for the opportunity provided us to present our case. I feel certain that we have a just and reasonable cause and will arrive at decisions which will be favorable to us.

Thank you all, very much

Congressman Lewis and Panel:

I am Louis Register, Home-owner at 2674 West Rugby Avenue, East Point, GA, My remarks to this panel will cover the experience that the East Point West Ruby Avenue Homeowners have encountered with the Atlanta Hartsfield Noise Abatement Program and the Federal Aviation Authority, Southern Region, Atlanta.

There has been Three to Five Delay, and Three Different Managers since the Noise Abatement program was initiated in the College Park—East Point area.

West Ruby Avenue, East Point was evidently confused with West Rugby Avenue, College Park and left off initial engineering area maps prepared for noise Abatement Program. Nearby streets that intersect West Rugby Avenue, East Point were included in the Noise Abatement program. (Mount Olive Road, Ross Drive, Dodson Terrace). Recently the 2400 Block, West Rugby Avenue, East Point was included in the Program and 2500-2600 Blocks excluded. We have been told by the current Manager of the Atlanta Hartsfield Airport Noise Program that was are not in the Noise Curve on the Contour Boundary Map. That sounds incredible with the house next door to my residence include with sound-proofing and Air-Rights Compensation received. There seems to have been some errors of judgement made in implementing this program on West Rugby Avenue, East Point. West Rugby Avenue homeowners have contacted the Noise Abatement Office, Federal Aviation Authority (FAA), and their elected Representatives in Congress to request fair and equitable treatment and Compensation as other homeowners have received.

I personally have contacted Senator Sam Nunn, and he has on two occasions requested

information on behalf from the Federal Aviation Officials, Southern Region, Atlanta, but information on my behalf from the Federal Aviation Officials, Southern Region, Atlanta, but information furnished Senator Nunn was not satisfactory to resolve this matter. Maps of the impacted area are furnished for comparison on how the Noise Abatement Program was and is being administered. Homeowners received Noise Contractor letters in the initial phase of the program, but FAA Authorities state there was a misinterpretation of Contractor Letters.

EAST POINT

I am speaking on behalf of an East Point and College Park neighborhood south of Washington Road less than 5 miles from the Atlanta Airport. This neighborhood includes south Delowe Drive, Pollard Street, Farris Ave, and Harris Drive.

We are here tonight after three long years of phone calls, letters, and meetings, trying to obtain some symbolance of justice for our neighborhood. I'm not going to waste your time going over maps and sound studies. You all have access to that information. What we want tonight is for you to understand that there is a problem with these studies. Either the information gained from these studies is incorrect or the information is not being properly analysed.

We assumed our neighborhood would be one of the first to receive compensation for noise pollution. Unfortunately that is not the case. I believe the reason for our consumption will be quite evident after you listen to just a few minutes of this tape filmed by K at Sosby in her yard 3207 Delowe Dr, East Point.

PLAY TAPE

Can you imagine having a cook out or even trying to have a conversation outside over this nerve racking noise. We can't even leave our doors and windows open. Not only is it impossible to watch TV or listen to the radio with your window open but jet fumes are unbearable.

We have been told that noise monitors were put in place to determine what area would receive compensation. If that is the case the monitors in our area could not have been working properly. Some neighborhoods that are much farther away have received compensation. It is totally outrageous to believe air traffic created more noise a distance 8, 10 or even 15 miles farther away from the airport than we are. In the first place we hear every airplane that takes off or lands. In the second place the airplanes have not reached enough altitude to buffer any of the noise as they pass over our neighborhood.

We have also been told that the noise level from the airport is decreasing. I beg to differ with this. Our neighborhood has not felt any relief from airport noise. As a matter of fact with all the new upstart air carrier adding to the number of flights in and out of the Atlanta Airport we have had an increase from air traffic noise pollution.

We do not want to patronized. We are outraged because we have not been treated fairly or dealt honestly. It is well past time for our neighborhood to receive compensation.

We are awaiting your immediate positive response.

Good evening Congressman Lewis and Members of the Platform.

My name is Brenda Bethune-Colbert. We have lived in the Normandy Subdivision for almost sixteen years. When we first moved out their the airplane noise was not that bad because the old airport on Virginia Avenue was still in existence.

After the new airport was constructed the noise began to get bad. With construction on the new runways it has gotten progressively worst.

There are times when they have the different pushes, you can her the airplanes taxing on the runway. You can even smell the fumes. We can not attempt to sleep with our windows open on a pleasant spring or fall night. If you do, "no sleep will you get". Don't even think of trying to have a nice evening on your patio. You will not be able to have a decent conversation.

By the time the fifth runway is in place we will not be able to exist.

We live about five minutes from Hartsfield Airport. Yet, you skipped over our subdivision and went behind us to Old Bill Cook Road.

In 1988, 1989, 1990, we were promised by the Airport Abatement Office that we would be next in line for the noise abatement money. It never came. We deserve to have our homes noise proofed.

We are in between West Fayetteville Road and Old Bill Cool Road. How could you skip over us.

Is it because we did not raise enough "HELL". Is it because the majority of our neighborhood is now Black. Well we are here now and we do not plan to stop until we get what we deserve. Even if we have to march on Washington, to let the President and the world know. We plan to do just that.

EITC REFORM

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1994

Mr. PETRI. Mr. Speaker, today I am introducing legislation to reform and expand the Earned Income Tax Credit. As you know, the EITC was last expanded in the Omnibus Reconciliation Act of 1993. I believe those changes will help many low-income families who are struggling despite the presence of a full-time worker in the household. However, I believe we can do more, especially for larger working families and for those faced with day care expenses for children who are of preschool age. My bill would increase the maximum income amount to which the credit is applied, bringing it up to the equivalent of full-time, year-round minimum wage earnings. My bill also would increase the percentage of the credit for those with two or more children and provide an additional credit for families with preschool children.

As the welfare reform debate proceeds, we must remember that a major goal of reform is to move low-skilled people into jobs. Although most people want to work, many currently find that their skills do not enable them to earn as much as they could receive on welfare. Many of these people work anyway, hoping to improve their earnings over time, but they face great hardship in the meantime. Others remain caught in a welfare trap, facing financial penalties for trying to escape. Still others can earn slightly more than welfare would give them but not enough to pull them close to the poverty line. The basic problem is that economic need and, consequently, welfare payments vary by family size, but wages do not.

Under my bill, a larger low-income working family with preschool children could receive a maximum EITC of $5,270 which is equivalent to a raise, above current law, of $1.03 per hour, for a total EITC benefit equivalent to $2.84 per hour for a full-time worker. Even for those with just one preschool child my bill provides for a maximum credit of $2,975, up from $2,040 when the 1993 changes are fully phased in. This is equivalent to a $.50 per hour raise for a total EITC of $1.60 per hour. For those whose children are of school age, my bill also includes an increase to $2,550 from $2,040 for one child and from $3,370 to $3,570 for those with two or more. The credit is also indexed for inflation.

As family income rises above $10,000 per year, the credit phases down gradually with a slightly accelerated phaseout for the higher credit levels. For each type of family the credit is fully phased out at around $27,000 of family income, which is comparable to current law.

I know that we are all concerned about the budget deficit but, based on preliminary estimates, the bill will pay for itself. It does this in two ways. First, it eliminates the credit under current law for people without children. Since this credit phases out before one reaches full-time minimum wage earnings, it has the perverse effect of encouraging minimum wage workers to work only part-time. Furthermore, childless minimum wage workers who do work full-time, year-round, are already above the poverty line and don't need a credit. Eliminating it will save $800 million according to unofficial estimates by the Congressional Budget Office. My bill will also crack down on fraud in the program by requiring the IRS to verify the validity of social security numbers of those claiming the credit.

This legislation is designed to help low-skilled people support families by working rather than through welfare. By directly supplementing the wages of low-income workers with children, this legislation achieves the broader objective of providing general help to these families based on economic need as determined by family size. I urge my colleagues to join me in extending greater, more carefully targeted benefits to family heads through the Earned Income Tax Credit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 6, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 7

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for September.

2359 Rayburn Building

10:00 a.m.

Foreign Relations

To hold hearings to review United States policy toward Cuba.

SD–419

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings to examine the need for parental involvement in the education of their children.

SD–430

OCTOBER 13

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Navy's mismanagement of the sealift tanker program.

SD–342

CANCELLATIONS

OCTOBER 6

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 2467, to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations, and to consider S. Con. Res. 66, to recognize and encourage the convening of a National Silver Haired Congress, a committee resolution to authorize investigation pursuant to Committee Rule 17, and pending nominations.

SD–430

9:30 a.m.

Governmental Affairs

To hold oversight hearings on the General Accounting Office.

SD–342

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