

HOUSE OF REPRESENTATIVES—Tuesday, May 3, 1994

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 1994.

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

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

MORNING BUSINESS

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

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT] for 2 minutes.

DEMOCRACY ARRIVES IN SOUTH AFRICA

Mr. GEPHARDT. Mr. Speaker, few of us will ever forget the day, more than 4 years ago, that Nelson Mandela walked into this very room, and spoke before a joint session of the U.S. Congress.

He spoke of the promise of a free and equal South Africa—the promise of a prosperity and peace that had been deferred, but could not be denied.

Today, that powerful promise has been redeemed. Nelson Mandela—a man who emerged from 27 years of political imprisonment, a living embodiment of South Africa's struggle for justice—has now been elected President of his people.

For those of us who heeded Nelson Mandela's words, and shared his dream of democracy, there is no doubt that his personal struggle—his thirst for freedom and justice—planted the seeds of equality and legitimacy which now flower on South Africa's political landscape.

And there is no doubt that President-elect Mandela will be a leader for all of South Africa.

This is truly a day of celebration and reconciliation for people all over the world.

And it is further proof that human rights is the most powerful idea in human history.

I am proud that the United States supported South Africa's struggle.

We understood that the promise of justice can never be measured in dollars and cents—that our economic interests can never be separated from our fundamental human interests. That is the principle which fuels America's democracy—and I see that same basic dignity and humanity in South Africa's fledgling democracy.

Now we all have a lot of hard work to do to make real the promise of South Africa's democracy, to lift the promise of justice and equality from the pages of a newly inked constitution to the people of a newly freed nation.

It will not be easy. But on behalf of the American people, I look forward to building on today's triumph—for the people of South Africa, and for all who cherish this victory that the world has won.

ADMINISTRATION'S POLICY ON HAITI

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

Mr. GOSS. Mr. Speaker, Haiti is back on the front pages again. Sadly, each day brings reports of another protest in Washington, another random act of violence in cite soleil or elsewhere in Haiti, another zig—or is it a zag—in the administration's policy. Often contradictory, generally ineffective, the President's policy in Haiti lacks simply this: A clearly defined objective and a realistic assessment of the means with which to achieve it.

Perhaps most disturbing is the word this week that some officials, including the White House, are partial to the idea of using United States military force to control the situation in Haiti. Frankly, this is one of the worst ideas I have heard in a long time among a lot of other bad ideas I have heard about Haiti.

Let us be clear on this point: We do have a tremendous interest in helping democracy succeed in Haiti. We are friends who should help a friend in need. But, you cannot accomplish that objective at the barrel of a gun. Haiti is in the grips of a brutal civil war. It

is Haitians killing, raping, and maiming each other. It is a conflict generally impervious to externally imposed solutions. It has been going on for generations. It is a Haitian problem—that ultimately requires a Haitian solution. American soldiers do not belong there on any missions until the Haitians have achieved some level of accord and stability among themselves. In this morning's paper, we read that the White House is considering sending in lightly armed military trainers—correct me if I'm wrong, but didn't we already make that embarrassing and potentially dangerous mistake when we sent the *Harlan County* a short while ago? The best hope for a democratic Haiti is to encourage and assist the immediate return of their duly elected President, Jean-Bertrande Aristide, to Haitian soil. I have a plan to facilitate this process and have repeatedly offered it to the administration over the last 15 months.

By utilizing the Ile de la Gonave, or any other properly suitable site, as a safe haven, Aristide could return and administer his government in relative safety and begin the process of rebuilding stability in Haiti—peacefully. Operating under the auspices of the OAS, perhaps supported by one or two of the United States Coast Guard cutters now doing picket duty there, a safe haven offers a relatively nonthreatening way for Aristide to govern without triggering an armed conflict between the Haitian Army and foreign troops, or without intensifying civil warfare now ongoing in Haiti.

In addition, Aristide's return would provide a rallying point for his followers. I was there when Aristide was elected and saw the loyalty that the Haitian people have for him. His return could provide the morale and leadership the Haitian people need to restore stability and democracy.

In addition, the safe haven proposal offers some hope to those concerned about our current repatriation policy. Rather than return refugees to Port-au-Prince, where they are theoretically endangered—although the State Department insists there is little evidence that those returned are persecuted—they could be returned to the safe haven where they could apply for asylum free from harm.

Let me emphasize that the scale of the refugee problem should not be underestimated. Since President Aristide was ousted in 1991, 43,000 Haitians have been repatriated. In fiscal year 1993 alone, 11,377 Haitians sought political

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

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

asylum in this country. Last week, the President once again sent out the wrong signal to Haitians with his decision to allow a humanitarian exception for a boatload of more than 400 refugees. I remain concerned that this kind of inconsistency will raise false economic expectations among the Haitian people and encourage them to once again board leaky boats and head for the United States in search of a better life. This is a dangerous roll of the dice—not just for Haitians in shark-infested waters but also for Americans—who cannot afford an unlimited out-of-control immigration policy.

Two centuries of political and economic strife have left Haiti divided and impoverished. Americans are not without sympathy for their plight but Americans cannot solve Haiti's problems. In the end, only the Haitians can make a democracy a reality in their country. They have a democratically elected President. We should assist him to return and get on with the job of governing his country from his country.

CONGRESSIONAL REFORM

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

Mr. SMITH of Michigan. Mr. Speaker, I suspect a lot of Members of Congress wish that political campaigns were not quite so expensive and that the demands to accept special interest's political action committee money were not so great.

Mr. Speaker, I think it is time for Members of this House to declare where they stand on Congressional reform. Do they stand with the American people, who are demanding reform, or with the special interests that are investing millions of dollars in reelection campaigns to make sure that their special Congressman gets hired?

We live in a time when most Americans believe that many Members of Congress are bought and paid for by the special interests. The best way to restore confidence is to remove the perception of privilege, perks, and PAC influence from the political process.

Mr. Speaker, it is no secret that lobbyists come to Congress to influence our votes.

□ 1040

If they convince us to vote their way, advantages and possibly millions and millions of taxpayer dollars flow into the pockets of those special interests. They want to make sure that their favorite congressman or congresswoman gets elected, and they do that by putting money into their political campaigns.

In 1992, this last election, political action committees contributed more

than \$109 million to congressional candidates. As a body, we will hopefully soon again debate a congressional reform package. However, if it is like the previous House bill that we debated, it will not serve the American people well. In fact, it will be a hoodwinking of the American people, because it really won't be reform.

Mr. Speaker, I have some questions. First, will continuing to allow special interests lobbyists to decide what goes into appropriation bills and other legislation be good for our children and grandchildren? Second, will continuing to ignore the clamor to ban PAC campaign contributions restore America's faith that the political process belongs to them and not the special interests? Third, will continuing to exempt Congress from the laws which we impose on the taxpayers restore credibility to this House? Will continuing to accept congressional cost-of-living pay increases automatically restore trust as we vote to eliminate or scale back those adjustments on the elderly and many other Americans?

Will continuing to raise most campaign contributions from outside our congressional districts convince our constituents that we are truly responsible and responsive to their concerns?

Mr. Speaker, as one of what I think is 22 now Members of Congress who does not accept PAC contributions, I enjoy the independence. I enjoy not having to look back over my shoulder to see who I owe a favor to. I believe the answers to those questions are obvious, at least obvious to the American people who sent us here.

True campaign finance reform must contain a ban on all PAC contributions, an end to the use of soft money in Federal elections, a ban on the bundling of contributions, a requirement that candidates raise at least half their contributions from the district representatives where they serve, and a requirement that corporations, unions, and nonprofit organizations disclose their lobbying activities and applying these reforms to the 1994 election.

Mr. Speaker, it is time for the U.S. Congress to tell special interests lobbyists to put their wallets away so that Members of Congress can regain credibility and respond to the American people that elected them.

Our status as Member of Congress, I believe, right now might rank us among the least respected professions in this country. If Congress is going to lead, we need the respect of the people of this country. To get that respect, we need dramatic reforms in the U.S. Congress.

CONFERENCE REPORT ON FISCAL YEAR 1995 BUDGET RESOLUTION

The SPEAKER pro tempore (Mr. HASTINGS). Under the Speaker's announced policy of February 11, 1994, the

gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, the House is scheduled to consider the conference report on the budget resolution for fiscal year 1995 shortly. I want to take this opportunity to talk in general terms about the direction this document sets for this country over the next few years.

It seems to me that that is what budgets are for, for setting a general course and a general direction for what we will do with this government. We can get caught up in specifics, the fine print of the document. Of course, that is entirely appropriate and necessary at some point. But we should not lose sight of the bigger picture. We should not lose sight of the fact that budgets set the direction for this Congress, for this Government, and for this country.

When you look at the bigger picture, it becomes apparent that we have an honest disagreement in this country about the role of the Federal Government and the direction we should go. That principle should be a part of the great debates for the election in 1994. We ought to be deciding in general terms where you go, what do we want, do we want more Government or less? If you want more, it costs more. You cannot keep putting it on a credit card.

Do you want higher taxes or less? Do you want the Government to take for them the 40 percent it already takes, or do you want families to be able to decide how they spend their money and businesses to create jobs by capital accumulation? Do you want more spending from the Federal Government or less?

No one can tell me that in a budget of \$1.5 trillion there are not some places to find cuts. We hear that. Where do you cut? Cannot cut. Of course, you can cut. Of course, you can solve problems in different ways.

The supporters of the Clinton budget believe in big Government solutions to every problem. They want higher taxes and bigger Government and more Federal spending.

The alternative is the one that is supported by the vast majority of Wyoming people that I talk to every week. They tell me they are taxed enough. And they are. They tell me the Federal Government is too big, and it is. They tell me we finally have got to do some cutting in the Federal spending, and we must.

The American people know the challenges that face us and they expect, above all else, an honest discussion of the issues.

Unfortunately, we do not get that with the President's budget. We do not find welfare reform addressed in the budget, even though it is a stated priority.

You do not find health care reform costs in this budget, even though the

President's plan calls for large tax increases and huge growth in Federal spending and bureaucracy.

Finally, you do not find spending cuts in the budget. They are not called spending cuts. They are funding transfers.

In the old west, they defined a politician as someone who can borrow \$20, pay you back \$10 and declare you are even because you both lost \$10.

This budget does nothing but reinforce that idea, and the suspicion folks have about the Federal Government. That is why I believe it is important to make some fundamental changes in process.

We need to pass reforms like a line-item veto, a line-item veto. Nobody would vote for a museum for Lawrence Welk except it is in the highway bill and you cannot get to it. Only the President can do that in a line-item veto.

A balanced budget amendment. You talk about how you are going to do it. You do not do it until you say, this is the limit for spending and you massage it to fit.

A to Z spending is going to be up in the next week. We can do that. The bill of the gentleman from Idaho [Mr. CRAPO] that requires votes to cut Federal spending and reduces the cap so that the money is not simply transferred and spent somewhere else. These are the kinds of changes that will restore confidence as we move toward the passage of the fiscal year 1995 budget.

It is important to remember that this document represents an agenda that in the past 15 months has included the largest tax increase in history, opposition to strong spending cut measures, such as the Penny-Kasich, and the A to Z spending cuts and opposition from the administration on every one of those cut packages.

Something tells me that this is not the change folks had in mind, Mr. Speaker. Thankfully, there is an alternative.

A CAMPAIGN FINANCE REFORM NONPROGRESS REPORT

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

Mr. HORN. Mr. Speaker, I want to talk briefly about the progress of campaign finance reform through the House of Representatives. I was encouraged when the President, during his 1992 campaign, expressed his support for limiting the influence of special interests and reducing from \$5,000 to \$1,000 the amount political action committees are allowed to contribute to a candidate in both the primary and the general election.

Later, President Clinton again expressed support for such reform in his

first State of the Union address and, indeed, many of us on our side rose to give him a standing ovation. He said to Congress, "let us reduce the power of special interests and increase the participation of the people." Who could disagree with that?

Then something happened. House Democrats, who have controlled this Chamber for almost 40 years, refused to limit PAC's, and the President caved in to their wishes. The President's \$1,000 limit on contributions by political action committees vanished, and with it the hope for a true reform proposal from the House Democratic leadership.

On June 17, 1993, the Senate passed its version of campaign reform. That bill contains many disturbing provisions, but it passed with the votes of both Republicans and Democrats. It was a bipartisan proposal. And while it was flawed in a few places, it took one key step toward reform. It banned political action committees.

□ 1050

From June until September, the House of Representatives stalled. Finally, on September 9, House Democratic leaders promised that "We are going to do campaign reform, and we are going to do it in October."

On September 9, 1993, the New York Times, rarely an ally of Republicans, noted that the Democrats "Stalled through the spring and summer, hoping that public demand for clean politics would subside along with President Clinton's memory for his inaugural pledge to clean up Washington." The Times called the bill the Democrats were considering "lame" and "a sham."

But October came and went, and there was no reform.

Many Republicans and Democrats agreed that the Democratic leadership proposal was not reform. Under the leadership of Democrat MIKE SYNAR and BOB LIVINGSTON, the chairman of the Republican Task Force on Campaign Finance Reform, a group of us worked together to arrive at a compromise. Our proposal was not perfect, but it contained significant reforms. Like the President, our bipartisan group supported a \$1,000 maximum donation from political action committees even though a number of us favor banning PAC's completely, as does the Republican conference. Unlike the President, we did not cave in to the House Democratic leadership.

On October 13, 1993, we were promised that the final week of October would be "Reform Week." But that week came and went, and there was no reform. In fact, Roll Call, the Hill's distinguished newspaper, reported that on October 26, "Speaker TOM FOLEY abandoned any individual deadlines for reform legislation."

There were legitimate reform proposals ready for a vote. But again and

again and again the House Democrats refused to allow any cut in the \$5,000 maximum donation by a political action committee.

On November 10, 1993, by a strict party-line vote, the House Committee on Administration rejected every Republican amendment and reported the bill Democratic leaders call reform.

Truly reform-minded Members of Congress still held out. We knew the Republican proposal was unlikely to pass—the reality is that there are too many Democrats in the House and not enough Republicans to truly reform campaign finance through a Republican-sponsored bill.

But the bipartisan compromise proposal was gathering steam. Many prominent members of both parties signed on in support of it.

On November 21, 1993, the House Democratic leaders, however, moved to crush reform. They forced passage of a rule that did not allow even a vote on our bipartisan proposal—despite the leadership of Mr. SYNAR, a respected subcommittee chairman, and Mr. BEIL-ENSON, a respected member of the Committee on Rules.

Mr. Speaker, the President has told the House "Let us reduce the power of special interests and increase the participation of the people." Mr. Speaker, the refusal to allow a vote on significant reform proposals proves that the power of special interests is still strong among the Democratic leadership.

We continue to wait—both Democrats and Republicans who want reform. House and Senate conferees must meet before the House and Senate bills can be reconciled and sent to the President, who says he will sign what is sent to him, but again, the Democrats have stalled. We were promised that conferees would be named soon after the Presidents' Day recess in February, but Presidents' Day came and went, and no conferees were named.

We were promised that conferees would be named by the end of March.

But March came and went, and still no conferees were named.

In April, we heard that conferees might be named before the end of the month.

But the end of the month came and went, and again no conferees were named.

What is going on? Reform is supposed to open up the political process, not to allow the House Democratic leaders to meet in darkened rooms where the light of reform rarely shines. All we hear are broken promises. All we see are closed doors with Democratic leaders attempting to rig the results of a conference committee before the committee is even named.

Refusing to allow votes on legitimate bipartisan proposals. Forcing a bill through the House. Refusing to negotiate with Republicans. Mr. Speaker, those are not the actions of reformers.

David Broder, a Pulitzer-winner columnist for the Washington Post, said of the House Democratic leadership's bill that, "Some funny things happened on the way to the House of Representatives' passing its 1993 version of campaign finance legislation. They made the bill a joke." As Mr. Broder wrote, "This is reform? Give me a break."

The American people are asking for just that, Mr. Speaker. Give us a break. Give up the series of promises and broken promises. Give up the false hope provided by H.R. 3 and its new version, S. 3. Admit the need for a bipartisan approach to reform. We almost did it last year, and Republicans continue to pledge our support for real reform—reform without unnecessary taxpayer financing of politicians' campaigns, reform which eliminates PAC's, reform which substantially reduces the amount these political action committees can give in each election, reform which requires candidates to raise a majority of their money from voters in the district—not from Washington special interests.

Is it too much to ask for a level playing field where the voters can choose who will represent them rather than the Washington-based special interests?

Of course not.

Let us open the doors and give the House leadership bill a burial and have the reformers in both parties free to write a real reform bill. Is it too much to ask the Committee on Rules to let this House work its will as a free institution should? Let the majority work its will on substance. Let us not continue the charade where the Democrats fearful of the end of 40 years of power prevents the reform-minded majority from working its will.

Mr. Speaker, this is a shameless record of those that are trying to bury every proposal for reform in deep, darkened rooms. It is time for a change.

CAMPAIGN FINANCE REFORM

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

Mr. TORKILDSEN. Mr. Speaker, campaign finance reform is a sensitive topic. While other reform issues deal with what we do as Members of Congress, campaign finance reform will affect how, and in some cases whether, we get here in the first place. That is no excuse not to tackle it. We know the American public is critical about how decisions are made in Washington.

Where should the money not come from in campaigns? I think the answer to that question is direct. We should not look for money in political action committees. Is it realistic to expect

Members to take huge sums of money from political action committees, only to claim those donations have no effect whatsoever?

As one Member who does not accept PAC money, I can vouch for the fact that one can win an election without taking PAC contributions. As the very least, PAC contributions should be capped at \$1,000, the same limit that applies to individuals.

Where should the money come from? How about contributions from individual donors from a candidate's district? We should require that people who live in the district to be represented fund most of any congressional campaign.

Mr. Speaker, we need genuine campaign finance reform that eliminates PAC contributions and requires candidates to raise the majority of funds from their home districts. Only with these changes can we start on the road to genuine campaign finance reform.

RECESS

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

Accordingly, at 10:55 a.m., the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KLECZKA] at 12 noon.

PRAYER

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

Gracious God, from whom comes every good and perfect gift, may Your grace be with all people who turn to You for blessing and assurance. May Your words of hope lift every heart; may Your healing presence restore us in mind, body, and spirit; may Your vision allow us to see opportunities of service to others; may Your gift of this day allow us to celebrate both life and love, and may Your eternal promises enable us to gain a heart of wisdom. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from Utah [Ms. SHEPHERD] please come forward and lead the House in the Pledge of Allegiance.

Ms. SHEPHERD led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 206

Whereas all American Presidents affect history in their own way, but few have made more history or shaped the history of their times more than Richard Nixon;

Whereas millions of men and women across America and around the world mourn the death of the 37th President of the United States;

Whereas he will be remembered for his foreign policy accomplishments, and for his dedication to peace;

Whereas in his first inaugural address, President Nixon said "The greatest honor that history can bestow is the title peace-maker";

Whereas because of his efforts as President to improve relations with the then-Soviet Union, to bring China out of isolation, and to forge peace in the Middle East, Richard Nixon more than earned the title of peace-maker;

Whereas he traveled the world, speaking on behalf of democracy, freedom, and peace;

Whereas he proposed a landmark family assistance program, created the Environmental Protection Agency, expanded the Food Stamp Program, backed the innovative program called "revenue sharing", signed the Consumer Product Safety Act, and emphasized strengthening law enforcement;

Whereas more and more Americans have come to appreciate President Nixon and his accomplishments;

Whereas they admire him not because he was perfect, but because of his courage and perseverance, his intelligence and his vision, the fact that he loved his family and because he loved his country; and

Whereas whether it was facing an anti-American mob in Venezuela, or going toe-to-toe with Khrushchev in the famed "kitchen debate", Richard Nixon always stood up for America: Now, therefore, be it

Resolved, That the Senate directs that the eulogies offered concerning the life of the Honorable Richard M. Nixon, former President of the United States, former Vice President of the United States, former Representative and former Senator from the State of California be bound and printed as a Senate Document.

SEC. 2. The Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994 as "Classical Music Month".

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

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

The message also announced that pursuant to Public Law 103-227, the Chair, on behalf of the majority leader, appoints Mr. BINGAMAN as a member of the National Education Goals Panel.

SOCIAL SECURITY

(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, Social Security taxes keep going up. Social Security keeps crying they need more money. So guess what? The Social Security Administration last week awarded \$32 million worth of bonuses. For example, one Deputy Commissioner, Lawrence Thompson, who was only working there for 2½ months, 75 days, got a \$10,000 bonus: \$4,000 a month, \$1,000 a week.

What did Thompson do to deserve that? Close your eyes and what do you see? Nothing.

This is unbelievable. I say we need a massive investigation of the Social Security trust fund. I do not believe what we are being forced fed, Congress. I say the money coming in one door to Social Security is going out the other door, and there is a wastebasket all filled up with IOU's.

These are not bonuses. This is highway robbery. Some of these creeps should go to jail for it.

AN EFFECTIVE WORLD LEADER?

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

Mr. HEFLEY. Mr. Speaker, 55 percent of the American people think President Bill Clinton is not an effective world leader. According to a new poll 99 percent of the world leaders agree with the American people's assessment.

It is time for Bill Clinton to turn his attention away from his constant campaign for President and to the task of being the President. And a large part of that task is dealing with foreign policy.

Liberal columnist Richard Cohen had this to say about the President's performance:

Clinton's foreign policy performance has been so dismal that no columnist could lose credibility by predicting the imminent ouster of this or that aide * * * What ails American foreign policy is not the court but the king.

We cannot blame Warren Christopher for the problems that bedevil Bill Clinton.

We can only hope that the President becomes interested in doing his job before we get ourselves into a real foreign policy crisis.

HEALTH CARE REFORM

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

Ms. SHEPHERD. Mr. Speaker, it is time to put fairness back in the health care system. Is it fair to penalize a business for providing health care insurance to a sick worker? That is what we do now.

Is it fair to raise rates on businesses who provide health care insurance to all their employees to pay for the cost of those who do not cover their employees? That is what we do now.

Is it fair to put businesses who do the right thing at a competitive disadvantage to businesses who choose not to provide healthy care insurance for their employees? Of course, it is not fair, but that is what we do now.

It is time to bring fairness into the system. Health care reform must ensure that all businesses are rewarded when they provide health care insurance.

A TO Z: A CHANCE TO FACE FISCAL REALITY

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

Mr. HORN. Mr. Speaker, I rise to express my support for the A to Z spending cuts plan I urge my colleague to sign the discharge petition on Accountability Day, May 4.

The American people, and certainly the voters who sent many of us to Congress, do not expect us to maintain business as usual where fiscal matters are concerned. We continue to spend money that we do not have. We are paying well over \$200 billion a year on interest on the national debt. That is more than the Federal Government spends each year on education, transportation infrastructure, fighting crime, and other pressing issues. The interest alone is twice what Lyndon Johnson spent in 1965 to launch the Great Society and to wage the Vietnam war.

If more Americans realized how Congress spent money each year, their outrage would motivate this institution to cut spending and finally balance the budget. It is time for change. No more business as usual.

The A to Z plan is simple. I have long advocated it. Hold a special session in the House devoted exclusively to cutting the budget. Give everyone the opportunity to put forward a budget cutting proposal. Debate the merits of each proposal, and vote it up or down.

A majority of the Members in the House support this approach. The question is, do we have the will to carry it out? Let us show our constituents that we are serious about deficit reduction. Support the discharge petition to bring A to Z to the floor.

THE A TO Z SPENDING CUT PLAN

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

Mr. DOOLITTLE. Madam Speaker, ever since we passed the President's budget last year, the American people have been clamoring for more budget cuts. Time after time the Congress has rejected budget cuts. They are always too specific or not specific enough.

Well, the time has come to separate the sheep from the goats, Madam Speaker, and see who has the guts to make the hard choices to cut our budget. The A to Z spending cut plan is a radical new idea put forth by a bipartisan majority of 230 Members of this House.

Very simply, this plan calls for a special session of the Congress to offer and vote on specific budget cuts to take place right now.

Already the Democrat House leadership has been strong-arming Members from their side of the aisle to not support the discharge petition. The good old boys of Congress are out to protect the system once again.

□ 1210

It is not going to happen, Madam Speaker. The people of this country demand real cuts and an end to the good old boy network that is trying to kill A to Z. I call on my colleagues to support responsibility and accountability and sign the A to Z discharge petition.

SMALL BUSINESS WEEK 1994

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

Mrs. MEYERS of Kansas. Madam Speaker, this week, for 31 consecutive years, the President has designated a national "Small Business Week." This recognition honors the more than 20 million small enterprises in the Nation who will lead America in job creation and innovation into the twenty-first century. The theme for the week is "Small Business: Building America's Future."

During this week, it is my sincere hope that all government officials and members of the media will seriously reflect on the vital role small business plays in weaving the very social and economic fabric of our democratic society. Too often the small business community receives warm platitudes from elected officials for its efforts, but scant concern when the ramifications of major new public policy initiatives are considered.

Small Business Week is sponsored by the Small Business Administration [SBA], an agency created with great foresight by President Eisenhower in 1953, to assist the Nation's small business community. The rewards our

economy has enjoyed from the SBA's accomplishments have proven President Eisenhower's investment to be very wise.

Madam Speaker, I ask my colleagues and all fellow citizens join me this week in taking a moment to salute America's true heroes and champions, our Nation's small business men and women.

AMERICA NEEDS THE A TO Z SPENDING CUTS PLAN

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

Mr. GOODLATTE. Mr. Speaker, in the 1 minute it will take me to address the House today, \$780,000 will be added to the national debt. And when the next 1-minute speech is delivered—another \$780,000.

And so it goes minute after minute, hour after hour, day after day, month after month, and year after year.

While Members of the House come to the floor and pound their chests about the need to do something about the Federal budget deficit—nothing gets done.

The time for talk is over. The A to Z spending cuts plan, sponsored by Congressmen ROB ANDREWS and BILL ZELIFF, offers a unique opportunity to cut wasteful spending, one program at a time, one rollcall at a time.

The American people know that the current budget process is not working. Individual Members have been banned from offering amendments to cut wasteful spending, and more often than not forced one up-or-down vote on an entire pork-filled package.

Mr. Speaker, all or nothing is no way to pass a budget. As the old saying goes, "When you find yourself in a hole—stop digging." America needs the A to Z plan to cut spending.

NATIONAL TOURISM WEEK

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

Mr. LANCASTER. Mr. Speaker, North Carolina is blessed with an abundance of natural beauty, beauty which can be seen whether you are traveling through the mountains and foot hills of western North Carolina or enjoying a moonlit stroll along North Carolina's golden beaches.

This beauty manifests itself throughout eastern North Carolina, much of which I represent. In addition to the numerous national parks and national wildlife refuges, eastern North Carolina is home to the Wright Brothers National Memorial and home to the oldest outdoor symphonic drama, the Lost Colony, which portrays the lives and hardships faced by the first English

colonists. The list of attractions goes on and on.

It is little wonder that the travel and tourism industry is now the second largest industry in North Carolina employing almost 150,000 North Carolinians with a payroll of \$2.2 billion. The statistics for the nation are equally staggering with travel and tourism generating a total of \$360 billion during 1991.

Because of the tremendous economic impact of the travel and tourism industry, it is appropriate that this week has been designated as National Tourism Week.

MEMBERS URGED TO SIGN THE A TO Z DISCHARGE PETITION

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

Mr. ZELIFF. Mr. Speaker, the A to Z debate is a tale of two ways to set budget policy. The leadership's way is the best of ways, and the worst of ways.

The leadership claims that their way, is the best of ways for Members to be fully informed before voting. Sure, remember how fully informed we were, when we passed the FDIC-RTC \$55 billion bailout, with no copies of the legislation available?

The leadership's way of setting budget policy is also the worst of ways, because it has given us a \$4.5 trillion debt. Under the leadership's way, no one is accountable for that \$4.5 trillion debt. Unlike the leadership's way, our A to Z way, lets Members vote on specific spending cuts, specific entitlement cuts, and specific authorization cuts, not pork laden packages.

The leadership claims our A to Z plan is flawed. We cannot guarantee who the Speaker will recognize. It bypasses the committees that add the pork, and Members will have to stand up and be counted, on each specific spending cut.

No more business as usual. It is time for change. End the budget gag rule. Sign the A to Z discharge petition tomorrow. It is the best of ways.

THE A TO Z SPENDING CUTS PLAN

(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, later this week, the House will unveil a discharge petition on the A to Z spending cuts plan.

The leadership will try to tell you that this proposal is little more than a three ring circus. But it is the plan's simplicity and openness that they fear most.

Here is how simple it is: Any Member, regardless of party or committee assignment, could propose a spending

cut. The House would debate the cut, and then vote on it. It is that straightforward and that easy.

Most importantly, the A to Z legislation limits itself to only those spending cuts—proposals to raise taxes are explicitly forbidden.

My colleagues should think very carefully before being swayed by the majority's threats of chaos on the floor of the House.

The A to Z plan has the potential to end the partisan bickering over comprehensive spending packages. With this proposal, we can help restore the American public's faith in Congress as an institution where individual integrity and fiscal accountability still reside.

U.N. MEMBERSHIP FOR TAIWAN

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

Mr. DELAY. Mr. Speaker, almost exactly 15 years ago, in April 1979, President Carter signed the Taiwan Relations Act, which has governed the relationship between the United States and the Republic of China to this day.

Since that date, the United States has not formally recognized Taiwan, nor have dozens of other nations. Nonetheless, the Republic of China has emerged as one of the economic powers of the world. Taiwan has achieved economic growth rates averaging 8 percent in the past decade, and its gross national product is the 20th largest in the world. The Republic of China's foreign exchange reserves of \$90 billion are exceeded only by those of Germany, and Taiwan has grown to be the United States' sixth largest trading partner, with bilateral trade approaching \$39 billion per year.

Taiwan has matched its economic achievements with impressive political liberalization. The first democratic elections in the Chinese people's history were held in December 1992, and a multiparty system is flourishing.

Considering Taiwan's economic status and the fact that three-quarters of the nations that dominate the General Assembly of the United Nations have populations smaller than that of the Republic of China, it does not make sense that Taiwan is excluded from membership. Furthermore, Taiwan does not wish to replace China's seat, but rather simply have its own voice, and ample precedent already exists for such a move.

I urge my colleagues and the President to support membership for Taiwan in the United Nations, and to encourage other countries to support this effort, as well.

AUTO PARTS IS SUGGESTED SUBJECT OF UNITED STATES-JAPAN TRADE TALKS

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

Ms. KAPTUR. Mr. Speaker, my hat is off to the Clinton administration's successful effort to open up the Japanese cellular telephone and network equipment market. This represents a substantial market for cellular phones but it only helps one company—Motorola. What the administration must do now is to negotiate the same for the U.S. auto industry. What we are talking about are 5,000 U.S.-owned companies, directly employing over 700,000 people—5,000 U.S. companies, over 700,000 U.S. workers.

Yet the administration allows the trade deficit in U.S. auto parts to continue to climb. For this year alone the projected trade deficit with Japan in the automotive arena will go over \$30 billion. The trade deficit in United States auto parts alone will be over 20 percent of the total trade deficit with Japan.

The administration must continue to press the Japanese for definite goals and schedules for increased Japanese purchases of United States-made auto parts, and to fulfill previous commitments by increasing substantially their purchases from nonaffiliated suppliers.

Mr. Speaker, an agreement over cellular phones is a good first step. The administration must now be prepared to fly into the eye of the hurricane. Job growth here at home depends on it.

DEFENSE DEPARTMENT ABUSES OF HELICOPTER TRAVEL

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

Mr. DUNCAN. Mr. Speaker, it has now been reported that top military officials took 238 helicopter rides between the Pentagon and Andrews Air Force Base in the past year.

Each trip cost from \$1,000 up to \$3,000, costing several hundred thousands altogether.

What a ridiculous waste of taxpayer money.

It is 14 miles from the Pentagon to Andrews. A cab ride would have cost \$24—a military car, even less.

Is someone embarrassed over this? No—not at all. On the ABC National News last night, there was even an attempt to justify it in the name of efficiency and training.

Is someone going to lose his job? No, because people in unelected Federal positions can today get away with things that would cost them their jobs in the private sector.

Unfortunately, we will continue to see similar abuses of power and waste-

ful expenditures throughout the Federal Government, for two reasons:

First, our Government is simply too big, and there is almost no political control over it.

Second, the Civil Service System protects and insulates bureaucrats so much that they cannot really be held accountable—even for terrible decisions.

But, if these officials care at all about our taxpayers, they will cut out these overpriced joyrides immediately.

□ 1220

WE NEED PRISONS, NOT PRESS RELEASES

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

Mr. GINGRICH. Mr. Speaker, we need prisons, not press releases, as an answer to crime. There is a great deal of press release material coming up this week on the House floor, but I urge Members to look at the facts about what is going on. I want to lock up every violent criminal, I want them to serve a full sentence, I am prepared to pay to build the prisons that are necessary. I believe there are things we can do to make America safe. But if we read what the President said in the morning paper, he is just factually wrong. He cited a gun which killed a policeman in Menomonee Falls, he cited the wrong gun. The gun that killed the policeman is not on the list that is supposed to be banned.

Mr. Speaker, the fact is the bans do not work and the 650 types of guns that are not banned are equally lethal to the guns that are to be banned.

I urge my colleagues, do not vote for press releases, do not vote for propaganda. Vote for real sentences for violent criminals. Vote to build real prisons.

Mr. Speaker, what we need are prisons, not press releases.

STOP THE BLAME GAME

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

Mr. GOSS. Mr. Speaker, I was disappointed by the partisan words of the majority whip when he said: "House Republicans are willing to say and do anything to bring down everything we want to do to help working people." Fact is, the Democrats' health reform plans are collapsing under their own weight and burdening many work people mightily by costing them their jobs. Republicans have a comprehensive reform plan of our own—and bipartisan, market-based reforms supported by the American people. Republicans want to ensure quality, access and

choice in health care. Republicans want to minimize Government interference in individual decisions. And Republicans know heavyhanded Government cost control will kill jobs and lead to health care rationing. It is time to stop playing the blame game and work together on health care reform. I invite all colleagues to look at the GOP solution. It will work.

SUPPORT THE A TO Z CUT SPENDING PLAN

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

Mr. STEARNS. Mr. Speaker, I want to encourage all Members to sign the discharge petition to bring H.R. 3266 to the floor. This bill known as the A to Z spending cut bill will give every Member the opportunity to bring specific spending cut amendments to the floor for a vote. It provides for free and open debate and an up-or-down vote on each and every proposal.

This is a commonsense plan that would help cut out waste and fat from our Government's budget.

The bill has over 227 cosponsors and in spite of the opposition who fear reduced spending, the will of this body and the cry of taxpayers across this country will be heard.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KLECZKA) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 3, 1994 at 3:58 p.m. and said to contain a special message from the President whereby he transmits one revised deferral of budget authority for HHS, totaling \$7.3 million.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

DEPARTMENT OF HEALTH AND HUMAN SERVICES REVISED DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee

on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling \$7.3 million.

The deferral affects the Department of Health and Human Services. The details of the revised deferral is contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 2, 1994.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

AIRPORT IMPROVEMENT PROGRAM TEMPORARY EXTENSION ACT OF 1994

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2024) to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes, as amended.

The Clerk read as follows:

S. 2024

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 "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1992."; and
(2) by inserting ", and \$15,763,890,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act (49 U.S.C. App. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amount";
(2) by inserting "to less than \$1,900,000,000" after "to be obligated"; and

(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(b)(1)) is amended by striking "\$400,000" and inserting "\$500,000".

SEC. 104. INTEGRATED AIRPORT SYSTEM PLANNING SET-ASIDE.

Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(4)) is amended by striking "½" and inserting "¾".

SEC. 105. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following:

"(C)(i) it was incurred—

"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was executed during fiscal year 1994; and

"(iv) its Federal share is only paid with sums apportioned under subsections 507(a)(1) and 507(a)(2) of this title.".

SEC. 106. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting "or the Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 107. UPWARD ADJUSTMENTS.

(a) IN GENERAL.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before "apportioned"; and

(2) inserting before the period at the end "; and (B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) COMPLAINT BY AIR CARRIER.—

(1) FILING.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable.

The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) OPPORTUNITY TO RESPOND.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) FRIVOLOUS COMPLAINT.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(b) ORDER BY THE SECRETARY.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) LIMITATION.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) OPPORTUNITY TO COMMENT AND FURNISH RELATED MATERIAL.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretary on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) ACTION ON COMPLAINT.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) APPLICABILITY.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "fee" means any rate, rental charge, landing fee, or other service charge for the use of airport facilities; and

(2) the term "Secretary" means the Secretary of Transportation.

TITLE III—REFORM OF AIR TRAFFIC CONTROL SYSTEM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM.

(a) STUDY.—The Secretary of Transportation shall undertake a study of management, regulatory, and legislative reforms which would enable the air traffic control system of the Federal Aviation Administration to provide better services to users and reduce the costs of providing services, without reducing the safety of the system or the availability of the system to all categories of users and without changing the basic organizational structure under which the system is part of the Federal Aviation Administration.

(b) COMPONENTS.—The study to be conducted under subsection (a) shall include the following:

(1) Evaluation of reforms which would streamline procurement, enhance the ability to attract and retain adequate staff at hard-to-staff facilities, simplify the personnel process, provide funding stability, ensure

continuity of leadership, and reduce the incidence of unnecessarily detailed management oversight.

(2) Identification of any existing laws or regulations governing procurement or personnel which are having an adverse effect on the operation or modernization of the air traffic control system.

(3) Evaluation of a range of possible reforms and the advantages and disadvantages of each possible reform.

(4) Comparison of the advantages and disadvantages of each possible reform with the comparable advantages and disadvantages to be achieved under any proposal of the Secretary of Transportation to create a separate Federal corporate entity to operate the air traffic control system.

(c) DEADLINE.—The results of the study to be conducted under subsection (a) shall be contained in a report which shall be completed by the Secretary of Transportation on or before the date which is 180 days after the date of the enactment of this Act, or the date on which the Secretary submits to Congress proposed legislation to create a separate corporate entity to operate the air traffic control system, whichever date occurs first.

(d) TRANSMITTAL.—On the date of completion of the report under subsection (c), the Secretary of Transportation shall transmit copies of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.

(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

(b) COMPUTATION RULES.—

(1) IN GENERAL.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

(A) any increase under section 5303 of title 5, United States Code;

(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990);

(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

(E) any periodic step-increase under section 5335 of such title 5;

(F) any additional step-increase under section 5336 of such title 5; and

(G) any other increase in annual rate of basic pay under any other provision of law.

(2) SPECIAL RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the "amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994" shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

(c) TERMINATION.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

(1) the amount of such allowance is reduced to zero under subsection (b), or

(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project, whichever is earlier.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the bill we bring to the floor today is a short-term reauthorization of the Airport Improvement Program to allow the FAA to make grants of up to \$800 million by June 30 for airport improvement projects across the Nation that have been held back because the authorization bill has not been enacted.

Mr. Speaker, we are following this approach, I should say, very reluctantly. Our preference has been for a multiyear program. We feel it is good public policy to have a multiyear program so that airports can count on a steady stream of revenue for these long-term projects of improving airport runways, taxiways, and building new facilities.

Toward that end, in fact, the Committee on Public Works and Transportation reported last September 14, 1993, a 3-year AIP reauthorization for fiscal years 1994 through 1996, H.R. 2739. That bill passed the House on October 13, 1993, by a vote of 384 to 42. Unfortunately over in the other body, disputes unrelated to the essence of AIP held up progress on that legislation; product liability, airport fees, intrastate trucking. The Senate, tangled up with individual Member concerns over those issues despite the best intentions and best efforts of the chairman of the Aviation Subcommittee in the other body, was unable to move a multiyear authorization bill to the Senate floor and chose instead to pass a 60-day bill.

Mr. Speaker, unless we accept this approach and pass this short-term authorization, the FAA will not be able to make grants for work to begin before the current construction season expires, and that is not long from now. We really have a very short window of time under which bids can be developed and contracts let and construction underway before the freeze sets in to the northern tier of States. Therefore, reluctantly we are moving ahead with this bill.

Mr. Speaker, very briefly the essence of it is that we follow the basic approach of the other body for an \$800 million program with authority to make grants through June 30 of this year. Our bill differs from the Senate in how the funds will be allocated. The Senate bill makes substantial changes in existing law, the effect of which is to substantially increase discretionary funding that primarily benefits larger airports. The added discretionary funds would be taken, we feel, disproportionately from programs designed to benefit smaller airports. Our bill struck a reasonable balance between large airports and small airports.

Therefore, in the bill we bring to the House today, we follow the same funding approach that the House approved in the bill last October. Our bill preserves existing formulas that balance the interests of large and small airports.

□ 1230

We assure our colleagues on both sides of the aisle that on a bipartisan basis we will work in conference to ensure that any changes in discretionary funding will be changes that affect airports of all sizes on a proportional basis, not just the smaller airports.

This bill also includes important provisions to require a study of alternatives to splitting up the FAA, to wrenching out of FAA, as the administration proposes to do, the air traffic control system and put it into a separate Government corporation. The administration is making a corporation proposal without having adequately studied indepth alternatives, reforms that could be accomplished without destroying the existing structure of FAA. Reforms that do not dismember the FAA, we believe, are likely to be more effective, less costly to taxpayers, and to the traveling public and bring greater assurance of continued safety as the FAA operates the most efficient, the most effective, and the safest air traffic control system in the world.

Our bill also assures that the 2,200 controllers participating in the pay differential program that has brought controllers from less demanding facilities to the most demanding facilities in the system, to facilities in Chicago, New York, and California, will not this coming June have their pay reduced, because the demonstration program ex-

pires in June. Those controllers will suffer 15- to 20-percent pay losses with all the attendant effect on controller morale that that will entail unless we keep that pay differential program in place. I do not think we want to compromise efficiency, effectiveness, worker output, and safety by allowing the pay differential program to expire, and we feel very strongly that the Senate should join with us in that initiative, and I am confident they will.

We have also adopted a Senate provision which, in effect, freezes airport rates and fees for 60 days because of airline dissatisfaction with the current laws and procedures governing these fees. There has been a recent court case that was decided by the Supreme Court that has resulted in some controversy between airlines and airports over setting of fees.

In adopting this Senate provision though, I want to make it very clear that we do not favor this type of freeze as a long-term solution to the problem, nor should it be considered a precedent. We are going along with the freeze out of respect for the considerable and commendable effort the chairman of the Senate Subcommittee on Aviation has invested in resolving this issue. We also have been assured by the Department of Transportation it is unlikely to have any practical effect in the 60-day period and that no fees are proposed to be increased by airports, at least none that we know of, none to be frozen in the 60-day period.

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

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

First of all, I want to commend my chairman, the gentleman from Minnesota [Mr. OBERSTAR], for crafting this legislation and bringing it to the floor today to hopefully resolve a dispute that has been ongoing, but which has seriously threatened the ability for us to move forward with airport development in this country during this construction season.

I think the fact that we have brought this expeditiously to the floor today, he needs to be commended for that, and as he indicated, S. 2024 provides a short-term, 60-day extension for the airport improvement program.

Two weeks ago, on April 19, S. 2024 passed the Senate by a voice vote.

The AIP program lapsed at the end of fiscal year 1993 because, as has been indicated, of disputes and delays that the Senate, the other body, encountered as it attempted to report a regular, hopefully a multiyear AIP reauthorization bill. I might add that the House passed its bill, H.R. 2739, in a timely manner by an overwhelmingly strong vote of 384 to 12, so we bring what is a modified version of S. 2024 before the House in an effort to salvage at least a portion of this year's construction season for vitally important airport projects.

The bill seeks to preserve a huge number of construction-related jobs that would otherwise be lost without enactment. The bill authorizes up to \$800 million in spending on AIP for eligible projects, for grants made no later than June 30 of this year.

As Members, I am sure, are aware, the AIP program is financed entirely from the aviation trust fund. No general revenues are at issue or are utilized in this program, and the enacted fiscal year 1994 transportation appropriation bill already provides about \$1.69 billion in obligation limitations for the AIP program. But none of that money has been spent, nor will it be spent without passage of this legislation, and hopefully later on passage of a multiyear bill.

As I mentioned a moment ago, last fall the House did report our bill with a substantial vote in favor of it. The AIP's fate in the Senate, the other body, unfortunately continues to be hampered, as the chairman, the gentleman from Minnesota [Mr. OBERSTAR], said, by several disputes that has led to a severe case of legislative gridlock, the latest being a conflict between airports and air carriers over the reasonableness of fees paid by air carriers to airports.

There is a provision in S. 2024 that attempts to put this debate to rest during the 60-day life of the bill, and I will come back to that in a moment.

The AIP program has several funding elements, the most important being an entitlement grant program for commercial airports, and eligible grant activities include projects enhancing capacity, safety, security, such as construction of runways, taxiways, terminal buildings. It is these sorts of activities that are most threatened by failure to enact this bill heretofore.

In addition to establishing a 60-day, \$800 million extension, the bill, as passed by the other body, unfortunately made several changes to the entitlement allocation formula which, in the opinion of the Public Works and Transportation Committee leadership, are unacceptable. We have, therefore, modified the bill to reflect the entitlement formulas originally as part of the bill that we passed here some weeks ago.

This legislation also contains three new provisions not previously found in H.R. 2739 that Members should be aware of. First, as the chairman, the gentleman from Minnesota [Mr. OBERSTAR], has indicated, there is a section directing the Department of Transportation to study ways to reform the air traffic control system without changing its basic organizational structure. The study must be completed within 180 days following enactment or before the Department submits legislation on a corporation, whichever event might occur first. This provision is in response to a recommendation to pri-

vate our national air traffic control system that was included in it as a part of the National Performance Review of the Vice President, and on this point, I think it is fair to say there is a very strong and bipartisan disagreement, or at least questions about this, and also within the industry about the benefits and implications of this proposal which we think deserve extended consideration before we move rashly to change a system which may well not require the radical proposal that is going to be before us later today.

Second, the bill before us includes a provision making permanent a pay differential program for air traffic controllers that is due to expire and would cause or wreak great hardship on those presently receiving that incentive pay bonus in New York, San Francisco, Los Angeles, and Chicago. This would make that program permanent, because it has proven to work. It does have the desired effect of attracting people to go to those high-stress areas.

Finally, in response to the airport-air carrier dispute on the reasonableness of fees, our version, the House version, of the bill includes a provision freezing fees at airports until June 30, 1994, except if the Department finds complaints to be frivolous or, in the alternative, if the Department finds fee increases to be reasonable, so we do not make a total block on this, but we do circumscribe the ability to do that.

We respect that between now and June 30, and we hope that between now and June 30, the Department of Transportation will issue a proposed rule-making that will contain a credible dispute-resolution procedure settling future conflicts arising between airports and air carriers as well as including guidance on the meaning of reasonable fees.

□ 1240

Mr. Speaker, I would strongly urge and encourage the Department to publish this proposal as soon as possible since it has expertise in this area and is better able to craft an appropriate rule.

We understand that that rule is in the process and is being readied for publication. We hope that that happens promptly.

Mr. Speaker, this legislation is vitally important to our construction industry as we move into the summer construction season. Thousands of well-paying, skilled labor jobs, and jobs at construction supply firms are at stake and will be lost if we do not act promptly.

Mr. Speaker, the bill holds back \$900 million for the airports and air carriers to reach an agreement. In the face of the current tension between airports and air carriers, I was heartened to note that the chairman of the Senate Aviation Subcommittee, Senator FORD, stated his commitment to bring a

multiyear reauthorization bill to the Senate floor before June 30, when this bill will expire, with or without an agreement.

I think that is an important assurance to give the industry that we are going to be looking to a multiyear authorization. But this stopgap measure, Mr. Speaker, is absolutely vital.

I urge all Members to support the bill.

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

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the chairman of the full Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], former chairman of the Subcommittee on Aviation.

Mr. MINETA. Mr. Speaker, I wish to first thank Mr. OBERSTAR, the chair of our Aviation Subcommittee, and Mr. CLINGER, the ranking Republican, for their hard work and their work in bringing for House consideration our version of S. 2024.

Mr. Speaker, I rise in strong support of this legislation. However, I must say that I wish we were here today passing a conference report on a long-term aviation authorization, instead of this short-term extension of the Airport Improvement Program.

Because the other body continues to have trouble passing a long-term bill, we have before us an authorization of the Airport Improvement Program through June 30 which will enable \$800 million in new funds to be used for critical airport development needs. Without this short-term extension, a number of airports might well lose a good part of a construction season.

The distinguished chair of the Subcommittee on Aviation, Mr. OBERSTAR, has detailed the other provisions of the bill, so I will just focus on the section that directs the Federal Aviation Administration to continue a pay differential or allowance now being paid to controllers, technicians, and inspectors in certain facilities where it was difficult to retain and attract staff prior to this differential. Air traffic controllers were simply choosing to work in lower workload facilities for equivalent pay. This pay differential made it more attractive to stay in places like the New York TRACON or Chicago Center facilities, and according to an Office of Personnel Management report, the program has been effective.

The current differential expires this coming June, and if it does, the pay of personnel in these critical facilities will be cut 12 to 15 percent, thereby creating obvious morale and staffing

problems that could have a significant effect on the air traffic control systems they operate.

How is it that such a disturbing development is looming? In 1989, the FAA put in a pay differential in order to attract air traffic controllers and others to hard-to-staff facilities in New York, Chicago, and California. At the same time, the FAA embarked on an effort to completely overhaul and reform controller pay. This reform was supposed to follow on the heels of the 5-year differential program when it expires. Unfortunately, this reform effort was abandoned by the previous administration and now the 5-year program is coming to an end with nothing but a substantial pay cut to replace it.

This would be completely unfair to the air traffic controllers and other FAA personnel now covered by the differential. It would also be felt by the traveling public and the airline industry as staffing and morale problems in these critical air traffic control facilities would translate into less capability to move air traffic efficiently.

The differential in this bill is patterned after a very similar situation involving the Federal Bureau of Investigation's New York field office. The Intelligence authorization enacted last December extended a pay differential for that office that had expired last September. I want to thank Chairman CLAY and the staff of the Committee on Post Office and Civil Service for their support and assistance in this matter. Again, I wish to thank the chairman, Mr. OBERSTAR and Mr. CLINGER, the ranking Republican of the Subcommittee on Aviation, for their fine work on this bill.

Again, I urge an "aye" vote on this important bill.

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

Mr. Speaker, I take a few minutes first to express my great appreciation to the gentleman from Pennsylvania [Mr. CLINGER], the ranking member, for his splendid participation and cooperation in shaping the legislation we bring to the floor today.

These have been very difficult questions for us to resolve, short-term extension and the many other substantive issues that we have included in the bill.

The gentleman, as always, has been thoughtful, perceptive, and understanding in his participation, and I greatly appreciate his contribution, as always.

I also want to address a matter that we do cover in this legislation, and that is a directive to the Department of Transportation to study the alter-

natives to an air traffic control corporation. A report on that will be released later today by the Secretary of Transportation and the Vice President.

This study makes a recommendation that the administration remove from the FAA the air traffic control functions and establish those functions in a quasi-Government corporation to manage the air traffic control system.

The ostensibly driving purpose for creating this Government corporation is the desire to proceed more rapidly with modernization of the air traffic control system and a perception on the part of those conducting the study that the existing structures have not moved sufficiently fast to modernize air traffic control.

I would like to point out that in my judgment this is a solution in search of a problem.

Mr. Speaker, we have the world's most efficient, safest, dependable air traffic control system. In the last 2 years major airlines have operated without a fatality. There have been some problems in the commuter airline and regional airline industry. We have held hearings on those. They are not the result of problems in air traffic control.

Second, modernization has been underway for a decade. Congress has appropriated every year as much funding as the administration has requested, and sometimes more than administrations over the past decade have requested. Some 87 percent of the national airspace system modernization program has been funded, contracted, and delivered, and 48,700 of 55,800 systems have been delivered and are in place, providing updated equipment, modernized facilities, to make the job of air traffic controllers easier, more effective, and to make the movement of aircraft through our vast system more efficient and safer.

En route projects, terminal projects, oceanic projects, surface projects that have been put in place are all detailed in a documented report prepared by the FAA and which the Department of Transportation for some reason seems to want to keep a secret. They ought to be telling the public what a wonderful job FAA has done in getting complex technological systems in place efficiently.

□ 1250

Mr. Speaker, there is a problem with the centerpiece of the modernization program, the advanced automation system. This subcommittee has held hearings repeatedly. We have identified problems that need to be fixed. We

have identified approaches to resolving those problems. We have passed legislation to deal with those problems last year. The bill I referred to earlier provides a 5-year term for the Administrator of FAA, one of the most important steps to stabilizing the FAA and ensuring its modernization procedures on a dependable basis. We have changed FAA Administrators on the average of every 18 months with as much as a 6-month hiatus between one Administrator and the next. This administration was no different. It was more than 6 months before an Administrator of FAA came on board, and now they want to take this system, wrench it out of FAA, put air traffic control over here someplace where we do not know how it is going to function, and what is going to happen with it, with a big new bureaucracy to operate it.

Put an Administrator in place, keep him there for 5 years, fix the personnel pay system, as we propose to do with this current bill, get a handle on contract management, management of large, complex, multibillion-dollar technology modernization programs that need to be administered in an efficient manner.

That is what needs to be done, and when the administration gets its hands around that issue we will have some confidence in their ability and their wisdom of overall change in FAA.

Get on with the problems immediately at hand, that is what we direct the administration to do in the legislation that we are about to pass.

SECTION-BY-SECTION SUMMARY OF THE AIRPORT IMPROVEMENT PROGRAM TEMPORARY EXTENSION ACT OF 1994

TITLE I—AIRPORT IMPROVEMENT PROGRAM

Section 101 is the AIP authorization:

Subsection (a) provides \$800 million in new contract authority for AIP grants for FY 1994. (The FY 1994 Appropriations Act has established an obligation ceiling of \$1.69 billion for AIP for FY 94. To date FAA has made grants of \$89 million in FY 94 from entitlement funds which were unused in prior years. These grants will not be deducted from the \$800 million in new grant authority.)

Subsection (b) permits FAA to make FY 1994 AIP grants until June 30, 1994.

Section 102 clarifies that the cap on entitlements in existing law (44% of the AIP program) applies to the part year program established by this bill.

Section 103 increases the minimum entitlement for primary airports (those with more than 10,000 passengers per year) from \$400 thousand to \$500 thousand per year.

Section 104 increases the set-aside for airport system planning from 1/2% to 3/4% of total AIP spending.

Section 105 permits FAA to reimburse airports for expenses incurred during Fiscal Year 94 to complete a project for which the airport gets an AIP grant this year but the grant is not enough to cover the full cost of the project. The reimbursement can come only from the airport's entitlement funds. (This section responds to the fact that this bill authorizes less than half of the \$1.69 billion available under the Appropriations Act. The plan is to authorize the remainder later

this year after the controversy over airport fees has been resolved. Under this provision an airport could obtain a grant for less than the full cost of a project, and later get another grant reimbursing it for the remaining costs.)

Section 106 is a technical provision permitting expenditures out of the Trust Fund for AIP grants authorized by this bill.

Section 107 provides that during periods in which the AIP authorization has expired, FAA can use funds recovered from cost underruns in AIP grants to increase other AIP grants in which there have been cost overruns. The increase for overruns cannot exceed the percentage increase allowed by existing law.

Title II freezes the fees airports charge to airlines until June 30, 1994, if an airline files a complaint against a fee increase. The freeze does not apply if DOT finds complaint is frivolous, or makes a preliminary determination that fee is reasonable, or if the increase is imposed under terms of a prior agreement. There is also an exemption for fee increases in Hawaii. The provision is the same as the Senate bill. The purpose is to maintain the status quo on this controversial issue.

Title III is a study of air traffic control system reform.

Section 1—Air Traffic Control System:

Subsection (a) directs DOT to study ways to reform the air traffic control system without changing its basic organizational structure (i.e. study of alternatives to the Federal corporation).

Subsection (b) sets forth the components of the study.

Subsection (c) requires the study to be completed within 180 days of enactment or when DOT transmits its proposed legislation to create a Federal corporation, whichever occurs first. (DOT is expected to transmit its corporation proposal on May 3, but it is not expected to be in the form of proposed legislation.)

Subsection (d) requires the study to be transmitted to the Senate Commerce and House Public Works Committees.

Title IV prevents reduction of pay levels established by the pay demonstration program under which controllers, maintenance technicians, safety inspectors, computer operators, and engineers in 22 hard-to-staff facilities in New York, Chicago, Los Angeles, and San Francisco have received a 20% increase in pay. The demonstration program is scheduled to end in June of this year. The provision only protects against reductions in pay, it does not preserve the differential indefinitely. The differential will be reduced by an offset of future locality increases or other pay increases.

Mr. HASTERT. Mr. Speaker, I would like to take this opportunity to commend the chairman of the Aviation Subcommittee, Mr. OBERSTAR, and the chairman of the full Committee on Transportation and Public Works, Mr. MINETA, for their inclusion of a provision in this bill to create a pay differential for those air traffic controllers, airways systems specialists, and flight standards aviation safety inspectors currently receiving an incentive to stay at our Nation's busiest air traffic facilities.

This retention allowance is needed to recruit and retain qualified and experienced employees at hard-to-staff facilities such as those in my own area of Illinois. The precursor to this pay differential program is the pay demonstration project [PDP] scheduled to end this June. When a demonstration project comes to an

end, it is time to assess its success. The evidence shows that this program is both successful and needed.

Further, studies by the FAA conclude that there is nothing to prohibit the conditions present prior to the PDP from recurring should the program be stopped. Let's face it, if I have a choice to work in a facility boasting the highest volume of air traffic in the Nation or one with the lowest for the same pay, I'm a fool not to take the smaller workload.

While the President's budget contends that the PDP is no longer needed because locality pay has been put in place, it is clear this is not the case. Locality pay is designed to address the cost-of-living in an area. That means paying the rent or paying for the higher cost of groceries in the region. It doesn't address the need to keep experienced controllers at the facilities that most need their expertise due to the complex and heavy workload.

Even if other controllers would be willing to come to the facility, how experienced are they? Nearly all of the controllers that have recently sought positions at the Chicago Air Route Traffic Control Center in Aurora, IL, are level 1 controllers. It is not surprising that there are a number that would like to come to Aurora since the President's budget seeks to contract out all level 1 control towers. It is further not surprising they want to come to Aurora when the fact that crucial employees receive a pay differential is prominently displayed on the application to bid for the position. Yet, it will take between 3 to 5 years to train a level 1 controller to become a full performance level [FPL] controller. Currently about 90 percent of the controllers retained at the Aurora Center, since PDP went into effect, are FPL controllers.

Thus, the question is, does the FAA spend all of its time and money training these new recruits on the complex traffic patterns at our busy facilities, or is it a better use of funds to keep those who are experienced in their current positions through a pay differential? The answer to this question is clear, chairmen have recognized.

The key to this issue is the safety of the flying public and the most efficient use of Federal funds. We can go back to the pre-differential days of serious safety errors and increased flying time and delays for the aviation industry. We can go back to square one with new controllers that are inexperienced at these facilities. Or, we can move ahead with a pay differential that recognizes the expertise and value of trained professionals.

Mr. Speaker, I am pleased to support this authorization of a differential program for the essential safety employees at sites crucial to our national airspace system.

Ms. SNOWE. Mr. Speaker, I rise today in support of S. 2024, to temporarily authorize expenditure under the Airport Improvement Program so that grants may be made for airport construction and improvement projects.

This legislation comes at a critical time to airports in my district. As you know, the Aviation Infrastructure Investment Act of 1993 passed the House on October 13, 1993, with my support. It authorizes \$28 billion in fiscal year 1994-96 for improving and operating our nation's airports and airways, and reauthorizes the Airport Improvement Program. The Sen-

ate's companion bill, S. 1491, was placed on the Senate Legislative Calendar, but has not come to the Senate floor for consideration.

Instead of considering S. 1491, the Senate passed S. 2024, which provides temporary, 60-day obligational authority for the Airport Improvement Program, on April 19, 1994. If enacted into law, the bill would enable the Federal Aviation Agency to release \$800 million over the next 60 days.

Maine has a very short construction season of just 162 days. Consequently, it is essential that AIP funds be released by May 27, 1994. For example, the Hancock County-Bar Harbor Airport has two projects that depend on AIP funding: a three year runway reconstruction project and a land purchase project. If AIP funding is not reauthorized soon, the construction project will be delayed by 1 year and the land purchase project will be jeopardized. The long-term viability of Hancock County-Bar Harbor Airport depends on these improvements.

The Airport Improvement Program provides vital financial assistance to airports seeking to make capital investments and modernize their facilities. Airports in rural districts tend to rely heavily on the Airport Improvement Program due to the fact that fewer passengers enplane and deplane. This means that rural airport restaurants, parking facilities, and landing fees generate far less revenue than those at larger airports. Yet small airports have the same needs as large airports for properly paved taxiways, for runway lights to increase visibility, and for adequate and safe terminal buildings.

The Airport Improvement Program is entirely funded out of the Aviation Trust Fund, which gets its receipts through taxes levied on airline tickets and aviation fuel. The program does not rely on general tax revenues. It is in every sense a user-supported program.

A sound infrastructure is critical to a region's economic development and recovery. I urge my colleagues to support passage of S. 2024, the Temporary Airport Improvement Program authorization.

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

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

The SPEAKER pro tempore (Mr. KLECZKA). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the Senate bill, S. 2024, 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.

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 the Senate bill just passed.

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

There was no objection.

NATIONAL FLOOD INSURANCE REFORM ACT OF 1994

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3191) to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3191

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 "National Flood Insurance Reform Act of 1994".

(b) TABLE OF CONTENTS.—
Sec. 1. Short title and table of contents.
Sec. 2. Declaration of purpose under National Flood Insurance Act of 1968.

TITLE I—DEFINITIONS

Sec. 101. Flood Disaster Protection Act of 1973.
Sec. 102. National Flood Insurance Act of 1968.

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

Sec. 201. Existing flood insurance purchase requirements.
Sec. 202. Expanded flood insurance purchase requirements.
Sec. 203. Escrow of flood insurance payments.
Sec. 204. Placement of flood insurance by lenders.
Sec. 205. Penalties for failure to require flood insurance or notify.
Sec. 206. Ongoing compliance with flood insurance purchase requirements.
Sec. 207. Fees for determining applicability of flood insurance purchase requirements.
Sec. 208. Notice requirements.
Sec. 209. Standard hazard determination forms.
Sec. 210. Examinations regarding compliance.
Sec. 211. Financial Institutions Examination Council.
Sec. 212. Clerical amendments.

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

Sec. 301. Community rating system and incentives for community floodplain management.
Sec. 302. Funding.

TITLE IV—MITIGATION OF FLOOD RISKS

Sec. 401. Repeal of flooded property purchase and loan program.
Sec. 402. Termination of erosion-threatened structures program.
Sec. 403. Mitigation assistance program.
Sec. 404. Establishment of National Flood Mitigation Fund.
Sec. 405. Insurance premium mitigation surcharge.
Sec. 406. Study of mitigation insurance.

TITLE V—FLOOD INSURANCE TASK FORCE

Sec. 501. Flood Insurance Interagency Task Force.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Extension of flood insurance program.
Sec. 602. Limitation on premium increases.
Sec. 603. Maximum flood insurance coverage amounts.
Sec. 604. Flood insurance program arrangements with private insurance entities.
Sec. 605. Updating of flood maps.
Sec. 606. Technical Mapping Advisory Council.
Sec. 607. Evaluation of erosion hazards.
Sec. 608. Study of economic effects of charging actuarially-based premium rates for pre-firm structures.
Sec. 609. Effective dates of policies.
Sec. 610. Regulations.
Sec. 611. Relation to State and local laws.

SEC. 2. DECLARATION OF PURPOSE UNDER NATIONAL FLOOD INSURANCE ACT OF 1968.

Section 1302(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4001(e)) is amended—

(1) by redesignating clauses (3), (4), and (5), as clauses (4), (5), and (6), respectively; and
(2) by inserting after the comma at the end of clause (2) the following: "(3) encourage State and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses."

TITLE I—DEFINITIONS

SEC. 101. FLOOD DISASTER PROTECTION ACT OF 1973.

(a) IN GENERAL.—Section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:
"(5) 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, or regulation of the institution;"
(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and
(3) by inserting after paragraph (6) the following new paragraphs:

"(7) 'Federal agency lender' means a Federal agency that makes direct loans secured by improved real estate or a mobile home, to the extent such agency acts in such capacity;

"(8) 'lender' includes any regulated lending institution, other lending institution, and Federal agency lender, but does not include any agency engaged primarily in the purchase of mortgage loans;

"(9) 'other lending institution' means any lending institution that is not subject to the supervision, approval, regulation, or insuring of any Federal entity for lending regulation and that is not a Federal agency lender, but does not include institutions engaged primarily in the purchase of mortgage loans;

"(10) 'regulated lending institution' means any bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation; and

"(11) 'servicer' means the person responsible for receiving any scheduled periodic payments from a borrower pursuant to the terms of a loan, including amounts for taxes, insurance premiums, and other charges with respect to the property, and making the payments of principal and interest and such

escrow flood insurance premiums where they are already escrowing for other purposes. That way, a homeowner will not be able to discontinue paying for flood insurance after a year or two, as so often happens today. It also requires lenders to force-place flood insurance if a borrower in a flood-hazard area refuses to buy it as required by law. And it will require mortgage bankers—who make half of all mortgages today—to meet the same standards as federally insured banks and thrifts when it comes to enforcing flood insurance purchase requirements. These changes will go a long way toward improving the financial health of the fund, and at the same time give more homeowners the protection of flood insurance.

The second reform contained in H.R. 3191 is the creation of a mitigation fund to help homeowners and communities reduce the risk of flood damage. This fund will provide up to \$65 million per year to relocate and elevate homes, to nourish beaches, and to build sea walls and levees. Individuals who suffer from major flooding will get particular attention from this provision; FEMA will have to pass on their application within 30 days, so they can get the help they need to rebuild to safe standards. This fund is based on the adage that an ounce of prevention is worth a pound of cure. It will save money for the program, and save heartache for the homeowner.

The third major reform in this legislation is a study of the problem of erosion. According to the Army Corps of Engineers, 25 percent of our Nation's coastline is currently eroding at varying rates of speed. Many State and local governments have taken steps to deal with this reality. North Carolina has banned construction in erosion-prone areas since 1974. South Carolina has had such a ban since 1988. In Maryland, the town of Ocean City has built jetties, and regularly replenishes its beaches.

The Federal Government has yet to come to grips with the problem of erosion. We continue to insure properties built on land that could be literally washed away in a few years. Many have asked whether that is a risk worth taking. H.R. 3191 will help us get answers to that question. It requires FEMA to assess where erosion is happening, how communities are dealing with it, and what its impact is on the flood program. I am confident that the information we get from this study will allow us to make wise policy choices in the future that both protect the taxpayer and support coastal and river economies.

In sum, this legislation will bring about urgently needed reforms in the Federal Flood Insurance Program. It will help avoid a taxpayer bailout, and increase the number of homes and businesses protected by flood insurance. I urge its adoption.

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

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

Mr. Speaker, the bill we are considering this morning is a compromise bill to reform the National Flood Insurance Program [NFIP]. The NFIP is administered by the Federal Emergency Management Agency [FEMA] and enables property owners in participating communities to purchase insurance coverage against flood-related damage. Many of the changes that the bill makes to the flood insurance program are supported by FEMA and other organizations—both public and private—who work with FEMA to administer the flood insurance program.

The original version of this bill was passed by the Banking Committee last year with bipartisan support—40-10. I think the changes that are included in this compromise bill will enjoy even greater support.

The bill is intended to accomplish three objectives. First to increase the participation rate in the National Flood Insurance Program. Second, to encourage States, communities, and individuals to mitigate the effects of future flooding. Finally, to assess the economic impact of mapping—or not mapping—erosion hazard areas.

Although the bill is straight forward, I want to discuss the areas mentioned.

INCREASED PARTICIPATION

According to FEMA, only about 17 percent of those who live in special flood hazard areas and who should have flood insurance policyholders. The bill requires lenders who make mortgages in such areas to make sure that flood insurance is in place whenever they make increase, extend, or renew a mortgage. In addition, this bill requires lenders to escrow for flood insurance payments if they escrow for other items and authorizes them to purchase flood insurance for borrowers who fail to do so.

The provisions of the bill concerning increased participation are supported by the American Bankers Association and the Mortgage Bankers Association.

MITIGATION ACTIVITIES

This bill institutes a self-sustaining grant program to fund activities to mitigate or minimize the effects of future flooding. While the original bill only made States and communities eligible for such grants, this compromise bill makes individuals eligible as well.

The bill is not intended to promote large-scale construction projects such as dams or levees. Rather, it is intended to encourage States, communities, and individuals to elevate, relocate or demolish structures that are repeatedly flooded.

While this bill lists a number of activities that are eligible for grants, it permits FEMA to approve only those that it determines are cost-effective to the Flood Insurance Program.

STUDY OF MAPPING EROSION HAZARD AREAS

The provisions of this compromise bill are quite different than those of the original bill with regard to the issue of erosion. Instead of requiring FEMA to map coastal areas subject to high rates of erosion, this compromise bill requires a comprehensive study of the issue. The study, which will be performed by an independent organization and which is due in 2 years, should give Congress the information it needs to decide whether the availability of flood insurance should be restricted in some areas.

The provisions of this bill concerning the study of erosion are supported by the National Association of Realtors and the National Association of Homebuilders.

I want to reiterate to my colleagues that it is important we pass this bill. While it may not solve all of the flood insurance problems, it contains many provisions that will go a long way toward addressing them.

The House and Senate Banking Committees will soon meet to reconcile differences between two bills concerning community development banks. The Senate included in its bill language to reform the National Flood Insurance Program. It is important that we pass this bill to ensure that the interests of our Members are represented at that conference.

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

□ 1300

Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has spent so much time on this bill.

Mr. BEREUTER. Mr. Speaker, I rise in support of this legislation. However, I regret to say that the measure represents a very modest reform indeed and does not really provide real reform to the National Flood Insurance Program in many areas. Nevertheless, we are making some steps forward, and I realize that the chairman of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], had to make some compromises to move the legislation to this stage so we are able to engage in a conference on this subject with our colleagues in the other body.

I very much appreciate the gentleman's kind words, as well as those of the gentleman from California [Mr. McCANDLESS], with respect to my involvement in this issue. I would have to share credit, I must say, with two of our former colleagues, Ben Erdreich of Alabama and Tom Carper of Delaware. Those two gentlemen with this Member advanced legislation in the previous Congress which was very strong legislation indeed and which passed this body, and indeed the portions relating to lender compliance and also community rating systems are based, I think it is fair to say, on work accomplished in that previous legislation.

by adding at the end the following new subsection:

"(d) ESCROW OF FLOOD INSURANCE PAYMENTS.—

"(1) PRIVATE LENDERS.—For loans secured by residential real estate, each Federal entity for lending regulation (with respect to any loans of regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to any loans of other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require that, if a lender or other servicer of the loan requires the escrowing of taxes, insurance premiums, fees, or any other charges for a loan secured by residential real estate or a mobile home, then all premiums and fees for flood insurance under the National Flood Insurance Act of 1968 for the residential real estate or mobile home shall be paid to the lender or servicer of the loan. Premiums and fees paid to the lender or servicer shall be paid in a manner sufficient to make payments as due for the duration of the loan. Upon receipt of the premiums, the lender or servicer of the loan shall deposit the premiums in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the insurance that insurance premiums are due, the lender or servicer shall pay from the escrow account to the provider of the insurance the amount of insurance premiums owed.

"(2) FEDERAL AGENCY LENDERS.—The appropriate head of each Federal agency lender shall by regulation require and provide for escrow and payment of any flood insurance premiums and fees relating to residential property securing loans made by the Federal agency lender under the circumstances and in the manner provided under paragraph (1). Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(3) APPLICABILITY OF RESPA.—Escrow accounts established pursuant to this subsection shall be subject to the provisions of section 10 of the Real Estate Settlement Procedures Act of 1974.

"(4) APPLICABILITY.—This subsection shall apply only with respect to any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994."

SEC. 204. PLACEMENT OF FLOOD INSURANCE BY LENDERS.

(a) ACTIONS REQUIRED BY LENDER.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(e) PLACEMENT OF FLOOD INSURANCE BY LENDER.—

"(1) NOTIFICATION TO BORROWER OF LACK OF COVERAGE.—If, at any time during the term of a loan secured by improved real estate or by a mobile home located in an area that has been identified by the Director as an area having special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, the lender or servicer for the loan determines that the building or mobile home and any personal property securing the loan is covered by flood insurance in an amount less than the amount required for the property pursuant to subsection (b), the lender or servicer shall notify the borrower under the loan that the borrower should obtain, at the borrower's ex-

pense, an amount of flood insurance for the property that is not less than the amount under subsection (b)(1), for the term of the loan.

"(2) PURCHASE OF COVERAGE ON BEHALF OF BORROWER.—If the borrower fails to purchase such flood insurance within 60 days after such notification, the lender or servicer for the loan shall purchase the insurance on behalf of the borrower and may charge the borrower for the cost of premiums and fees incurred by the lender or servicer for the loan in purchasing the insurance.

"(3) REVIEW OF DETERMINATION REGARDING REQUIRED PURCHASE.—

"(A) IN GENERAL.—A borrower may request that the Director review a determination that the improved real estate or mobile home securing the loan is located in an area of special flood hazards. Not later than 45 days after the Director receives the request, the Director shall review the determination and provide the borrower with a letter stating whether or not the property is in a special flood hazards area. The determination of the Director shall be final.

"(B) EFFECT OF DETERMINATION.—Any person to whom a borrower provides a letter issued by the Director pursuant to subparagraph (A), stating that the property of the borrower is not in an area of special flood hazards, shall have no obligation under this title to require the purchase of flood insurance on the property during the 1-year period beginning upon the date that such letter is provided.

"(4) APPLICABILITY.—This subsection shall apply to all loans outstanding on or after the date of enactment of the National Flood Insurance Reform Act of 1994."

SEC. 205. PENALTIES FOR FAILURE TO REQUIRE FLOOD INSURANCE OR NOTIFY.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

"(f) CIVIL MONETARY PENALTIES FOR FAILURE TO REQUIRE FLOOD INSURANCE OR NOTIFY.—

"(1) CIVIL MONETARY PENALTIES AGAINST LENDERS.—Any regulated or other lending institution that is found to have a pattern or practice of committing violations under paragraph (2) shall be assessed a civil penalty by the appropriate Federal entity for lending regulation (with respect to regulated lending institutions) or the Secretary of Housing and Urban Development (with respect to other lending institutions) in the amount provided under paragraph (5).

"(2) LENDER VIOLATIONS.—The violations referred to in paragraph (1) shall be—

"(A) making, increasing, extending, or renewing loans in violation of—

"(i) the regulations issued pursuant to subsection (b) of this section;

"(ii) the escrow requirements under subsection (d) of this section; or

"(iii) the notice requirements under section 1364 of the National Flood Insurance Act of 1968; or

"(B) failure to provide notice or purchase flood insurance coverage in violation of subsection (e) of this section.

"(3) CIVIL MONETARY PENALTIES AGAINST GSE'S.—If the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation is found by the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development to have a pattern or practice of purchasing loans in violation of the procedures established pursuant to sub-

section (b)(4) of this section, the Director of such Office shall assess a civil penalty against such enterprise in the amount provided under paragraph (5) of this subsection. For purposes of this subsection, the term 'enterprise' means the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

"(4) NOTICE AND HEARING.—A penalty under this subsection may be issued only after notice and an opportunity for a hearing on the record.

"(5) AMOUNT.—A civil monetary penalty under this subsection may not exceed \$350 for each violation under paragraph (2) or paragraph (3). The total amount of penalties assessed under this subsection against any single regulated lending institution, other lending institution, or enterprise for any calendar year may not exceed \$100,000.

"(6) LENDER COMPLIANCE.—Notwithstanding any State or local law, for purposes of this subsection, any lender that purchases flood insurance or renews a contract for flood insurance on behalf of or as an agent of a borrower of a loan for which flood insurance is required shall be considered to have complied with the regulations issued under subsection (b).

"(7) EFFECT OF TRANSFER ON LIABILITY.—Any sale or other transfer of a loan by a lender who has committed a violation under paragraph (1), that occurs subsequent to the violation, shall not affect the liability of the transferring lender with respect to any penalty under this subsection. A lender shall not be liable for any violations relating to a loan committed by another lender who previously held the loan.

"(8) DEPOSIT OF PENALTIES.—Any penalties collected under this subsection shall be paid into the National Flood Mitigation Fund under section 1367 of the National Flood Insurance Act of 1968.

"(9) ADDITIONAL PENALTIES.—Any penalty under this subsection shall be in addition to any civil remedy or criminal penalty otherwise available.

"(10) STATUTE OF LIMITATIONS.—No penalty may be imposed under this subsection after the expiration of the 5-year period beginning on the date of the occurrence of the violation for which the penalty is authorized under this subsection.

"(g) OTHER ACTIONS TO REMEDY PATTERN OF NONCOMPLIANCE.—

"(1) AUTHORITY OF FEDERAL ENTITIES FOR LENDING REGULATION.—The head of the applicable Federal entity for lending regulation may require a regulated lending institution to take such remedial actions as are necessary to ensure that the regulated lending institution complies with the requirements of the national flood insurance program if the Federal agency for lending regulation makes a determination under paragraph (3) regarding the regulated lending institution.

"(2) AUTHORITY OF SECRETARY OF HUD.—The Secretary of Housing and Urban Development may require an other lending institution to take such remedial actions as are necessary to ensure that the other lending institution complies with the requirements of the national flood insurance program if such Secretary makes a determination under paragraph (3) regarding the other lending institution.

"(3) DETERMINATION OF VIOLATIONS.—A determination under this paragraph shall be a finding that—

"(A) the regulated lending institution or other lending institution, as the case may be, has engaged in a pattern and practice of noncompliance in violation of the regula-

tions issued pursuant to subsection (b), (d), or (e) of this section or the notice requirements under section 1364 of the National Flood Insurance Act of 1968; and

"(B) the regulated lending institution or other lending institution, as the case may be, has not demonstrated measurable improvement in compliance despite the assessment of civil monetary penalties under subsection (f)."

SEC. 206. ONGOING COMPLIANCE WITH FLOOD INSURANCE PURCHASE REQUIREMENTS.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(h) NOTIFICATION OF FLOOD HAZARDS TO LOAN TRANSFEREE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) through (5), before the sale or transfer of any loan secured by improved real estate or a mobile home, the seller or transferor of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards. The seller or transferor shall, before sale or transfer, notify the purchaser or transferee and any servicer of the loan in writing regarding the results of the determination. A determination under this paragraph shall be evidenced using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968.

"(2) EXCEPTIONS.—For any loan secured by improved real estate or a mobile home, a determination and notice under paragraph (1) shall not be required if, during the 5-year period ending on the date of the sale or transfer of the loan—

"(A) a determination and notice under paragraph (1) has been made for the property secured by the loan; or

"(B)(i) the loan has been made, increased, extended, or renewed; and

"(ii) the lender making, increasing, extending, or renewing the loan was subject, at the time of such transaction, to regulations issued pursuant to paragraph (1), (2), or (3) of subsection (b).

"(3) LOANS TRANSFERRED BY FDIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for any loan secured by improved real estate or a mobile home that is sold or transferred by the Federal Deposit Insurance Corporation acting in its corporate capacity or in its capacity as conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards.

"(B) EXCEPTIONS.—Such determination and notice shall not be required for any loan—

"(i) sold or transferred to an entity under the control of the Federal Deposit Insurance Corporation; or

"(ii) for which the purchaser or transferee exercises any available option to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(C) NOTICE TO DIRECTOR.—A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning on the later of (i) the purchase or transfer of the loan, or (ii) the expiration of any option

that the purchaser or transferee may have to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(4) LOANS TRANSFERRED BY RTC.—

"(A) IN GENERAL.—For any loan secured by improved real estate or a mobile home that is sold or transferred by the Resolution Trust Corporation acting in its corporate capacity or in its capacity as a conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards if—

"(i) the Resolution Trust Corporation acquires the loan after the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 12-month period beginning on such effective date; or

"(ii) the Corporation holds the loan on the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 6-month period beginning on such effective date.

"(B) NOTICE TO DIRECTOR.—A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning upon the purchase or transfer of the loan.

"(5) LOANS TRANSFERRED BY NCUA.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), for any loan secured by improved real estate or a mobile home that is sold or transferred by the National Credit Union Administration acting in its corporate capacity or in its capacity as a conservator or liquidating agent, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards.

"(B) NOTICE TO DIRECTOR.—A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning upon the purchase or transfer of the loan.

"(C) EXCEPTION.—Such determination and notice shall not be required for any loan sold or transferred to an entity under the control of the National Credit Union Administration.

"(6) APPLICABILITY.—This subsection shall apply only with respect to any loan outstanding or entered into after the expiration of the 1-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994."

SEC. 207. FEES FOR DETERMINING APPLICABILITY OF FLOOD INSURANCE PURCHASE REQUIREMENTS.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(i) FEE FOR DETERMINING LOCATION.—Notwithstanding any other Federal or State law, any lender for a loan described in paragraph (1), (2), or (3) of subsection (b) may charge a reasonable fee (as determined by the Director) for the costs of determining whether the property securing the loan is located in an area of special flood hazards, but only in accordance with the following requirements:

"(1) BORROWER FEE.—The borrower under such a loan may be charged the fee, but only if the determination is made pursuant to—

"(A) the making, increasing, extending, or renewing of the loan that is initiated by the borrower; or

"(B) a revision or updating under section 1360(f) of the floodplain areas and flood-risk zones or publication of a notice or compendia under subsection (h) or (i) of section 1360 that affects the area in which the property securing the loan is located or that, in the determination of the Director, may reasonably be considered to require a determination under this subsection.

"(2) PURCHASER OR TRANSFEREE FEE.—The purchaser or transferee of such a loan may be charged the fee in the case of sale or transfer of the loan."

SEC. 208. NOTICE REQUIREMENTS.

Section 1364 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a) is amended to read as follows:

"NOTICE REQUIREMENTS

"SEC. 1364. (a) NOTIFICATION OF SPECIAL FLOOD HAZARDS.—

"(1) REGULATED LENDING INSTITUTIONS.—Each Federal entity for lending regulation, after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. The regulations shall also require that the lenders retain a record of the receipt of the notices by the purchaser or lessee and the servicer.

"(2) OTHER LENDING INSTITUTIONS.—The Secretary of Housing and Urban Development shall by regulation require notification in the manner provided under paragraph (1) with respect to any loan made by another lending institution and secured by improved real estate consisting of a 1- to 4-family residence or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1) (except to the extent necessary to provide for differences between the types of loans for which notice is required under this paragraph and the types for which notice is required under paragraph (1)).

"(3) FEDERAL AGENCY LENDERS.—The appropriate head of each Federal agency lender shall by regulation require notification in the manner provided under paragraph (1) with respect to any loan that is made by the Federal agency lender and secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(4) CONTENTS OF NOTICE.—Written notification required under this subsection shall include—

"(A) a warning, in a form to be established in consultation with and subject to the approval of the Director, stating that the real estate or mobile home securing the loan is located or is to be located in an area having special flood hazards;

"(B) a description of the flood insurance purchase requirements under section 102(b) of the Flood Disaster Protection Act of 1973;

"(C) a statement that flood insurance coverage may be purchased under the national flood insurance program and is also available from private insurers; and

"(D) any other information that the Director considers necessary to carry out the purposes of the national flood insurance program.

"(b) NOTIFICATION OF CHANGE OF SERVICER.—

"(1) LENDING INSTITUTIONS.—Each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require such institutions, as a condition of making, increasing, extending, renewing, selling, or transferring any loan described in subsection (a)(1), to notify the Director (or the designee of the Director) in writing during the term of the loan of the servicer of the loan. Such institutions shall also notify the Director (or such designee) of any change in the servicer of the loan, not later than 60 days after the effective date of such change. The regulations under this subsection shall provide that upon any change in the servicing of a loan, the duty to provide notification under this subsection shall transfer to the transferee servicer of the loan.

"(2) FEDERAL AGENCY LENDERS.—The appropriate head of each Federal agency lender shall by regulation provide for notification in the manner provided under paragraph (1) with respect to any loan described in subsection (a)(1) that is made by the Federal agency lender. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1) of this subsection.

"(c) NOTIFICATION OF EXPIRATION OF INSURANCE.—The Director (or the designee of the Director) shall, not less than 45 days before the expiration of any contract for flood insurance under this title, issue notice of such expiration by first class mail to the owner of the property, the servicer of any loan secured by the property covered by the contract, and the owner of the loan."

SEC. 209. STANDARD HAZARD DETERMINATION FORMS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"STANDARD HAZARD DETERMINATION FORMS

"SEC. 1365. (a) DEVELOPMENT.—The Director, in consultation with representatives of the mortgage and lending industry, the Federal entities for lending regulation, the Federal agency lenders, and any other appropriate individuals, shall develop standard written and electronic forms for determining the flood hazard exposure of a property for use in connection with loans secured by improved real estate or a mobile home. The written and electronic forms shall be established by regulations issued not later than 270 days after the date of the enactment of

the National Flood Insurance Reform Act of 1994.

"(b) DESIGN AND CONTENTS.—

"(1) PURPOSE.—The form under subsection (a) shall be designed to facilitate a determination of the exposure to flood hazards of structures located on the property to which the loan application relates. The form shall be designed to facilitate compliance with the provisions of this title.

"(2) CONTENTS.—The form shall require identification of the type of flood-risk zone in which the property is located, the complete map and panel numbers for the property, and the date of the map used for the determination, with respect to flood hazard information on file with the Director. If the property is not located in an area of special flood hazards the form shall require a statement to such effect and shall indicate the complete map and panel numbers of the property. If the complete map and panel numbers for the property are not available because the property is not located in a community that is participating in the national flood insurance program or because no map exists for the relevant area, the form shall require a statement to such effect. The form shall provide for inclusion or attachment of any relevant documents indicating revisions or amendments to maps.

"(c) REQUIRED USE.—The Federal entities for lending regulation shall by regulation require the use of the form under this section by regulated lending institutions. The appropriate head of each Federal agency lender shall by regulation provide for the use of the form with respect to any loan made by such Federal agency lender. The Secretary of Housing and Urban Development shall by regulation require use of the form in connection with loans purchased by Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation and the Government National Mortgage Association. The Secretary of Housing and Urban Development shall encourage the use of the form by other lending institutions.

"(d) GUARANTEES REGARDING INFORMATION.—In providing information regarding special flood hazards on the form developed under this section (or otherwise required of a lender not required to use the form under this section) any lender making, increasing, extending, or renewing a loan secured by improved real estate or a mobile home may provide for the acquisition or determination of such information to be made by a person other than such institution, only to the extent such person guarantees the accuracy of the information. The Director shall by regulations establish requirements relating to the nature and manner of such guarantees.

"(e) ELECTRONIC FORM.—The Federal entities for lending regulation, the Secretary of Housing and Urban Development, and the appropriate head of each Federal agency lender shall by regulation require any lender using the electronic form developed under this section with respect to any loan to make available upon the request of such Federal entity, Secretary, or agency head, a written form under this section for such loan within 48 hours after such request.

"(f) EFFECTIVE DATE.—The regulations under this section requiring use of the written and electronic forms established pursuant to this section shall be issued together with the regulations required under subsection (a) and shall take effect upon the expiration of the 90-day period beginning on such issuance."

SEC. 210. EXAMINATIONS REGARDING COMPLIANCE.

(a) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 10 of the Federal Deposit

Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following new subsection:

"(h) FLOOD INSURANCE COMPLIANCE BY INSURED DEPOSITORY INSTITUTIONS.—

"(1) EXAMINATIONS.—The appropriate Federal banking agency shall, during each scheduled on-site examination required by this section, determine whether the insured depository institution is complying with the requirements of the national flood insurance program.

"(2) REPORT.—

"(A) REQUIREMENT.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter for the next 4 years, each appropriate Federal banking agency shall submit a report to the Congress on compliance by insured depository institutions with the requirements of the national flood insurance program.

"(B) CONTENTS.—The report shall include a description of the methods used to determine compliance, the number of institutions examined during the reporting year, a listing and total number of institutions found not to be in compliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes."

(b) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end the following new subsection:

"(e) FLOOD INSURANCE COMPLIANCE BY INSURED CREDIT UNIONS.—

"(1) EXAMINATION.—The Board shall, during each examination conducted under this section, determine whether the insured credit union is complying with the requirements of the national flood insurance program.

"(2) REPORT.—

"(A) REQUIREMENT.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter for the next 4 years, the Board shall submit a report to Congress on compliance by insured credit unions with the requirements of the national flood insurance program.

"(B) CONTENTS.—The report shall include a description of the methods used to determine compliance, the number of insured credit unions examined during the reporting year, a listing and total number of insured credit unions found not to be in compliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes."

(c) AMENDMENT TO FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) FLOOD INSURANCE COMPLIANCE BY ENTERPRISES.—

"(1) EXAMINATION.—After the submission of the report under section 210(d) of the National Flood Insurance Reform Act of 1994, the Director shall, during each annual examination of an enterprise conducted under this section, determine whether the enterprise has established adequate procedures required under section 102(b)(4) of the Flood Disaster Protection Act of 1973 and is complying with such procedures.

"(2) EXCEPTION.—The provisions of paragraph (1) shall not apply with respect to an enterprise if the Director—

"(A) determines, pursuant to the report under section 210(d) of the National Flood Insurance Reform Act of 1994, that the enterprise has established adequate procedures pursuant to section 102(b)(4) of the Flood Disaster Protection Act of 1973 and has a pattern of compliance with such procedures; and

"(B) certifies such finding in writing to the Congress.

"(3) REPORT.—

"(A) REQUIREMENT.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter for the next 4 years, the Director shall submit a report to Congress on compliance by the enterprises with the procedures established pursuant to section 102(b)(4) of the Flood Disaster Protection Act of 1973.

"(B) CONTENTS.—The report shall include a description of the methods used to determine compliance, identification of any enterprise found not to be in compliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes."

(d) GAO REPORT ON GSE COMPLIANCE.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress and the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development regarding the procedures established by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation pursuant to section 102(b)(4) of the Flood Disaster Protection Act of 1973. The report shall include a description of such procedures, an analysis of whether such procedures are sufficient to comply with the requirements of such section, a determination of whether each enterprise has complied with such procedures, a description of any actions taken by each enterprise to correct any incidents of noncompliance, and any recommendations regarding reasonable actions to improve the procedures established by the enterprises and compliance with such procedures.

SEC. 211. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

"(g) The council shall consult and assist the Federal entities for lending regulation and the Secretary of Housing and Urban Development in developing and coordinating uniform standards and requirements for use by lenders as provided under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973."

SEC. 212. CLERICAL AMENDMENTS.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended—

(1) by striking the section heading and inserting the following new section heading:

"FLOOD INSURANCE PURCHASE AND COMPLIANCE REQUIREMENTS AND ESCROW ACCOUNTS"; and

(2) in subsection (c), by inserting "EXCEPTION TO PURCHASE REQUIREMENTS FOR STATE-OWNED PROPERTY.—" before "Notwithstanding".

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

SEC. 301. COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended—

(1) by inserting after "SEC. 1315." the following: "(a) REQUIREMENT FOR PARTICIPATION IN FLOOD INSURANCE PROGRAM.—"; and

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

"(b) COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.—

"(1) AUTHORITY AND GOALS.—The Director shall carry out a community rating system program to evaluate the measures adopted by areas (and subdivisions thereof) in which the Director has made flood insurance coverage available to provide for adequate land use and control provisions consistent with the comprehensive criteria for such land management and use under section 1361, to facilitate accurate risk-rating, to promote flood insurance awareness, and to complement adoption of more effective measures for floodplain and erosion management.

"(2) INCENTIVES.—The program under this subsection shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have adopted and enforced the goals of the community rating system under this subsection. In providing incentives under this paragraph, the Director may provide for additional adjustments in premium rates for flood insurance coverage (A) in areas that the Director determines have implemented measures relating to the protection of natural and beneficial floodplain functions, and (B) in areas within which such premium rates have increased as a result of induced flooding risk from flood control or mitigation projects, as determined by the Director, except that the adjustment shall not reduce premium rates below the rate which would have been charged absent the risk of induced flooding from the flood control or mitigation projects.

"(3) FUNDS.—The Director shall carry out the program under this subsection with amounts, as the Director determines necessary, from the National Flood Insurance Fund under section 1310 and any other amounts that may be appropriated for such purpose.

"(4) REPORTS.—The Director shall submit a report to the Congress regarding the program under this subsection not later than the expiration of the 2-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994. The Director shall submit a report under this paragraph not less than every 2 years thereafter. Each report under this paragraph shall include an analysis of the cost-effectiveness and other accomplishments and shortcomings of the program and any recommendations of the Director for legislation regarding the program."

SEC. 302. FUNDING.

Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) for carrying out the program under section 1315(b);".

TITLE IV—MITIGATION OF FLOOD RISKS

SEC. 401. REPEAL OF FLOODED PROPERTY PURCHASE AND LOAN PROGRAM.

(a) REPEAL.—Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) is hereby repealed.

(b) TRANSITION PHASE.—Notwithstanding subsection (a), during the 1-year period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency may enter into loan and purchase commitments as provided under section 1362 of such Act (as in effect immediately before the enactment of this Act).

(c) SAVINGS PROVISION.—Notwithstanding subsection (a), the Director shall take any action necessary to comply with any purchase or loan commitment entered into before the expiration of the period referred to in subsection (b) pursuant to authority under section 1362 of the National Flood Insurance Act of 1968 or subsection (b).

SEC. 402. TERMINATION OF EROSION-THREATENED STRUCTURES PROGRAM.

(a) IN GENERAL.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by striking subsection (c).

(b) TRANSITION PHASE.—Notwithstanding subsection (a), during the 1-year period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency may pay amounts under flood insurance contracts for demolition or relocation of structures as provided in section 1306(c) of the National Flood Insurance Act of 1968 (as in effect immediately before the enactment of this Act).

(c) SAVINGS PROVISION.—Notwithstanding subsection (a), the Director shall take any action necessary to make payments under flood insurance contracts pursuant to any commitments made before the expiration of the period referred to in subsection (b) pursuant to the authority under section 1306(c) of the National Flood Insurance Act of 1968 or subsection (b).

(d) REPEAL OF FINDINGS PROVISION.—Section 1302 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001) is amended by striking subsection (g).

SEC. 403. MITIGATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"MITIGATION ASSISTANCE

"SEC. 1366. (a) AUTHORITY.—The Director shall carry out a program to provide financial assistance to States, communities, and individuals, using amounts made available from the National Flood Mitigation Fund under section 1367, for planning and carrying out activities designed to reduce the risk of flood damage to structures covered under contracts for flood insurance under this title. Such financial assistance shall be made available to States and communities in the form of grants under subsection (b) for planning assistance and to States, communities, and individuals in the form of grants under this section for carrying out mitigation activities.

"(b) PLANNING ASSISTANCE GRANTS.—

"(1) IN GENERAL.—The Director may make grants under this subsection to States and communities to assist in developing mitigation plans under subsection (c)(1).

"(2) FUNDING.—Of any amounts made available from the National Flood Mitigation Fund for use under this section in any fiscal year, the Director may use not more than

\$1,500,000 to provide planning assistance grants under this subsection.

“(3) LIMITATIONS.—

“(A) TIMING.—A grant under this subsection may be awarded to a State or community not more than once every 5 years and each grant may cover a period of 1 to 3 years.

“(B) SINGLE GRANTEE AMOUNT.—A grant for planning assistance may not exceed—

“(i) \$150,000, to any State; or

“(ii) \$50,000, to any community.

“(C) CUMULATIVE STATE GRANT AMOUNT.—The sum of the amounts of grants made under this subsection in any fiscal year to any one State and all communities located in such State may not exceed \$300,000.

“(c) ELIGIBILITY FOR MITIGATION ASSISTANCE.—

“(1) STATES AND COMMUNITIES.—To be eligible to receive financial assistance under this section for mitigation activities, a State or community shall develop, and have approved by the Director, a flood risk mitigation plan (in this section referred to as a ‘mitigation plan’), that describes the mitigation activities to be carried out with assistance provided under this section, is consistent with the criteria established by the Director under section 1361, and provides protection against flood losses to structures covered by contracts for flood insurance under this title. The mitigation plan shall be consistent with a comprehensive strategy for mitigation activities for the area affected by the mitigation plan, that has been adopted by the State or community following a public hearing.

“(2) INDIVIDUALS.—An individual shall be eligible to receive financial assistance under this section only if—

“(A) the individual submits to the Director, and the Director approves, an application for mitigation assistance that describes the mitigation activities to be carried out with assistance provided under this section;

“(B) the assistance provided under this section is to be used for mitigation activities for a structure that has been damaged as a result of a flood event that occurred not more than 60 days before the submission of the application for the assistance;

“(C) because of damage caused by the flood event, expenditures are necessary to bring the structure into compliance with the measures adopted by the applicable State or community pursuant to section 1315 and the mitigation activities described in the application will result in such compliance; and

“(D) the structure was covered by a contract for flood insurance at the time of the flood event.

“(d) NOTIFICATION OF APPROVAL AND GRANT AWARD.—

“(1) GENERAL STATE AND COMMUNITY PLANS.—Except as provided under paragraph (2), the Director shall notify a State or community submitting a mitigation plan of the approval or disapproval of the plan not later than 120 days after submission of the plan.

“(2) STATE AND COMMUNITY PLANS FOR MITIGATION ACTIVITIES TO RESPOND TO FLOOD EVENTS.—If a State or community submits a mitigation plan not later than 15 days after the occurrence of a flood event that proposes mitigation activities for structures damaged as a result of the flood event that are necessary to bring such structures into compliance with the measures adopted by the applicable State or community pursuant to section 1315, then the Director shall notify the State or community of the approval or disapproval of the plan not later than 30 days after submission of the plan.

“(3) INDIVIDUAL APPLICATIONS FOR MITIGATION ASSISTANCE TO RESPOND TO FLOOD

EVENTS.—The Director shall notify an individual who submits an application for mitigation assistance under subsection (c)(2) of the approval or disapproval of the application not later than—

“(A) 30 days after the submission of the application, except in cases described in subparagraph (B); or

“(B) in any case in which the structure subject to the application submitted by the individual is subject to a mitigation plan subsequently submitted under paragraph (2) by the State or community in which the structure is located, the expiration of the 30-day period referred to in paragraph (2).

“(4) NOTIFICATION OF DISAPPROVAL.—If the Director does not approve a mitigation plan or application submitted under this subsection, the Director shall notify, in writing, the State, community, or individual submitting the plan or application of the reasons for such disapproval.

“(5) AVAILABILITY OF GRANT AMOUNTS.—Any financial assistance to be provided under this section to an individual pursuant to an application for mitigation assistance submitted and approved under subsection (c)(2) shall be made available to the individual not later than 15 days after the individual is notified under paragraph (2) of this subsection of the approval of the application, unless otherwise agreed to by the Director and the individual.

“(e) ELIGIBLE MITIGATION ACTIVITIES.—

“(1) DETERMINATION.—Amounts provided under this section (other than under subsection (b)) may be used only for mitigation activities specified in an application for mitigation assistance or mitigation plan approved by the Director under subsection (d). The Director may approve only applications and mitigation plans that specify mitigation activities that the Director determines are technically feasible and cost-effective and only such applications and plans that propose activities that are cost-beneficial to the National Flood Mitigation Fund. The Director shall provide assistance under this section to the extent amounts are available in the National Flood Mitigation Fund pursuant to appropriation Acts, subject only to the absence of approvable applications and mitigation plans.

“(2) PRIORITY.—The Director shall make every effort to provide mitigation assistance under this section for applications and mitigation plans proposing activities for repetitive loss structures and structures that have incurred substantial damage.

“(3) ELIGIBLE ACTIVITIES.—The Director shall determine whether mitigation activities described in an application for mitigation assistance or a mitigation plan submitted under subsection (d) comply with the requirements under paragraph (1). Such activities may include—

“(A) demolition or relocation of any structure located on land that is along the shore of a lake or other body of water and is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or flooding;

“(B) elevation, relocation, demolition, or floodproofing of structures (including public structures) located in special flood hazard areas or other areas of flood risk;

“(C) acquisition by States and communities of properties (including public properties) located in special flood hazard areas or other areas of flood risk and properties substantially damaged by flood, for public use, as the Director determines is consistent with sound land management and use in such area;

“(D) minor physical mitigation efforts that do not duplicate the flood prevention activities of other Federal agencies and that lessen the frequency or severity of flooding and decrease predicted flood damages, which shall not include major flood control projects such as dikes, levees, seawalls, groins, and jetties unless the Director specifically determines in approving a mitigation plan that such activities are the most cost-effective mitigation activities for the National Flood Mitigation Fund;

“(E) beach nourishment activities;

“(F) the provision of technical assistance by States to communities and individuals to conduct eligible mitigation activities;

“(G) other activities that the Director considers appropriate and specifies in regulation; and

“(H) other mitigation activities not described in subparagraphs (A) through (F) or the regulations issued under subparagraph (G), that are described in the mitigation plan of a State or community or the application of an individual for mitigation assistance.

“(f) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

“(1) AMOUNT.—The sum of the amounts of mitigation assistance provided under this section during any 5-year period may not exceed—

“(A) \$10,000,000, to any State;

“(B) \$3,300,000, to any community; or

“(C) \$20,000, to any individual.

“(2) GEOGRAPHIC.—The sum of the amounts of mitigation assistance provided under this section during any 5-year period to any one State and all communities located in such State may not exceed \$20,000,000.

“(3) WAIVER.—The Director may waive the dollar amount limitations under subparagraphs (A) and (B) of paragraph (1) and paragraph (2) for any State or community for any 5-year period during which a major disaster or emergency declared by the President (pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act) as a result of flood conditions is in effect with respect to areas in the State or community.

“(g) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—The Director may not provide mitigation assistance under this section to a State, community, or individual in an amount exceeding 3 times the amount that the State, community, or individual certifies, as the Director shall require, that the State, community, or individual will contribute from non-Federal funds to develop a mitigation plan or application under subsection (c) and to carry out mitigation activities under the approved mitigation plan or application. In no case shall any in-kind contribution by any State, community, or individual exceed one-half of the amount of non-Federal funds contributed by the State, community, or individual.

“(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term ‘non-Federal funds’ includes State or local agency funds, in-kind contributions, any salary paid to staff to carry out the mitigation activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

“(h) OVERSIGHT OF MITIGATION PLANS.—The Director shall conduct oversight of recipients of mitigation assistance under this section to ensure that the assistance is used in compliance with the approved mitigation plans or applications of the recipients and that matching funds certified under sub-

section (g) are used in accordance with such certification.

“(i) RECAPTURE.—

“(1) NONCOMPLIANCE WITH PLAN.—If the Director determines that a State, community, or individual that has received mitigation assistance under this section has not carried out the mitigation activities as set forth in the mitigation plan or application, the Director shall recapture any unexpended amounts and deposit the amounts in the National Flood Mitigation Fund under section 1367.

“(2) FAILURE TO PROVIDE MATCHING FUNDS.—If the Director determines that a State, community, or individual that has received mitigation assistance under this section has not provided matching funds in the amount certified under subsection (g), the Director shall recapture any unexpended amounts of mitigation assistance exceeding 3 times the amount of such matching funds actually provided and deposit the amounts in the National Flood Mitigation Fund under section 1367.

“(j) REPORTS.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1994 and biennially thereafter, the Director shall submit a report to the Congress describing the status of mitigation activities carried out with assistance provided under this section.

“(k) DEFINITION OF COMMUNITY.—For purposes of this section, the term ‘community’ means—

“(1) a political subdivision that (A) has zoning and building code jurisdiction over a particular area of special flood hazards, and (B) is participating in the national flood insurance program; or

“(2) a political subdivision of a State, or other authority, that is designated to develop and administer a mitigation plan by political subdivisions, all of which meet the requirements of paragraph (1).”

(b) REGULATIONS.—Not later than 6 months after date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue regulations to carry out section 1366 of the National Flood Insurance Act of 1968, as added by subsection (a).

SEC. 404. ESTABLISHMENT OF NATIONAL FLOOD MITIGATION FUND.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

“NATIONAL FLOOD MITIGATION FUND

“SEC. 1367. (a) ESTABLISHMENT AND AVAILABILITY.—The Director shall establish in the Treasury of the United States a fund to be known as the National Flood Mitigation Fund, which shall be credited with amounts described in subsection (b) and shall be available, to the extent provided in appropriation Acts, for providing assistance under section 1366.

“(b) CREDITS.—The National Flood Mitigation Fund shall be credited with—

“(1) any premium surcharges assessed under section 1308(f);

“(2) any penalties collected under section 102(f) of the Flood Disaster Protection Act of 1973; and

“(3) any amounts recaptured under section 1366(i).

“(c) INVESTMENT.—If the Director determines that the amounts in the National Flood Mitigation Fund are in excess of amounts needed under subsection (a), the Director may invest any excess amounts the Director determines advisable in interest-bearing obligations issued or guaranteed by the United States.

“(d) REPORT.—The Director shall submit a report to the Congress not later than the expiration of the 1-year period beginning on the date of the enactment of this Act and not less than once during each successive 2-year period thereafter. The report shall describe the status of the Fund and any activities carried out with amounts from the Fund.”

(b) NATIONAL FLOOD INSURANCE FUND AS SEPARATE ACCOUNT.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended in the matter preceding paragraph (1)—

(1) by striking “is authorized to” and inserting “shall”; and

(2) by inserting after “which shall be” the following: “an account separate from any other accounts or funds available to the Director and shall be”.

SEC. 405. INSURANCE PREMIUM MITIGATION SURCHARGE.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

“(f) INSURANCE PREMIUM MITIGATION SURCHARGE.—

“(1) ASSESSMENT.—Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title issued or renewed after the date of the enactment of the National Flood Insurance Reform Act of 1994, a mitigation surcharge of—

“(A) \$10 per policy term, for policies having a total coverage amount of \$150,000 or less that cover structures that are principal residences;

“(B) \$20 per policy term, for policies having a total coverage amount of more than \$150,000 that cover structures that are principal residences; and

“(C) the amount established by the Director not to exceed \$40 per policy term, for policies covering other structures.

“(2) DEPOSIT IN MITIGATION FUND.—Any mitigation surcharges collected shall be paid into the National Flood Mitigation Fund under section 1367.

“(3) EXEMPTION.—The mitigation surcharges shall not be subject to any agents’ commissions, company expenses allowances, or State or local premium taxes.”

SEC. 406. STUDY OF MITIGATION INSURANCE.

(a) STUDY.—The Director of the Federal Emergency Management Agency shall conduct a study to determine the feasibility of providing, as part of the flood insurance policy, insurance coverage to provide for increases in the costs of repair and reconstruction of repetitively and substantially flood-damaged insured buildings, in order to repair, reconstruct, or otherwise mitigate future hazards to those buildings to comply with local building codes and floodplain management ordinances to the greatest extent possible. In conducting the study, the Director shall seek involvement from other Federal, State, and local agencies, and representation from the insurance, construction, and floodplain management interests. Under the study the Director shall—

(1) identify potential activities related to repair, reconstruction, or otherwise achieving mitigation required to comply with standards under the national flood insurance program and local building codes, and evaluate the costs of such activities;

(2) evaluate how such insurance coverage could be utilized to achieve economically justified acquisition, relocation, or elevation of certain structures under certain circumstances;

(3) evaluate the cost of providing the additional coverage and investigate a full range

of measures for funding such costs, including changes in coverage, rates, and deductibles;

(4) evaluate the effects changes identified in paragraph (3) would have on the entire policy base, the cost of flood insurance, retention of policies, marketing of policies, the number and magnitude of claims paid, and the economic soundness and value of flood-prone property, and provide detail on such effects by State and, for communities participating in the national flood insurance program, by community; and

(5) identify mechanisms required to identify qualifying structures, determine appropriate mitigation measures, coordinate with State and local officials, provide consistency with State and local plans and programs, deliver the increased insurance payments, and verify appropriate actions by policyholders.

(b) REPORT.—The Director shall submit to the Congress a report describing the study not later than the expiration of the 18-month period beginning on the date of the enactment of this Act. The report shall include conclusions and recommendations of the Director in conducting the study.

TITLE V—FLOOD INSURANCE TASK FORCE

SEC. 501. FLOOD INSURANCE INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established an interagency task force to be known as the Flood Insurance Task Force (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 12 members, who shall be the designees of—

(A) the Federal Insurance Administrator;

(B) the Federal Housing Commissioner;

(C) the Secretary of Veterans Affairs;

(D) the Administrator of the Farmers Home Administration;

(E) the Administrator of the Small Business Administration;

(F) a designee of the Financial Institutions Examination Council;

(G) the chairman of the Board of Directors of the Federal Home Loan Mortgage Corporation;

(H) the chairman of the Board of Directors of the Federal National Mortgage Association;

(I) the Under Secretary of Commerce for Oceans and Atmosphere;

(J) the Director of the United States Fish and Wildlife Service;

(K) the Administrator of the Environmental Protection Agency; and

(L) the Secretary of the Army, acting through the Chief of Engineers.

(2) QUALIFICATIONS.—Members of the Task Force shall be designated for membership on the Task Force by reason of demonstrated knowledge and competence regarding the national flood insurance program.

(c) DUTIES.—The Task Force shall carry out the following duties:

(1) Make recommendations to the head of each Federal agency and enterprise referred to under subsection (b)(1) regarding establishment or adoption of standardized enforcement procedures among such agencies and corporations responsible for enforcing compliance with the requirements under the national flood insurance program to ensure fullest possible compliance with such requirements.

(2) Conduct a study of the extent to which Federal agencies and the secondary mortgage market can provide assistance in ensuring compliance with the requirements under the national flood insurance program and submit to the Congress a report describing the study and any conclusions.

(3) Conduct a study of the extent to which existing programs of Federal agencies and corporations for compliance with the requirements under the national flood insurance program can serve as a model for other Federal agencies responsible for enforcing compliance, and submit to the Congress a report describing the study and any conclusions.

(4) Develop guidelines regarding enforcement and compliance procedures, based on the studies and findings of the Task Force, and publish the guidelines in a usable format.

(d) NONCOMPENSATION.—Members of the Task Force shall receive no additional pay by reason of their service on the Task Force.

(e) CHAIRPERSON.—The members of the Task Force shall elect one member as chairperson of the Task Force.

(f) MEETINGS AND ACTION.—The Task Force shall meet at the call of the chairman or a majority of the members of the Task Force and may take action by a vote of the majority of the members. The Federal Insurance Administrator shall coordinate and call the initial meeting of the Task Force.

(g) OFFICERS.—The chairperson of the Task Force may appoint any officers to carry out the duties of the Task Force under subsection (c).

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Task Force, the head of any of the Federal agencies and corporations referred to under subsection (b)(1) may detail, on a nonreimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(i) POWERS.—In carrying out this section, the Task Force may hold hearings, sit and act at times and places, take testimony, receive evidence and assistance, provide information, and conduct research as the Task Force considers appropriate.

(j) SUBCOMMITTEE ON NATURAL AND BENEFICIAL FUNCTIONS OF THE FLOODPLAIN.—The members of the Task Force appointed under subparagraphs (I), (J), (K), and (L) of subsection (b)(1) shall constitute a select subcommittee which, in addition to carrying out the duties under subsection (c), shall make recommendations regarding the implementation of the provisions of the National Flood Insurance Act of 1968 that deal with protection of the natural and beneficial functions of the floodplain.

(k) TERMINATION.—The Task Force shall terminate upon the expiration of the 24-month period beginning upon the designation of the last member to be designated under subsection (b)(1).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. EXTENSION OF FLOOD INSURANCE PROGRAM.

(a) IN GENERAL.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1995" and inserting "September 30, 1996".

(b) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1995" and inserting "September 30, 1996".

SEC. 602. LIMITATION ON PREMIUM INCREASES.

(a) PROPERTY-SPECIFIC LIMITATION.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in subsection (c), by striking "Notwithstanding any other provision of this title" and inserting "Subject only to the limitation under subsection (e)"; and

(2) by inserting after subsection (d) the following new subsection:

"(e) ANNUAL LIMITATION ON PREMIUM INCREASES.—Notwithstanding any other provision of this title, the risk premium rate for flood insurance that is charged under this title for any property may not be increased in an amount that would result in such rate increases for the property during any 12-month period exceeding 10 percent of the amount of the risk premium rate applicable to the property upon the commencement of such 12-month period."

(b) REPEAL OF PROGRAM-WIDE LIMITATION.—Subsection (d) of section 541 of the Housing and Community Development Act of 1987 (42 U.S.C. 4015 note) is hereby repealed.

SEC. 603. MAXIMUM FLOOD INSURANCE COVERAGE AMOUNTS.

(a) IN GENERAL.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended as follows:

(1) RESIDENTIAL PROPERTY.—In paragraph (2), by striking "an amount of \$150,000 under the provisions of this clause" and inserting the following: "a total amount (including such limits specified in paragraph (1)(A)(i)) equal to the dollar amount limitation pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act in effect for a single-family residence";

(2) RESIDENTIAL PROPERTY CONTENTS.—In paragraph (3), by striking "an amount of \$50,000 under the provisions of this clause" and inserting the following: "a total amount (including such limits specified in paragraph (1)(A)(ii)) of \$100,000";

(3) NONRESIDENTIAL PROPERTY AND CONTENTS.—By striking paragraph (4) and inserting the following new paragraph:

"(4) in the case of any nonresidential property, including churches, for which the risk premium rate is determined in accordance with the provisions of section 1307(a)(1), additional flood insurance in excess of the limits specified in subparagraphs (B) and (C) of paragraph (1) shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure, up to a total amount (including such limits specified in subparagraph (B) or (C) or paragraph (1), as applicable) of \$500,000 for each structure and \$500,000 for any contents related to each structure; and"

(b) REMOVAL OF CEILING ON COVERAGE REQUIRED.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (5), by striking "; and" at the end and inserting a period; and

(2) by striking paragraph (6).

SEC. 604. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH PRIVATE INSURANCE ENTITIES.

Section 1345(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(b)) is amended by striking the period at the end and inserting the following: "and without regard to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.)".

SEC. 605. UPDATING OF FLOOD MAPS.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsections:

"(e) REVIEW OF FLOOD MAPS.—Once during each 5-year period (the 1st such period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994) or more often as the Director determines necessary, the Director shall assess the need to revise and update all floodplain areas and flood risk zones identified, delineated, or established under this section.

"(f) UPDATING FLOOD MAPS.—The Director shall revise and update any floodplain areas and flood-risk zones—

"(1) upon the determination of the Director, according to the assessment under subsection (e), that revision and updating are necessary for the areas and zones; or

"(2) upon the request from any State or local government stating that specific floodplain areas or flood-risk zones in the State or locality need revision or updating, if sufficient technical data justifying the request is submitted and the unit of government making the request agrees to provide funds in an amount equal to the amount of funds provided by the Director (or the equivalent value of data, technical analysis, or other in-kind services) for the requested revision or update.

"(g) AVAILABILITY OF FLOOD MAPS.—To promote compliance with the requirements of this title, the Director shall make flood insurance rate maps and related information available free of charge to State agencies directly responsible for coordinating the national flood insurance program and to appropriate representatives of communities participating in the national flood insurance program, and at a reasonable cost to all other persons. Any receipts resulting from this subsection shall be deposited in the National Flood Insurance Fund, pursuant to section 1310(b)(6).

"(h) NOTIFICATION OF FLOOD MAP CHANGES.—The Director shall cause notice to be published in the Federal Register (or shall provide notice by another comparable method) of any change to flood insurance map panels and any change to flood insurance map panels issued in the form of a letter of map amendment or a letter of map revision. Such notice shall be published or otherwise provided not later than 30 days after the map change or revision becomes effective. Notice by any method other than publication in the Federal Register shall include all pertinent information, provide for regular and frequent distribution, and be at least as accessible to map users as notice in the Federal Register. All notices under this subsection shall include information on how to obtain copies of the changes or revisions.

"(i) COMPENDIA OF FLOOD MAP CHANGES.—Every 6 months, the Director shall publish separately in their entirety within a compendium, all changes and revisions to flood insurance map panels and all letters of map amendment and letters of map revision for which notice was published in the Federal Register or otherwise provided during the preceding 6 months. The Director shall make such compendia available, free of charge, to States and communities participating in the national flood insurance program pursuant to section 1310 and at cost to all other parties. Any receipts resulting from this subsection shall be deposited in the National Flood Insurance Fund, pursuant to section 1310(b)(6)."

SEC. 606. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director of the Federal Emergency Management Agency, or the Director's designee, and 11 additional members to be appointed by the Director or the designee of the Director, and shall include—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or his or her designee);

(B) a member of recognized surveying and mapping professional associations and organizations;

(C) a member of recognized professional engineering associations and organizations;

(D) a member of recognized professional associations or organizations representing flood hazard determination firms;

(E) a representative of the United States Geologic Survey;

(F) a representative of State geologic survey programs;

(G) a representative of State national flood insurance coordination offices; and

(H) a representative of a regulated lending institution.

(2) **QUALIFICATIONS.**—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) **DUTIES.**—The Council shall—

(1) make recommendations to the Director on how to improve in a cost-effective manner the accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps;

(2) recommend to the Director mapping standards and guidelines for flood insurance rate maps; and

(3) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as established pursuant to the amendment made by section 605; and

(C) a summary of recommendations made by the Council to the Director.

(d) **CHAIRPERSON.**—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the "Chairperson").

(e) **COORDINATION.**—To ensure that the Council's recommendations are consistent to the maximum extent practicable with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A-16).

(f) **COMPENSATION.**—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(g) **MEETINGS AND ACTIONS.**—

(1) **IN GENERAL.**—The Council shall meet not less than twice each year at the request of the Chairperson or a majority of its members and may take action by a vote of the majority of the members.

(2) **INITIAL MEETING.**—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(h) **OFFICERS.**—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(i) **STAFF OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.**—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(j) **POWERS.**—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research as it considers appropriate.

(k) **TERMINATION.**—The Council shall terminate 5 years after the date on which all members of the Council have been appointed under subsection (b)(1).

SEC. 607. EVALUATION OF EROSION HAZARDS.

(a) **REPORT REQUIREMENT.**—The Director of the Federal Emergency Management Agency

(in this section referred to as the "Director") shall submit a report under this section to the Congress evaluating erosion hazards, determining the economic impact of erosion hazards, and assessing the costs and benefits of mapping erosion hazard areas.

(b) **EROSION HAZARD AREAS AND NFIP COSTS.**—The report required under this section shall—

(1) identify all communities that are likely to be identified as having erosion hazard areas;

(2) estimate the amount of flood insurance claims under the national flood insurance program that are attributable to erosion;

(3) state the amount of flood insurance claims under such program that are attributable to claims under section 1306(c) of the National Flood Insurance Act of 1968;

(4) assess the full economic impact of erosion on the National Flood Insurance Fund; and

(5) determine the costs and benefits of expenditures necessary from the National Flood Insurance Fund to complete mapping of erosion hazard areas.

To identify communities under paragraph (1), the Director may map a statistically valid and representative number of communities with erosion hazard areas throughout the United States, including coastal, Great Lakes, and, if technologically feasible, riverine areas. The information provided under this subsection shall take into consideration the efforts of State and local governments to assess, measure, and reduce erosion hazards.

(c) **ECONOMIC IMPACT.**—The report under this section shall—

(1) assess the economic impact of—

(A) the mapping of erosion hazard areas;

(B) the denial of flood insurance for structures that are newly constructed in whole in communities likely to be identified as having erosion hazard areas and the establishment of actuarial rates for existing structures in such communities;

(C) the denial of flood insurance pursuant to existing requirements for coverage under the national flood insurance program; and

(D) erosion hazard management activities undertaken by State and local governments, including building restrictions, beach nourishment, construction of sea walls and levees, and other activities that reduce the risk of damage due to erosion; and

(2) address the economic impact of designating erosion hazard areas on—

(A) the value of residential and commercial properties in communities with erosion hazards;

(B) community tax revenues due to potential changes in property values or commercial activity;

(C) employment, including the potential loss or gain of existing and new jobs in the community;

(D) existing businesses and future economic development; and

(E) the estimated cost of Federal and State disaster assistance to flood victims.

(d) **COSTS AND BENEFITS OF MAPPING.**—The report under this section shall—

(1) determine the costs and benefits of mapping erosion hazard areas, based upon the Director's estimate of the actual and prospective amount of flood insurance claims attributable to erosion, and if the Director determines that the savings to the National Flood Insurance Fund will exceed the cost of mapping erosion hazard areas, the report shall assess whether using flood insurance premiums for costs of mapping erosion hazard areas is cost-beneficial compared to

alternative uses of such amounts, including—

(A) funding the mitigation assistance program under section 1366 of the National Flood Insurance Act of 1968 (as added by section 403 of this Act); and

(B) funding a program that would provide additional coverage under the national flood insurance program for compliance with land use and control measures; and

(C) reviewing, revising, and updating flood insurance rate maps under subsections (e) and (f) of section 1360 of the National Flood Insurance Act of 1968 (as added by the amendment made by section 605 of this Act);

(2) if the Director determines under subsection (b) that mapping of riverine areas for erosion hazard areas is technologically feasible, determine the costs and benefits of mapping erosion in riverine areas; and

(3) determine the costs and benefits of mapping erosion, other than those directly related to the financial condition of the National Flood Insurance Program, and the costs of not mapping erosion.

(e) **DEFINITION.**—For purposes of this section, the term "erosion hazard area" means, based on erosion rate information and other historical data available, an area where erosion or avulsion is likely to result in damage to or loss of buildings and infrastructure within a 60-year period.

(f) **PROCEDURE.**—

(1) **PREPARATION AND SUBMISSION.**—The report required under this section shall be prepared by a private independent entity selected by the Director. The Director shall submit the report to the Congress as soon as practicable, but not later than 2 years after the date of the enactment of this Act.

(2) **CONSULTATION.**—In preparing the report, the private entity shall consult with—

(A) a statistically valid and representative number of communities likely to be identified as having erosion hazard areas;

(B) representatives from State coastal zone management programs approved under section 306 of the Coastal Zone Management Act of 1972;

(C) the Administrator of the National Oceanic and Atmospheric Administration;

(D) the Director of the Federal Emergency Management Agency; and

(E) any other persons, officials, or entities that the Director considers appropriate.

(g) **AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND.**—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "(except as otherwise provided in this section)" after "without fiscal year limitation"; and

(2) by inserting after paragraph (5) (as added by the preceding provisions of this Act) the following new paragraph:

"(6) for costs of preparing the report under section 607 of the National Flood Insurance Reform Act of 1994, except that the fund shall be available for the purpose under this paragraph in an amount not to exceed an aggregate of \$5,000,000 over the 2-year period beginning on the date of the enactment of the National Flood Insurance Reform Act of 1994; and"

SEC. 608. STUDY OF ECONOMIC EFFECTS OF CHARGING ACTUARIALLY-BASED PREMIUM RATES FOR PRE-FIRM STRUCTURES.

(a) **STUDY.**—The Director of the Federal Emergency Management Agency (in this section referred to as the "Director") shall conduct a study of the economic effects that would result from increasing premium rates for flood insurance coverage made available

under the national flood insurance program for pre-FIRM structures to the full actuarial risk based premium rate determined under section 1307(a)(1) of the National Flood Insurance Act of 1968 for the area in which the property is located. In conducting the study, the Director shall—

(1) determine each area that would be subject to such increased premium rates; and
(2) for each such area, determine—

(A) the amount by which premium rates would be increased;

(B) the number and types of properties affected and the number and types of properties covered by flood insurance under this title likely to cancel such insurance if the rate increases were made;

(C) the effects that the increased premium rates would have on land values and property taxes; and

(D) any other effects that the increased premium rates would have on the economy and homeowners.

(b) DEFINITION OF "PRE-FIRM STRUCTURE".—For purposes of subsection (a), the term "pre-FIRM structure" means a structure that was not constructed or substantially improved after the later of—

(1) December 31, 1974; or

(2) the effective date of the initial rate map published by the Director under section 1360(a)(2) of the National Flood Insurance Act of 1968 for the area in which such structure is located.

(c) REPORT.—The Director shall submit a report to the Congress describing and explaining the findings of the study conducted under this section. The report shall be submitted not later than 12 months after the date of the enactment of this Act.

SEC. 609. EFFECTIVE DATES OF POLICIES.

(a) 30-DAY DELAY.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(c) EFFECTIVE DATE OF POLICIES.—

"(1) WAITING PERIOD.—Except as provided in paragraph (2), coverage under a new contract for flood insurance coverage under this title entered into after the date of the enactment of the National Flood Insurance Reform Act of 1994, and any modification to coverage under an existing flood insurance contract made after such date, shall become effective upon the expiration of the 30-day period beginning on the date that all obligations for such coverage (including completion of the application and payment of any initial premiums owed) are satisfactorily completed.

"(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to coverage under a flood insurance contract for newly constructed property and coverage for newly acquired property, that is obtained before or upon the completion of the construction or transfer of title to the property, as applicable."

(b) STUDY.—The Director of the Federal Emergency Management Agency shall conduct a study to determine the appropriateness of existing requirements regarding the effective date and time of coverage under flood insurance contracts obtained through the national flood insurance program. In conducting the study, the Director shall determine whether any delay between the time of purchase of flood insurance coverage and the time of initial effectiveness of the coverage should differ for various classes of properties (based upon the type of property, location of the property, or any other factors related to the property) or for various cir-

cumstances under which such insurance was purchased. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director shall submit to the Congress a report on the results of the study.

SEC. 610. REGULATIONS.

The Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and any appropriate head of any Federal agency may each issue any regulations necessary to carry out the applicable provisions of this Act and the applicable amendments made by this Act.

SEC. 611. RELATION TO STATE AND LOCAL LAWS.

This Act and the amendments made by this Act may not be construed to preempt, annul, alter, amend, or exempt any person from compliance with any law, ordinance, or regulation of any State or local government with respect to land use, management, or control.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ], the chairman of the full Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. Mr. Speaker, I rise in support of H.R. 3191, a bill to reauthorize the National Flood Insurance Program.

Let me first commend the work of the members of the Banking Committee's Subcommittee on Consumer Credit and Insurance, chaired by Congressman JOE KENNEDY. Chairman KENNEDY and his ranking member on the minority side, Congressman AL MCCANDLESS, worked hard to bring strong bipartisan support for this bill. H.R. 3193 was reported from the Banking Committee on a 40-to-10 vote. I am pleased to report that further modifications have been made to satisfy the objections of those Members who had concerns about erosion zone mapping provisions in the version of the bill passed by the committee.

We must reauthorize the national flood insurance as soon as possible. We cannot afford to do otherwise. Without a viable Federal flood insurance program, every time property damage is caused by rising flood waters, we would be hard pressed to deny our constituents' appeals for financial assistance.

To provide flood insurance when the private insurance companies could not do so, the Congress first established the National Flood Insurance Program in 1968. But, the present program is flawed and in debt because it is too easy for those living in flood prone areas to roll the dice, drop out of the flood insurance program, and take their chances with Mother Nature. H.R. 3191 remedies these problems by strengthening mandatory insurance purchase requirements and takes other appropriate steps to ensure that there will be adequate funds to honor future insurance claims. These actions at the same time control the premium price increases. Let me assure my colleagues that cost to taxpayers for participation on the Federal flood insurance program will remain affordable.

The legislation before the House today makes sweeping and necessary changes to the Flood Insurance Program. They deserve your support. Vote "aye" on H.R. 3191.

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

Mr. Speaker, I want to thank the chairman of this committee, Mr. GONZALEZ, as well as the ranking member, Mr. LEACH, for their efforts to bring this legislation to the floor today. Let me also acknowledge the ranking member of the Consumer Subcommittee, Mr. MCCANDLESS, for all of his hard work in moving this bill through the committee successfully. I want to particularly commend Mr. BACCHUS of Florida for his constructive suggestions which have helped to improve the bill. Most importantly, I want to recognize Mr. BEREUTER. No one has done more than he to awaken the Congress to the need to reform this program, and his handiwork can be seen in many of the provisions of the bill we consider today.

Mr. Speaker, H.R. 3191, The National Flood Insurance Reform Act of 1994, contains several much-needed reforms to the National Flood Insurance Program. This program was established in 1968 by Congress to provide federally backed flood insurance to homes and businesses located in flood-prone areas.

As of today, this program is technically insolvent. Premiums paid into the flood insurance fund are not keeping up with claims paid out of it. Consequently, FEMA was forced earlier this year to borrow \$100 million from the Treasury. If long-range weather forecasts of increased flooding hold true, and if the income to the program remains inadequate, we face the prospect of a taxpayer bailout of the flood program. Such a bailout was required in the mid-1980's, when \$1.2 billion of taxpayer funds were needed to keep the fund solvent.

The bill that we have brought to the floor today contains three primary reforms that are intended to prevent another bailout:

First, it will increase the number of people covered by flood insurance. The program suffers from an extremely low participation rate. Nationwide, only 17 percent of all homes located in flood hazard areas are covered by flood insurance. In the Midwest States most hard-hit by last year's floods, the compliance rate is even lower—about 10 percent. If everyone affected by these floods had had flood insurance, the Federal Government's cost of cleaning up the disaster would've been cut by close to \$2 billion, and homeowners would have received more in insurance payments than they received in disaster aid. So flood insurance is a win-win proposition: The more people who have it, the better for them and the Federal taxpayer.

To improve participation in the flood program, H.R. 3191 requires lenders to

escrow flood insurance premiums where they are already escrowing for other purposes. That way, a homeowner will not be able to discontinue paying for flood insurance after a year or two, as so often happens today. It also requires lenders to force-place flood insurance if a borrower in a flood-hazard area refuses to buy it as required by law. And it will require mortgage bankers—who make half of all mortgages today—to meet the same standards as federally insured banks and thrifts when it comes to enforcing flood insurance purchase requirements. These changes will go a long way toward improving the financial health of the fund, and at the same time give more homeowners the protection of flood insurance.

The second reform contained in H.R. 3191 is the creation of a mitigation fund to help homeowners and communities reduce the risk of flood damage. This fund will provide up to \$65 million per year to relocate and elevate homes, to nourish beaches, and to build sea walls and levees. Individuals who suffer from major flooding will get particular attention from this provision; FEMA will have to pass on their application within 30 days, so they can get the help they need to rebuild to safe standards. This fund is based on the adage that an ounce of prevention is worth a pound of cure. It will save money for the program, and save heartache for the homeowner.

The third major reform in this legislation is a study of the problem of erosion. According to the Army Corps of Engineers, 25 percent of our Nation's coastline is currently eroding at varying rates of speed. Many State and local governments have taken steps to deal with this reality. North Carolina has banned construction in erosion-prone areas since 1974. South Carolina has had such a ban since 1988. In Maryland, the town of Ocean City has built jetties, and regularly replenishes its beaches.

The Federal Government has yet to come to grips with the problem of erosion. We continue to insure properties built on land that could be literally washed away in a few years. Many have asked whether that is a risk worth taking. H.R. 3191 will help us get answers to that question. It requires FEMA to assess where erosion is happening, how communities are dealing with it, and what its impact is on the flood program. I am confident that the information we get from this study will allow us to make wise policy choices in the future that both protect the taxpayer and support coastal and river economies.

In sum, this legislation will bring about urgently needed reforms in the Federal Flood Insurance Program. It will help avoid a taxpayer bailout, and increase the number of homes and businesses protected by flood insurance. I urge its adoption.

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

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

Mr. Speaker, the bill we are considering this morning is a compromise bill to reform the National Flood Insurance Program [NFIP]. The NFIP is administered by the Federal Emergency Management Agency [FEMA] and enables property owners in participating communities to purchase insurance coverage against flood-related damage. Many of the changes that the bill makes to the flood insurance program are supported by FEMA and other organizations—both public and private—who work with FEMA to administer the flood insurance program.

The original version of this bill was passed by the Banking Committee last year with bipartisan support—40-10. I think the changes that are included in this compromise bill will enjoy even greater support.

The bill is intended to accomplish three objectives. First to increase the participation rate in the National Flood Insurance Program. Second, to encourage States, communities, and individuals to mitigate the effects of future flooding. Finally, to assess the economic impact of mapping—or not mapping—erosion hazard areas.

Although the bill is straight forward, I want to discuss the areas mentioned.

INCREASED PARTICIPATION

According to FEMA, only about 17 percent of those who live in special flood hazard areas and who should have flood insurance policyholders. The bill requires lenders who make mortgages in such areas to make sure that flood insurance is in place whenever they make increase, extend, or renew a mortgage. In addition, this bill requires lenders to escrow for flood insurance payments if they escrow for other items and authorizes them to purchase flood insurance for borrowers who fail to do so.

The provisions of the bill concerning increased participation are supported by the American Bankers Association and the Mortgage Bankers Association.

MITIGATION ACTIVITIES

This bill institutes a self-sustaining grant program to fund activities to mitigate or minimize the effects of future flooding. While the original bill only made States and communities eligible for such grants, this compromise bill makes individuals eligible as well.

The bill is not intended to promote large-scale construction projects such as dams or levees. Rather, it is intended to encourage States, communities, and individuals to elevate, relocate or demolish structures that are repeatedly flooded.

While this bill lists a number of activities that are eligible for grants, it permits FEMA to approve only those that it determines are cost-effective to the Flood Insurance Program.

STUDY OF MAPPING EROSION HAZARD AREAS

The provisions of this compromise bill are quite different than those of the original bill with regard to the issue of erosion. Instead of requiring FEMA to map coastal areas subject to high rates of erosion, this compromise bill requires a comprehensive study of the issue. The study, which will be performed by an independent organization and which is due in 2 years, should give Congress the information it needs to decide whether the availability of flood insurance should be restricted in some areas.

The provisions of this bill concerning the study of erosion are supported by the National Association of Realtors and the National Association of Homebuilders.

I want to reiterate to my colleagues that it is important we pass this bill. While it may not solve all of the flood insurance problems, it contains many provisions that will go a long way toward addressing them.

The House and Senate Banking Committees will soon meet to reconcile differences between two bills concerning community development banks. The Senate included in its bill language to reform the National Flood Insurance Program. It is important that we pass this bill to ensure that the interests of our Members are represented at that conference.

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

□ 1300

Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has spent so much time on this bill.

Mr. BEREUTER. Mr. Speaker, I rise in support of this legislation. However, I regret to say that the measure represents a very modest reform indeed and does not really provide real reform to the National Flood Insurance Program in many areas. Nevertheless, we are making some steps forward, and I realize that the chairman of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], had to make some compromises to move the legislation to this stage so we are able to engage in a conference on this subject with our colleagues in the other body.

I very much appreciate the gentleman's kind words, as well as those of the gentleman from California [Mr. McCANDLESS], with respect to my involvement in this issue. I would have to share credit, I must say, with two of our former colleagues, Ben Erdreich of Alabama and Tom Carper of Delaware. Those two gentlemen with this Member advanced legislation in the previous Congress which was very strong legislation indeed and which passed this body, and indeed the portions relating to lender compliance and also community rating systems are based, I think it is fair to say, on work accomplished in that previous legislation.

The NFIP was created in 1968 to provide otherwise unobtainable flood insurance to flood-prone properties throughout the United States. But the NFIP is failing in its mission. It is now:

Riddled with opportunities for ridiculous abuse by property owners,

Faced with an insolvent insurance fund, due in large part, to abysmal lender compliance; and

Operating as a huge interstate and intrastate cross-subsidy program for owners of repetitive-loss structures and for property owners located on some hazardous beaches, lakeshores, and river flood plains.

Now let me list a few of the very specific weaknesses of the NFIP. It is vital for this Congress to enact a NFIP reform bill, as the problems facing the program are readily apparent. Below, I would like to highlight at least three major areas of deficiencies with the existing NFIP.

First, the program currently allows policyholders in areas of the country that are repeatedly hit by heavy rains and storms to use their flood insurance policy to regularly rebuild and refurbish their repetitive-loss buildings. Some homeowners along the lower reaches of the Mississippi River system refer to it as the "carpet renewal" policy, since they are hit with river flooding every 6 or 7 years and use the Government payments to replace their water-damaged carpet.

According to data provided by the Federal Insurance Administration [FIA], these types of repetitive loss structures are not uniformly distributed across the Nation. Two States, Louisiana and Texas, account for 44.5 percent of all repetitive losses. Ten States account for 83.1 percent of these losses.

Second, the Federal Government, through the NFIP, is literally giving away major insurance benefits to beachfront property owners.

According to data provided by the National Academy of Sciences, continued insurance of structures located on the eroding coastlines will pose a significant financial threat to the NFIP. The scientific community has concluded that the Nation's Atlantic and gulf shorelines are severely eroding in many areas and will continue to move in future years. This, in turn, will have an impact on the solvency of the NFIP, since the program is not including these long-term erosion hazards in its insurance rate calculations.

As a result, we have a situation in which NFIP will be bailing out more beach-front property owners at the expense of the policyholders in other parts of the country. It is reported that as many as 43 percent of all policyholders may pay less than 34 percent of the proper risk-based premium costs to insure their home or business.

Third, we must recognize a massive failure on the part of lenders to comply

with existing law that requires flood insurance as a condition for obtaining a mortgage if the structure is located in a flood-prone area. FIA estimates that NFIP is covering only the 18 percent of the total number of homes and other types of structures that should be covered by a flood insurance policy.

But to its credit, H.R. 3191 does improve lender compliance with the National Flood Insurance Program by prohibiting federally regulated lenders, and mortgage bankers, from making, extending, or renewing any loan secured by property in a special flood area unless flood insurance is in effect for the term of the loan.

Increasing lender compliance is a step in the right direction, but as a representative of the National Taxpayers Union has said, it's really just "adding a bucket without turning off the faucet."

Another provision in H.R. 3191 provides that to be eligible for flood insurance benefits, an individual must have purchased flood insurance 30 days prior to a flood event. This provision, which this Member originated and advocated, does greatly improve the NFIP by eliminating the current situation where an individual can see the flood waters rising before actually purchasing flood insurance. Under current FEMA regulations, flood insurance can be purchased in as little as 5 days before flooding occurs.

Also, the bill does provide for individual mitigation grants of up to \$20,000—subject to a 25-percent match requirement—to move some flood insurance beneficiaries out of high risk flood zones or to bring structures in flood zones up to appropriate levels of safety from flooding.

Where the bill really fails, however, is in the fact that it does nothing to deter new construction in erosion zones. The study called for in the bill is simply a delaying tactic to put off real reform and continues to expose the NFIP to the risk of insolvency as flood insurance is made available to structures located in high risk erosion zones.

Real reform has been opposed nationally by the National Association of Realtors and the National Association of Homebuilders who are putting the interests of a small number of their members ahead of the solvency of the National Flood Insurance Program and the interest of the American taxpayers who will be forced to bail out the fund when the inevitable bankruptcy of the fund occurs.

Mr. Speaker, real reform of the NFIP would, at the very least, discourage new construction and new flood insurance coverage in high risk erosion zones. This legislation does not. While it does not expose the flood insurance fund to additional risk, it does little to ensure the long-term solvency of the fund.

Mr. Speaker, I regret that we will be forced to revisit this issue again because we are unwilling to make the choices necessary to ensure its solvency now.

□ 1310

Mr. MCCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LAZIO], a member of the subcommittee and the Committee on Banking, Finance and Urban Affairs.

Mr. LAZIO. Mr. Speaker, I rise today in support of the committee amendment to H.R. 3191, the National Flood Insurance Reform Act.

I represent thousands of middle-class coastal residents who would have been adversely affected by this bill as reported by the House Banking Committee. The economic recovery has yet to show signs of life on Long Island and the committee provisions of sections 407 and 604 would have further depressed the real estate industry in my district.

Thanks to the work of the subcommittee chairman, the ranking member of the subcommittee, Mr. MCCANDLESS and his staff, and the distinguished Member from Florida, Mr. BACCHUS, a sound compromise is before the House and it deserves our support.

The compromise ensures compliance with the National Flood Insurance Program through lender compliance provisions which enjoy widespread support from the lending industry. Therefore, more people will be paying into the National Flood Insurance Fund, more structures will meet minimum building codes, and lenders will have expanded powers to protect their collateral.

The compromise mandates a study of the controversial erosion hazard zones. FEMA will have the authority to map erosion hazard zones in a sample survey of communities around the country. FEMA will also conduct a cost-benefit analysis of erosion hazard maps to determine if nationwide mapping will save the National Flood Insurance Fund money. FEMA will also study the economic effects of such mapping on the affected communities. Many coastal communities rely on property taxes from coastal residents to pay for their local firemen, policemen, and teachers. The compromise recognizes the importance of giving Congress the facts first so an informed decision can be made.

While I will vote for H.R. 3191, I still have some reservations concerning the bill's purposes clause, the community rating system, and mitigation provisions. However, these items should be addressed in conference and not be used to block an otherwise good bill. I urge Members to support the bill.

Mr. KENNEDY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Speaker, I thank the chairman for yielding. I thank you especially for your kind

words earlier today. Let me assure the gentleman, as far as I am concerned, you are one of the brightest and best Members of the Congress.

I want to say also I feel just as much about the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from California [Mr. MCCANDLESS]. They are two of the finest Members of the Congress as well, and I am proud to be working with them here in this spirit of compromise today.

Mr. Speaker, this is a piece of compromise legislation. As the gentlemen here know, I have had some concerns about earlier incarnations of this legislation. I voted against it in the committee. The gentleman from Louisiana [Mr. BAKER] and I introduced counterlegislation and generated a great many cosponsors because of our concern about some of the erosion zone mapping provisions of the previous bill.

Thanks to the spirit of compromise and to the willingness of the gentleman from Massachusetts [Mr. KENNEDY] to compromise, those problems have been eliminated. We have eliminated the erosion zone mapping provisions that concern so many of us from so many coastal States.

We have accepted the Senate compromise that I think is the right answer to being able to protect the flood insurance fund, and also protect millions of homeowners across America.

So I am supporting H.R. 3191. I encourage the cosponsors of the bill that the gentleman from Louisiana [Mr. BAKER] and I introduced, H.R. 4052, on a bipartisan basis, to support this piece of compromise legislation.

I realize that some have concerns. To a certain extent I share some of those concerns. I believe those concerns can and will be addressed in conference. I believe they should not stand in the way of what overall is a very fine piece of legislation.

So let me urge my colleagues to support H.R. 3191, support the efforts of the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from California [Mr. MCCANDLESS], the gentleman from Nebraska [Mr. BEREUTER], and others, to protect the flood insurance fund, protect the taxpayers, and also protect the homeowners of Florida, the coastal States, and all of America.

Mr. MCCANDLESS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise today because this is still a controversial matter, despite great progress at compromise. I would rather work this out on the floor of the House better before we sent it over to a conference negotiation. It is for that reason I do not think we should be considering this under the suspension procedure. I would like to send this up to the Committee on Rules

and get a modified amendment, because as good a job as the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from California [Mr. MCCANDLESS], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Florida [Mr. BACCHUS], and the gentleman from Louisiana [Mr. BAKER] have done, there are still some very serious problems with this legislation. They affect private property rights, they affect litigation, they certainly are unfunded mandates on communities, and the erosion concept has not been taken out of here.

I am reminded of the last time the House addressed this issue. We had overwhelming support for this reform of this program reauthorization, a giant vote. I think it was more than 300 in favor of it. Then we ran into a firestorm of protest across America because we had not done our work well, and they shot it down in the Senate and saved our bacon. Let us not do that again.

I rise today as a former mayor and county commissioner who has had real life experience with the National Flood Insurance Program.

The flood insurance program is just that. It is an insurance program. It is our first line of defense against massive expenditures of emergency supplemental funds which we have been handing out at a great rate lately. We need to do this and get on with this legislation.

But this legislation does not quite do it. If we could get it up in the Committee on Rules and allow a few amendments, I think we could improve it dramatically, where it would get the support virtually of everybody and erase the firestorm we have seen in this country.

□ 1320

There are real problems with the current financial condition of the flood insurance program, especially the repetitive riverine losses. We know about that. Year after year on the banks of the same river the flood comes and people get flooded out, and we pay for them to build back. That is crazy. That has to be fixed. This bill does not entirely fix that problem.

The lack of compliance with the program in some areas of the country is notorious. My State, Florida, is a major donor State. We are giving away many, many dollars to the flood program, and we are not getting those dollars returned to Florida. The problem with that is not that we do not want to help people in the rest of the country, it is that they are not paying premiums in the flood program. Why is that fair? Everybody who is in a flood area should be paying in these premiums.

The facts do not justify that. This program does not fully resolve that. I support reforming the program to

make it more financially sound, but as I said, I do not think this bill quite gets us there.

Despite the very good work done, and I want to emphasize that, the gentleman from Florida [Mr. BACCHUS] has done a good job on this, but we did not quite get it over the goal line. It will affect Florida and other coastal States dramatically.

I am concerned about amending the statement of purpose for this program to include environmental language. The NFIP is an insurance program. It is not an environmental program, and it has never been. I went back to the original language. It is not in the original language in the 1968 bill. Suddenly, we are creating something called "an environmental threshold," environmental standards and criteria that we are not quite sure where it leaves our local communities or FEMA with regard to opening up to litigation.

I believe it is broad and so broad it invites all kinds of people to come in and file lawsuits on behalf of either an environmental point of view or a private property point of view. The adoption of the community rating system to reward localities to make an extra effort to reduce risk is a great idea. Unfortunately, in this bill, in the bill the language says, with some new and very ambiguous wording, that we will now deal with areas and subdivisions, I do not know what those are, new criteria for risk rating based on land use and erosion management.

These are very important concerns to people who have private property or people who buy this insurance. Obviously, they are very important concerns to any State that has an area or a subdivision in it.

I do not know what that language means. And apparently, neither does anybody else.

I am worried about language that could be used to bring back the concept of the erosion hazard zones. It is right in here. It is stated in the bill that we are now going to deal with the erosion hazard zones. That is going to put many people at risk.

I feel that the mitigation section, section 4 of H.R. 3191, is not going to be effective. It is burdensome to individuals who are going to be forced to go through a grant application program that is going to take 90 days, it says.

The money raised by universal surcharges, \$20 million to \$30 million, is not going to cover the anticipated \$100 million cost a year. We have a better proposal for that. We have a mitigation insurance program that is based on risk. It is on a sliding scale, and it works in a more timely manner so individuals can benefit from this and pay in according to the risk.

I think that is the way insurance is supposed to work. I am not opposed to the bill. I am opposed to the bill in its present form. I want to get it off sus-

pension and get it to a place where we can get it into the Committee on Rules to have some amendments made in order with the cooperation of the gentleman from Massachusetts [Mr. KENNEDY] and the others who have brought it this far.

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

I think the gentleman from Florida [Mr. GOSS] makes a number of interesting points. But the problem here, I think, is best summed up by one of the comments of the gentleman from Nebraska [Mr. BEREUTER]. This bill does not go far enough. But at least it is a start in the right direction. Many of us on the subcommittee and on the full committee would have liked to have had certain parts of the bill that are not in it, but there is a real demonstrated need for a revision in the flood insurance program as demonstrated by recent catastrophes all over the United States.

In this body, with 435 Members, it is not possible to write the perfect bill that is going to satisfy everyone. I realize that and have realized it for a number of years.

I signed off on this because I think it is the first best step in taking hold of a major program that is federally oriented and addressing some of these major issues.

We talked in my remarks about the fact that we are going to study these hazard areas. There is a mandate of 2 years on this study. They have to come back to Congress and say, okay, erosion or no erosion hazards.

And if they say erosion hazards, then we should get involved in risk-based management, just as other insurance companies in other exposures do.

Mr. Speaker, again, it is not a perfect program. But I think it is a beginning point, and I would certainly ask my colleagues to support this first step in what we need in the way of a major change updating of our national association of activities dealing with the insurance program and the flood insurance area.

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

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

I think, in response to the issues that have been raised, the fact is that this is a program that is crying out for reform. It is a program that has, as a result of its inadequacies, cost the taxpayers of this country billions of dollars.

We just, this past year, have had to provide over 5 billion dollars worth of assistance to families and farmers in the Midwest that in fact billions could have been saved if premiums had been paid up. Premiums are not paid up because there is no enforcement by banks that are supposed to make certain that when someone gets a bank loan for a

particular home mortgage that they are supposed to have flood insurance at the same time they get the bank loan.

The banks do not do it. What happens is, only 10 percent of the people across the country that live in places where their homes are flooded actually get this insurance. It means when the flood occurs, they only get probably \$12,000 worth of government benefits, where they could have their houses replaced. And the flood insurance program could make a profit, if in fact it were run properly. It is not run properly. It vitally needs reform.

The questions that have been raised by the gentleman from Florida [Mr. GOSS] can easily be answered. If we look at the notion that somehow we are going to be ridiculously encouraging environmentalists, the only language that is added says that we should encourage State and local governments to protect natural and beneficial flood plain functions that reduce flood-related losses. That is what the purpose of the flood insurance program is. It adds nothing to the mission or purposes beyond that which were already articulated in the purposes in the enabling legislation.

Second, the notion that somehow the community rating system is going to be a stick rather than a carrot, the only thing, if Members read the bill, that we do is say, once FEMA has set the floor, which is going to be true regardless, there are going to be communities that do better. If they do better, their rates will be lowered. It is only a carrot. There is no stick involved.

I think we should have a stick, but this legislation only provides for a carrot.

Third, the notion that we should be making a flood mitigation insurance program. I would be delighted to have an insurance program if, in fact, we had some idea of how much it was going to cost. What we are trying to do here is avoid the kind of savings and loan debacle, avoid the kind of unfunded liability to end up on the backs of the American taxpayer.

Think about this. What the U.S. Senate has said on this issue is that we are going to provide people with a mitigation insurance program which will cost no more than 50 bucks.

Now, there are thousands upon thousands of homes in Massachusetts, and I dare say in the State of the gentleman from Florida [Mr. GOSS] that for 50 bucks will enable them to get \$25,000 worth of benefits from the Federal Government.

They can put their houses up on stilts. They can set it back. In fact, they might even buy it out for them.

Now, I do not know how it is going to be in the State of Florida, but I guarantee my colleagues, if we provide that as a guaranteed minimum benefit to the people of Massachusetts, there are going to be thousands of them that

come forward and take advantage of the program. There is no limitation whatsoever on what kinds of benefits we are going to be bestowing, but what we do is say, nobody is going to pay more than 50 bucks.

□ 1330

I will tell the Members, if we want to establish a brand new problem by passing this legislation with the amendment the gentleman from Florida [Mr. GOSS] has talked about, that is exactly what we are going to accomplish. We tried to be reasonable in terms of our approach.

As the gentleman from California [Mr. McCANDLESS] pointed out, we cannot please everyone with this legislation, but if Members want to see a program that gets up to speed, if they want to see a program that begins to pay for itself, if they want to see thousands upon thousands of Americans covered for flood insurance, legitimate flood insurance purposes, if they want to see a program that targets the 3 percent of the households in this country that are, year in and year out, offenders of this program, that provide for 40 percent of how much we have to pay out each year in benefits, then let us have a mitigation program that has a cap benefit, that allows FEMA to target those individuals that we are going to bail out, makes certain that they are the ones that need the benefit, and they are the culprits that are causing this insurance program to be broke each and every year.

I think this is a reasonable compromise. This is not a Democratic bill, it is not a Republican bill. The gentleman from California [Mr. McCANDLESS] the ranking member, and I have agreed on it. The gentleman from Nebraska [Mr. BEREUTER] who has worked for it for years, has agreed to it. The gentleman from Florida [Mr. BACCHUS] and Mr. BAKER, who comes from an area that is very flood-sensitive, have all agreed to this legislation.

I think this is a good compromise, and I strongly urge the Members of this body to support this, Mr. Speaker, as we are about to vote.

Mr. GOSS. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. DARDEN). The gentleman from Massachusetts [Mr. KENNEDY] has 5 minutes remaining.

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

Mr. KENNEDY. I yield to the gentleman from Florida.

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

Mr. Speaker, I would say to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. KENNEDY] I have a copy which I think is the operative copy we are dealing with here, and it says, "The Director shall carry out a community rating system

program to evaluate the measures adopted by areas and subdivisions thereof," et cetera, et cetera, and it includes, under this mandatory language, "to complement adoption of more effective measures for flood plain and erosion management." That is pretty broad. That is my concern, Mr. Speaker. The gentleman has articulated and eloquently stated the goals that he wants to accomplish, and so do I. We all do. I favor those goals. What I am worried about is that kind of ambivalence.

Mr. KENNEDY. Mr. Speaker, I think, if the gentleman keeps reading, he will read where it says they do it voluntarily.

Mr. GOSS. The problem I am concerned about, Mr. Speaker, if the gentleman will continue to yield, is remember, we started this program with voluntary participation by the lending institutions. Congress then came back and put the teeth of this legislation in the lending institutions.

Mr. KENNEDY. Reclaiming my time, Mr. Speaker, they do not do it. I understand, but the fact of the matter is that the gentleman raises a good point, which is that the lending institutions do not do it the way they should. What we are trying to do is reform that issue in this legislation.

Second, the gentleman raised a question of whether or not they were carrots or sticks, with regard to communities that come under this program. What we are trying to suggest to the gentleman is that there are voluntary standards that, if the community needs, they will get a reduced premium charged to the households that live in that community. I do not think that can be deemed as a stick. That is simply a carrot to try to get the localities to improve the rules and regulations on building standards within their jurisdiction. That is all we are trying to accomplish here.

Mr. GOSS. If the gentleman will yield further, my concern is that that is a reasonable interpretation, but I fear an attorney might have a different and equally reasonable interpretation that would have to be resolved in the court.

Language like "encouraging State and local governments to protect natural and beneficial flood plain functions that reduce flood-related losses" invites litigation. Does that mean I am a farmer in Missouri and I can no longer plant where the flood was last year, because it is a natural flood plain, and there are environmental consequences? That is very broad language, I submit.

Mr. KENNEDY. Reclaiming the balance of my time, Mr. Speaker, I think the reality is that we are not talking about some broad mandate. What we are talking about is some language that, in any piece of legislation that we act on here in the Congress of the United States, there is going to be enabling legislation.

I remember the legislation that created the Office of Economic Opportunity. It talks about the elimination of poverty in America, and I suppose the gentleman could make the case that somehow a lawyer could bring suit against someone because we have not eliminated poverty.

This is enabling legislation. It talks about the purposes for which the bill is established. To try to twist this into some kind of legalese, or that somehow it is going to hand all the marbles over to the environmentalists, is just a twist of wording to try to nail down or try to knock down the passage of this legislation.

Mr. Speaker, I believe very strongly that we have a good compromise, that we have a bipartisan compromise, that we have worked with Members whose districts incorporate a great many flood zones. I happen to come from a State that has a tremendous amount of coastline. I am very sensitive to the needs of homeowners and the rights of cities and towns that are on the coast.

Mr. Speaker, we do nothing to hurt those cities and towns. What we do do is protect and encourage the provision of a new flood insurance program that will look out for the taxpayer, that will at the same time enable those individuals that are truly damaged to get the kind of compensation that they need, and at the same time, over a period of time, reform the overall coastal zone management of our country. That is what we are trying to accomplish. That is what this bill does. I urge its adoption.

Mr. GEPHARDT. Mr. Speaker, I rise today in support of the National Flood Insurance Reform Act, H.R. 3191. I would like to commend Representative KENNEDY and his subcommittee for their efforts to bring this much-needed legislation to the floor.

What we saw in the Midwest last summer was a total catastrophe. It is estimated that the flood caused over \$2 billion in damages in Missouri alone. Areas of my district were underwater from July through September. The Mississippi River and its tributaries devastated our Nation's heartland.

Fortunately, in many cases, flood insurance saved families and businesses from financial ruin. Paying regular premiums over the years allowed them to rebuild after the flood waters receded. If they had been flooded repeatedly, the insurance program would help them move out of the floodplain and away from danger.

Although areas of the Midwest had a higher than average rate of flood insurance purchases, in too many cases this past summer, people did not have insurance. Some people were not aware of the program. Others may have thought homeowners' insurance would cover their losses. Or perhaps their community chose not to participate in the program. In any case, those without flood insurance had to rely on their own savings or Federal assistance to rebuild.

The National Flood Insurance Program provides flood insurance for properties located in flood-prone areas where the community has

instituted floodplain management measures. The program is intended to provide a more cost-effective alternative to costly Federal disaster assistance by encouraging communities to take preventive measures that reduce flood losses and by providing insurance to people who live in the floodplain. For program participants this past summer, recovery was eased by the insurance payment.

Arnold, MO, a town in my district, is an example of how the flood insurance program should work. Arnold has made aggressive use of the program. The community joined the program, worked to reduce risk by turning flood-prone land into open space, and encouraged residents to purchase flood insurance. If residents have been flooded repeatedly, the city has made use of Federal programs to buy their property and move them out of the floodplain.

Currently, federally regulated financial institutions must require flood insurance before lending money for property in a floodplain. However, non-federal financial institutions do not have that requirement. This bill would require all lending institutions to obtain flood insurance for property in a floodplain and would assess penalties if loans are made for property in a floodplain without insurance. This measure will increase compliance and reduce the Federal burden of the recovery after a flood occurs. It will help victims of a flood and reduce the Federal financial burden after a disaster.

In addition, if communities, like Arnold, take actions which reduce the likelihood of flooding, premiums in that area will be reduced. After the Midwest flooding, many communities chose to turn particularly hard hit areas into fields or playgrounds. If another flood occurs, there will be little if any property damage. In the meantime, children and adults have an open park to relax and play.

I would urge anyone living in a floodplain to purchase flood insurance. Then, if disaster strikes, they have some recourse for recovery. Also, I would encourage communities to take advantage of floodplain management programs that reduce the risk of flooding and lower premiums. This bill will encourage both to occur. Once again, I commend the subcommittee on its efforts and express my strong support for this legislation.

Mr. HUGHES, Mr. Speaker, I rise in support of H.R. 3191 legislation to reform the National Flood Insurance Program.

The National Flood Insurance Program was established by an act of Congress in 1968 and substantially amended in 1973. The intent of the program is to provide financial protection for property owners against flood loss while, at the same time, working with communities to develop floodplain management programs that will reduce or prevent future losses. Premiums collected from policies issued under the program help reduce the need for taxpayer funded disaster assistance payments.

I believe that, for the most part, the National Flood Insurance Program has served its purpose well. However, as many in this body, in New Jersey, and across the country have pointed out, there is substantial room for improvement. We need to strengthen this program and increase the stability of the National Flood Insurance Fund.

A while ago, Congressman JIM SAXTON and I introduced legislation to improve the National Flood Insurance Program, H.R. 4125, the Flood Insurance Risk Management Act. We did this to expand the debate on flood insurance reform and to offer our colleagues our view on where we should be going with respect to this issue. We also did this to highlight some of the concerns we had with H.R. 3191 as originally drafted.

When I introduced my bill, I stated that I wanted to work with the chairman and the gentleman from Florida to try to iron out the differences in our bills and come to the floor with a consensus bill. I want to compliment Mr. KENNEDY and his staff for taking that offer seriously and working with Mr. BACCHUS, Mr. SAXTON and me. The legislation that is before us today is a much different and improved version of H.R. 3191, and a great deal of the credit for those improvements must go to the distinguished chairman of the Consumer Subcommittee, Mr. KENNEDY and the distinguished gentleman from Florida, Mr. BACCHUS. This is a national flood insurance reform proposal that will benefit both the Flood Insurance Program and the Policyholders.

H.R. 3191 will assure that those who purchase properties in special flood hazard areas carry flood insurance in order to obtain a loan from a federally backed lender. While the law does require this now, the current enforcement provisions are not strong enough to ensure that once a mortgage holder purchases insurance, that person maintains the insurance as long as he or she owns the property. The result is that only some 15–20 percent of those who should carry flood insurance actually have it in force.

H.R. 3191 will provide lending institutions the authority to purchase and maintain flood insurance for those whose properties are in special flood hazard areas and are required to carry insurance under the law. Furthermore, the bill requires that lenders who are providing loans for properties in special flood hazard areas inform borrowers of their requirement to carry flood insurance in advance of a closing.

Clearly, H.R. 3191 will do more than strengthen enforcement of existing law. The act will help strengthen the stability of the National Flood Insurance Program by giving communities incentives and funding to reduce risks. For example, the bill establishes a community rating system that will provide premium credits for communities that pursue recommendations to eliminate flood-prone conditions.

H.R. 3191 will also help communities and individuals to reduce flood risks by establishing a grant program to aid in mitigation planning and to help cover the costs of mitigation. Some of the activities eligible for grants under this program include floodproofing of individual structures, beach nourishment, construction of sea walls and levees, and the public purchase of properties to create buffer zones.

The bills that both Congressman BACCHUS and I introduced contained provisions for mitigation insurance to help defray the costs of bringing older, flood prone structures into compliance with FEMA guidelines—a procedure that would, in the long run, save money for the flood insurance fund. However, chairman KENNEDY had legitimate cost concerns about such

a program and opted not to include it in the compromise legislation. To his credit, he worked with Mr. BACCHUS and me to tailor the grant program toward individuals as well as communities. I certainly appreciate the chairman's efforts, but I would still ask that the gentleman from Massachusetts and others who will be conferees on this legislation, strongly consider the merits of the mitigation insurance program that is included in the Senate version of this legislation. I believe that, in the end, Mitigation Insurance will be the best way to ensure that the structures that cost the fund the most money are floodproofed.

And let me just take a second to talk about these structures, which are known as repetitive loss structures. These are properties that have suffered at least two losses of 25 percent or more over a 10 year period. These structures represent the largest drain on the flood insurance fund, accounting for some 40 percent of claims. Almost all of these repetitive loss structures are subsidized buildings not designed to FEMA's post-1974 construction standards which require elevation to the 100 year flood level and other floodproofing measures.

I know that Chairman KENNEDY is interested in removing subsidies for these and other structures over a period of time—and I share that view. One of the most frequently heard criticisms about the flood insurance program is that it provides subsidies to landowners in risky areas.

As many of my colleagues know, under the law, the Director is given the authority to charge less than actuarial rates on certain structures in order to make flood insurance available and affordable. I agree in part with this philosophy because it is important that we have broad participation in the program. However, it is time we begin to move toward actuarial rates. I do not believe it was Congress' intent to provide that subsidy in perpetuity.

I believe that we must make a serious effort to move the Flood Insurance Program away from subsidies and do it in such a way so as not to strain policyholders. In my bill was a provision which would require that in order to offer policies at less than actuarial rates, the Director must certify to the President and Congress, on a biannual basis, that such rates are necessary in order to make insurance available where necessary at reasonable rates so as to encourage participation in the National Flood Insurance Program. This would have forced FEMA, Congress and the administration to reassess the need for subsidies every 2 years and changed the basic emphasis of the program.

I know that the chairman has been interested in pursuing such a measured move away from subsidies, and commend him for his forward thinking. I am also appreciative of his interest in my ideas on this matter, and although we were not able to include such a provision in this particular bill, I hope that we can work together to begin to take balanced and realistic steps toward a more risk-based flood insurance system.

Again, I would like to thank and compliment Chairman KENNEDY and Mr. BACCHUS for their work, as well as Mr. MCCANDLESS and Mr. BEREUTER who—as I have said before—has worked hard over several years on this issue.

This bill is a good first step toward a more sound flood insurance program. I urge my colleagues to support the measure.

Mr. SHAW. Mr. Speaker, I believe the House is making a serious mistake today in considering a matter as important as reform of the Federal Flood Insurance Program on the Suspension Calendar. I object to the use of this expedited process, and I urge Members to defeat this flawed legislation.

I recognize and appreciate that the present legislation is a vast improvement over earlier versions, especially with regard to the elimination of erosion zone mapping. In fact, FEMA estimated that had erosion zone mapping become a reality, property owners in erosion zones could have seen their premiums rise anywhere from \$1,100 per year for a condo to as much as \$18,000 per year for a \$250,000 single family home. That would have absolutely devastated communities in my district. I am gratified that voices from Florida and coastal areas around the country were heard and erosion zone mapping was removed from this legislation.

Still, consideration under suspension of the rules prohibits Members from offering amendments to other controversial provisions that remain in this bill. I believe a number merit separate consideration and amendment. Just one example is how this bill would modify the purpose of encouraging State and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses. This may sound harmless. However, listing this additional purpose is an open invitation for lawsuits blocking needed projects as simple as a seawall. Similarly innocuous purposes in HUD legislation have encouraged groups to sue, which supports the fact that H.R. 3191 will open the door to further mass litigation.

I frankly doubt that more than a handful of Members have reviewed or even seen the legislation that is before us for a vote, which was rushed to the floor after an agreement was reached only last week. Many Members will recall that the House approved similar flood insurance reform legislation in the previous Congress. After cries of outrage were heard from real Americans who understood what was at stake, the Senate succeeded in effectively blocking passage of that legislation. I fear the same fate may befall this bill unless changes are made.

Real reform of the Flood Insurance Program is needed, and I commend the Members who have already made improvements to this bill. The remaining problems, however, make it too controversial for consideration on the Suspension Calendar. I encourage Members to vote against this bill, so that the Rules Committee can send it back to the floor with the opportunity for amendments that will make it a true reform bill that all Members can support.

Mr. ROTH. Mr. Speaker, I urge my colleagues to vote for this compromise version of H.R. 3191, the National Flood Insurance Reform Act of 1994.

This bill is important to all States, especially the Great Lakes States, with significant coastal and riverline development.

I am glad to see common sense has prevailed after all in providing this alternative.

Before us today is a compromise version. I objected to provisions originally that without appropriate study, preempted State and local land use and planning laws.

Real estate markets, property tax rolls, and local economies would have been destabilized for years while the mapping proceeded.

The compromise before us today, instead, would require an economic impact study within 2 years to assess the costs and benefits of mapping coastal and river erosion zones.

The State of Wisconsin supports enactment of this bill and is particularly supportive of the provisions for the erosion areas study.

The reason is that flood insurance losses are driven up by major eastern beachfront losses from erosion—not from flooding.

I agree with those who say we should examine carefully the present practice of covering losses caused by beachfront erosion as well as losses caused by flooding.

One key policy question is whether those in erosion-prone areas should be required to buy erosion-loss insurance as well as flood-loss insurance.

The study called for by this bill could provide information on which this and other issues could be addressed by an informed Congress.

The bill before us today is basically designed to encourage lenders and about 8.5 million eligible residential and commercial property owners to buy and maintain flood insurance on buildings located in flood-hazard areas.

Civil money penalties would provide the encouragement. Only about 20 percent of eligibles currently pay for flood insurance.

One major goal is to eliminate borrowing tax dollars from the Treasury to cover flood-related losses. Such borrowing is estimated at \$100 million in fiscal year 1994 alone.

This bill would cut taxpayer costs of the National Flood Insurance Program while improving and expanding its operations.

I urge my colleagues to vote for this bill.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3191, the National Flood Insurance Reform Act. In particular, I want to express my appreciation to Chairman KENNEDY for addressing the concerns of many Members regarding the erosion zone provisions in the original version of the bill.

I thank Chairman KENNEDY and Mr. McCANDLESS for working with Mr. BACCHUS, Mr. BAKER, and other Members from coastal areas like myself who had serious concerns over section 407 of the bill. This section would have essentially prohibited flood insurance for homes in the 30- or 60-year erosion zones.

This provision would have negatively impacted coastal communities, like those in Delaware, without a proven benefit to the Flood Insurance Program. I am pleased that the bill before us today has been modified to require an independent economic impact study to assess the costs and benefits of mapping erosion zones.

H.R. 3191 will improve the National Flood Insurance Program and strengthen its financial soundness. Enforcing the purchase of flood insurance through banks and other mortgage lenders will cover more homes and bring more homeowners into the program. This will help keep the fund in the black, maintain premium

rates at a fair level, and ensure its ability to cover claims.

Residents in areas prone to flooding should be required to purchase and maintain flood insurance. This legislation will enhance this goal.

While not perfect legislation, H.R. 3191 will improve the financial stability of the Flood Insurance Program and provide fair treatment to homeowners in coastal areas. I support passage of the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. KENNEDY] that the House suspend the rules and pass the bill, H.R. 3191, as amended.

The question was taken.

Mr. GOSS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of the yeas and nays will stand and remain standing.

A sufficient number having arisen, pursuant to clause 5 of rule I, and the Chair's prior announcement—

Mr. KENNEDY. Mr. Speaker, I would inquire of the Chair what the rule is about a sufficient number of Members rising.

The SPEAKER pro tempore. The Chair advises that one-fifth of those present constitutes a sufficient number.

Mr. KENNEDY. I would ask if the Chair would just count them up, please, Mr. Speaker.

The SPEAKER pro tempore. The Chair already counted two Members standing. There are less than 10 Members on the floor.

Mr. KENNEDY. Mr. Speaker, I withdraw my request.

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

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1994

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 414 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 414

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. 3254) to authorize appropriations for the National Science Foundation, 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 Science, Space, and Technology. After general debate the bill shall be

considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 414 is an open rule providing for the consideration of H.R. 3254, the National Science Foundation Act of 1994. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. The rule also makes in order the Science, Space, and Technology Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The substitute will be considered by title with each title considered as read.

Under the rule, all points of order for failure to comply with clause 5(a) of rule XXI are waived against the committee substitute. This waiver, Mr. Speaker, pertains to the prohibition of appropriations in a legislative bill, and is necessary because of a technical violation having to do with debt-for-science exchange grants. I understand all concerned parties are in agreement with this waiver. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3254, is an important bill which is the result of hearings and careful consultations. It authorizes \$3.2 billion for fiscal year 1995 which reflects the administration's requested level, and \$3.39 billion for fiscal year 1996 for the National Science Foundation [NSF]. The NSF provides basic research to our colleges and universities, and nonprofit organizations. Its grant awards promote valuable research, in-

cluding biological, computer, engineering, earth, and physical sciences. The committee has done an excellent job of designing an authorization bill which will promote the research necessary to ultimately make our country competitive.

Mr. Speaker, H.R. 3254 was favorably reported out of the Science Committee by voice vote. I am pleased this open rule received unanimous support in the Rules Committee, and I urge my colleagues to adopt it.

□ 1340

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I need.

Mr. Speaker, the gentleman from Ohio [Mr. HALL], has described this open rule, and I strongly support it. I'd like to point out that this is the first completely open rule reported from the Rules Committee since November 9 of last year—almost 7 months ago. I urge my colleagues to take note that during the 103d Congress, only 21 percent of all the rules reported by the Rules Committee have been open rules. That's only 13 out of 61 rules. Mr. Speaker, we

owe it to the American people to have an open legislative process that allows all Members to fully participate, and I hope we'll see many more open rules during this second session.

This bill authorizes funding for all the major activities of the National Science Foundation, which is the primary agency providing Federal support of university research into physical and mathematical sciences. This is a commendable and important function—one which I support. However, there's always been some controversy surrounding certain research grants made through the Foundation, and I hope that the House will make sure that this authorization bill tightens up the process so that only research projects with true scientific value receive Federal funds, not asinine projects.

This open rule will allow all Members to have the opportunity to perfect this legislation, and I urge its adoption.

Mr. Speaker, I include for the RECORD the material on open versus restrictive rules, as follows:

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

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)	61	13	21	48	79

¹Total 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.

²Open 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.

³Restrictive 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 Apr. 29, 1994.

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: 24 supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 185, 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	6 (D-3; R-3)	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. 225, 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	MC	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)	NA	A: 246-172. (Sept. 8, 1993).
H. Res. 248, Sept. 8, 1993	MO	H.R. 2401: National defense authorization	NA	NA	PQ: 237-183. 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	MC	H.R. 2401: National Defense authorization	NA	NA	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: Lumber 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	NA	NA	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	NA	NA	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	NA	NA	F: 191-227. (Feb. 2, 1994).
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D-8; R-19)	9 (D-1; R-8)	A: 233-192. (Nov. 18, 1993).
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: 238-179. (Nov. 19, 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: 252-172. (Nov. 20, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D-1; R-0)	N/A	A: 220-207. (Nov. 21, 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: 247-183. (Nov. 22, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3408: Reinventing Government	34 (D-15; R-19)	3 (D-3; R-0)	PQ: 244-168. A: 342-65. (Feb. 3, 1994).
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: 249-174. A: 242-174. (Feb. 9, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D-8; R-19)	10 (D-4; R-6)	A: W. (Feb. 10, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 6: Improving America's Schools	3 (D-2; R-1)	2 (D-2; R-0)	A: W. (Feb. 24, 1994).
H. Res. 366, Feb. 23, 1994	MO	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. 384, Mar. 9, 1994	MC	H.R. 4092: Violent Crime Control	180 (D-98; R-82)	68 (D-47; R-21)	A: 244-176. (Apr. 13, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote. (Apr. 28, 1994).
H. Res. 414, Apr. 21, 1994	MO	H.R. 3254: NSF Auth. Act	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ-Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the Chairman emeritus, my friend the gentleman from Tennessee [Mr. QUILLEN] for yielding me this time.

Mr. Speaker, I simply want to congratulate my friends in the majority for their courage in bringing forward a truly open rule, and I mean that sincerely—the first of its kind actually since last November 9, if our records are correct. No restrictions on amendments, except under the standing rules of the House, which is the way it is to be, those are the rules we all understand; no preprinting requirements, no convoluted king of the hill. This rule today is completely pure. Because I am often in the position of criticizing our Democrat friends on the Committee on Rules and in the leadership for arbitrarily shutting down debate on important issues, it seems only fair to me to take this brief opportunity to commend them today for their openness in handling this legislation this way. If this new commitment to deliberative democracy could only become the norm instead of the exception, then I think we can truly have made real progress and report to the American people we have made real progress in restoring the credibility of this House with the American people.

Mr. Speaker, I must note to date, as my colleague from Tennessee has said, that we have seen only 21 percent open rules, that compares with 85 percent during the 95th Congress, and that was only about 15 years ago.

Mr. Speaker, I implore the Democrat leadership to continue in the vein of today's rule, open up this House and allow free debate, let Members discuss what the people back in their districts feel; let them talk about things that matter, not just on the controversial subjects but on things that matter.

Mr. Speaker, I think there is no issue out there that most Americans would not appreciate hearing honest, bona fide debate on.

About the only way we can ensure the best possible product for the American people in this deliberative body is by this open rule process, and I think the more we have it, the more we will use it wisely.

Mr. Speaker, there are two very important benefits coming from the use of open rules: First, there will be less inclination to use the discharge petition process that so many are concerned about, and the second is I think it will help restore some of the credibility that we seem to have lost. When 84 percent of the people in this country say they do not trust the U.S. Congress to handle their business with approval, it seems to me it is time for us to raise that credibility by going forward and showing the people of America we indeed do good work with open rules.

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

Mr. HALL of Ohio. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DARDEN). Pursuant to House Resolution 414 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. 3254.

□ 1346

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. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, with Mr. OBERSTAR 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 Virginia [Mr. BOUCHER] will be recognized for 30 minutes and the gentleman from New York [Mr. BOEHLERT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BOUCHER].

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

Mr. Chairman, I rise in support of H.R. 3254 the National Science Foundation Authorization Act which authorizes programs in basic science, engineering research, and in science education that are the basis for the future strength of our economy and which will enhance the well-being of our society.

I want to thank the gentleman from New York [Mr. BOEHLERT], the ranking Republican member of the Science Subcommittee, and the other members of the Science Subcommittee for their thoughtful contributions to the legislation. I particularly acknowledge the assistance of the chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN].

The National Science Foundation is a small agency with a disproportionate importance to the Nation's scientific and technical enterprise. It is the only Federal agency with the sole mission to support basic science, engineering research, and education in the Nation's secondary schools, colleges, and universities. Although NSF represents only 4 percent of the Federal R&D budget, the agency provides one-quarter of all Federal support for basic research at the Nation's colleges and universities.

In addition, NSF is an important participant in multiagency research efforts in strategic areas. For the High Performance Computing and Communications Program, which provides the technological underpinnings for the administration's initiative on the national information infrastructure, NSF provides approximately 30 percent of the total funding. It is a major participant in other high priority national research projects including those on global climate change, critical materials, advanced manufacturing, and biotechnology.

The NSF provides for the operation of major research facilities, including the optical and radio astronomy observatories, high-energy nuclear particle accelerators, research ships, and the high magnetic field laboratory. It plays a large role in precollege and undergraduate science and mathematics education through programs of model curriculum development, teacher preparation and enhancement, and informal science education.

The importance of the NSF to the Nation's future is well reflected in the bipartisan nature of the efforts in recent years to enlarge the agency's budget. In 1987, former President Reagan proposed doubling the NSF budget over 5 years. Annual budget proposals of Presidents Reagan, Bush, and Clinton from fiscal year 1988 through fiscal year 1994 have supported achieving that goal. And the Clinton administration's budget request for fiscal year 1995 will reach the doubling level first proposed by President Reagan.

H.R. 3254, as reported by the Science, Space, and Technology Committee, provides funding authority for NSF for fiscal years 1995 and 1996. The total authorization level of \$3.2 billion for fiscal year 1995 conforms exactly to the President's request. The bill provides an authorization of \$3.39 billion for fiscal year 1996, an increase of 6 percent, which supports the President's designation of NSF as an important part of his science and technology investment plan.

The Science Committee has received testimony over several years on the serious deterioration of university research facilities, and on the adverse effects this deterioration is having on the ability of universities to perform leading-edge research. The 1992 edition of NSF's biennial survey of academic facilities needs indicates that only 27 percent of existing research space is suitable for conducting the most sophisticated research and 39 percent is classified as totally inadequate.

In addition, 34 percent of all institutions, and 40 percent of the major research universities, reported inadequate amounts of research space.

By authorizing \$150 million for the NSF facilities program for fiscal year 1995 and \$200 million for fiscal year

1996, H.R. 3254 will reassert the importance of this merit-based program and will fund it at a level that will genuinely begin to address our needs.

The bill also recognizes that the scale of the facilities shortfall—estimated to be at least \$10 billion—is too great to be met solely with the resources available to NSF. Therefore, the legislation requires the Office of Science and Technology Policy to develop a plan for a multiagency facilities program to include estimates of funding by agency and the timeframe necessary to relieve substantially the backlog of substandard facilities. The bill seeks to encourage universities to rely more fully on this expanded facilities program by prohibiting NSF from awarding a facility grant to any university which receives a facility earmark in the future through the appropriations process.

The authorization levels for research activities will allow NSF to increase support for individual investigators and also ensure that new research opportunities may be pursued which require interdisciplinary research teams. Sufficient growth is provided to allow NSF to increase its participation in existing and planned interagency initiatives of national importance.

To provide Congress with a clear statement of the agency's goals as they evolved over time, the bill requires NSF to submit an annual report containing a 3-year plan highlighting expected areas of program emphasis, including research initiatives under development, and containing criteria and procedures for assessing progress toward the defined goals. A separate, related requirement calls for the development and annual updating of a 5-year plan for new construction of NSF national research facilities, such as telescopes, and upgrades to existing national facilities.

Mr. Chairman, H.R. 3254 provides the resources and defines the priorities which will allow the National Science Foundation to meet its responsibilities to support basic research and education in science and engineering and to strengthen the Nation's research potential. It is my pleasure to commend the measure to the House for its favorable consideration.

□ 1350

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

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

Mr. Chairman, I want to congratulate Chairman BROWN and Chairman BOUCHER on bringing forward a fine National Science Foundation authorization bill, as usual. We will have debate later on the precise funding levels in this bill—I think they are unrealistic now—but there is no difference on fundamental principles.

NSF continues to be a model agency, well run, well organized, carrying out a proper and focused mission. I think it is safe to say that our committee remains unanimous in its admiration for the Foundation's work.

I think our committee is also unanimous in its support for the NSF facilities program. This is not a partisan issue. Republican and Democratic administrations have opposed full funding for this program; Republican and Democratic legislatures have supported it.

I am not sure why administrations oppose this program—perhaps it is a bit of “not invented here” syndrome. After all, the data demonstrating the need for facilities improvements has come out of reports requested by the White House—reports by people appointed by the White House. And the need for improved facilities comes up any time any of us are on university campuses. So, I think we will stick with our efforts to build up the facilities program, and I expect the Senate will follow suit.

The most important provision in this bill, as far as I am concerned, is title V—undergraduate education. It addresses a problem that has been ignored for too long.

Of all the problems facing American education, the decline of undergraduate education ought to be one of the easier ones for us to solve. That is because the problem is largely an artifact of our own policies. We have richly rewarded research without requiring any concomitant devotion to education. Not surprisingly, academic interest has followed the money, and we are left with the present state of affairs.

Yes, universities have begun to address this issue, but some of their responses have merely highlighted how severe the problem is. Various universities have trumpeted the fact that they now ensure that their foreign-born teaching assistants can be understood or that they have managed to get some senior faculty to teach. The fact that these meager changes can be viewed as real accomplishments shows how far our universities have drifted from their teaching mission.

We need fundamental change at our universities—change so that professors who are interested in teaching do not feel like kooks or pariahs. That requires more than tinkering. The reaction of some university groups to the mild language in this bill is another sign of how badly a change in mindset is needed.

Now, I do not want to be misunderstood. My point is not that research and teaching are unrelated, or that there should be no research faculty. My point is that we must get away from a mindset that systematically undervalues undergraduate education.

NSF also has to do some rethinking—and is required to do so by this bill. We

ought to figure out how to distribute research dollars in a way that does not provide disincentives for education.

Perhaps some kind of institutional commitment to education ought to be a condition for receiving research awards. Perhaps undergraduate assistants should be included in all federally funded research projects. Perhaps NSF should fund the program Chairman BROWN and I created in 1990 and fund some Centers of Excellence in Undergraduate Education. I will wait to see what NSF recommends.

Title V is a recognition that things have to change, that we need to do more than complain about undergraduate education. The provision in this bill has been significantly redrawn since its introduction in October to reflect the legitimate concerns of universities and some helpful suggestions from the American Chemical Society. We have replaced annual reporting with a trimmed-down one-time study that seeks information that should not be a burden to anyone.

Title V must be retained in conference.

I look forward to continuing to work with my colleagues to improve this bill.

□ 1400

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

Mr. BOUCHER. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from California [Mr. BROWN], chairman of the full Committee on Science, Space, and Technology.

Mr. BROWN of California. I thank the distinguished gentleman from Virginia [Mr. BOUCHER] for yielding this time to me.

Mr. Chairman, I want to congratulate the gentleman from Virginia [Mr. BOUCHER], the subcommittee chairman, for his leadership in bringing this bill to the floor. I would like to acknowledge the efforts of our colleagues on the other side of the aisle, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from New York [Mr. BOEHLERT], the ranking members of the committee and subcommittee, respectively, for their constructive efforts in the preparation of this bill.

Let me state that with regard to the gentleman from New York, Mr. BOEHLERT's contribution, it has been exemplary. His dedication to the cause of improving the National Science Foundation and the basic science support and science education mechanism is far larger than I would be able to indicate here.

I want to acknowledge that. I also want to acknowledge the fact that he has been extremely interested in joining with me in the pursuit of some curtailment of this program of earmarking which, unfortunately, has become widely prevalent in the Congress. This

bill contains some provisions which are aimed at discouraging the use of earmarking. What has been, of course, an argument for those who support earmarking in the past has been that there are no authorized programs to provide for this need, so we have to do it directly on the appropriations bills.

Now, the gentleman from Virginia [Mr. BOUCHER] has already discussed the fact that we have gone beyond the recommendations of the administration in authorizing a facilities program in this bill. And the gentleman from New York [Mr. BOEHLERT] has indicated that he thinks that we will be able to support this in conference and to authorize the program.

It is particularly frustrating and discouraging to have people come to the floor in defense of earmarking and to say there is no authorized program and then, when we have an authorized program, not to fund that authorized program. This is a rather hypocritical way to justify a practice which we have long felt was not in the best interests of the Congress; that is, the direct appropriation without authorization of funds for facilities that are thought to be valuable and of high priority but which no one has reviewed other than the sponsor of that particular provision.

Now, I do not wish to belabor that. That will be a subject in future discussions on the floor here. But I wanted to pay tribute to the gentleman from New York [Mr. BOEHLERT] for the work that he has done. I will have to confess that he has wanted to go even further in putting provisions in this bill to prohibit earmarking, further than I thought were justified. But I want to commend him for this effort and to assure him that if we continue to be frustrated in what we are seeking to do in bringing this practice under control, I am likely to support almost any effort, including the one which he has proposed, which is rather draconian, in future pieces of legislation.

I would also note, without elaborating, that this bill goes further in enabling the National Science Foundation to participate in international scientific efforts and support for those activities, including assisting in the development of international science foundations, both binational and multinational foundations. I think this is in accord with the needs at the present time.

Let me say just one final thing, and it is more or less anecdotal. I had the opportunity—I was invited to participate this morning in a press conference involving the National Science Foundation. The press conference at the National Press Club was to announce the formation of a partnership between the National Science Foundation, Disney Corp., and the Public Broadcasting System for the preparation of materials and the airing of program mate-

rials on science for young people. It was ostensibly aimed at fourth-graders, but having seen one of the tapes of these programs yesterday, I can assure you that it will attract far more than fourth-graders.

I want to say that here again the National Science Foundation is demonstrating its leadership in creating these partnerships which allow them to leverage, in this case, about 3 or 4 to 1 the investments the Foundation is making in science education for elementary school kids, in this case, but it also will contribute to adult scientific literacy as these programs are aired around the country and even to some extent around the world.

The NSF role is to fund the preparation of the science materials which accompany the program and allow the young people who watch the program to get far more educational impact out of this program.

So this is a marvelous thing which, having just participated in publicizing it this morning, I want to again note here on the floor the importance of the NSF role, and I hope that they will continue with this kind of support for science education wherever they get the opportunity.

Mr. Chairman, H.R. 3254, the National Science Foundation Authorization Act of 1994, represents an important investment in the Nation's future. The importance of NSF was recognized in President Clinton's comprehensive economic plan, "A Vision of Change for America," presented to Congress early last year, in which NSF was targeted for substantial growth.

The budget constraints we face have forced a reduction in the proposed increase for NSF in this bill, but the bill still provides the real growth necessary to allow NSF to meet its many responsibilities for support of research and education in the sciences, mathematics, and engineering.

I congratulate Mr. BOUCHER, the Science Subcommittee chairman, for his leadership in crafting H.R. 3254. Also, I would like to acknowledge the efforts of our colleagues on the other side of the aisle, Mr. WALKER and Mr. BOEHLERT, the ranking Republican members of the committee and of the subcommittee, respectively, for their constructive efforts in the preparation of this bill.

The programs supported by the National Science Foundation in science and engineering research and in education provide the underpinnings for the long-term economic health and well-being of our country. These programs generate the new knowledge and produce the human capital needed to fuel a technologically based economy. Ultimately, the success of NSF programs are reflected in such concrete ways as the productivity of the Nation's work force.

H.R. 3254 provides a total authorization of \$3.2 billion for NSF in fiscal year 1995, which is the administration's requested level, and \$3.39 billion for fiscal year 1996, which is a 6-percent increase above the previous year. The bill signals the intention of the Science Committee to maintain the core research and edu-

cation programs of the Foundation, while providing sufficient growth to allow NSF's participation in major interagency research initiatives and to address the serious shortfall in support for refurbishment of university research facilities.

The National Science Foundation's programs help to produce the scientists and engineers needed to meet the needs of industry and the national defense establishment, as well as to renew the ranks of research scientists in academia, industry, and government. Not only is direct support provided for graduate students but also for precollege and undergraduate science and Mathematics education programs to help sustain the pipeline for future scientists and engineers. Moreover, NSF supports initiatives to attract more women and other underrepresented groups to careers in science and engineering.

The constraints placed by the bill on budget growth for the NSF education directorate for fiscal years 1995 and 1996 do not signal a lessening of importance of the education programs, but rather signal a period for consolidation of the rapid growth which has been provided to the education directorate in recent years. The education directorate budget has nearly tripled between fiscal years 1990 and 1994, and now contains sufficient resources to sustain NSF's initiatives to effect systemic change in science education.

Among other provisions, the bill strengthens NSF's role in international scientific cooperation. New authority is provided to NSF to allow support for debt-for-science exchanges and to facilitate the establishment, and to participate in the operation, of binational and multinational endowed science foundations. Such activities will help to improve international understanding and contribute to enlarging the international base of support for the creation of fundamental knowledge.

Mr. Chairman, the research and education programs supported by NSF are truly an investment in our Nation's future. H.R. 3254 endorses the role of NSF in the President's technology investment plan. The authorizations provided by this legislation will support programs that generate new knowledge and develop the human resource base that underpins our entire R&D enterprise.

Mr. Chairman, I urge my colleagues to support passage of H.R. 3254.

Mr. BOEHLERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking member of the full committee.

Mr. WALKER. I thank the gentleman for yielding.

Today, Mr. Chairman, we are voting on legislation that emphasizes the proper role of Government. The National Science Foundation is one of the best examples of Government using taxpayers' money to provide the greatest rate of return on investment. This investment will support more than 19,500 projects in research and education, directly involving almost 150,000 students, teachers, scientists, mathematicians, and engineers. These activities contribute directly to the strengthening of the scientific and

technical work force of the country and raising the scientific literacy of all Americans.

Much of the work done by the National Science Foundation is in basic research that would not be accomplished, certainly at the rate it is accomplished, without Government support.

By supporting basic research based on competition, merit, and peer review, the National Science Foundation is able to maintain the health and vitality of the U.S. academic science and engineering enterprise.

But as we consider this bill, I think we need to understand that this is a bill that can be improved in some ways. The gentleman from New York [Mr. BOEHLERT] offered an amendment in committee to increase the current funding of the National Science Foundation but not at the rate that was chosen by the President. Instead Mr. BOEHLERT chose to keep us within the budget figures that the House of Representatives has already acted upon and then in the 1996 fiscal year to go with the figures that the Office of Management and Budget has outlined.

As we will discuss later in the amendment process, Mr. BOEHLERT's budget numbers are very responsible and should be supported by the House. The amendment was narrowly defeated in the markup in the committee, and it seems to me is an amendment that deserves the attention and the support of the House of Representatives because it is a responsible action to take.

I think that is the only main difference that we have with the bill. I know there will be some other amendments offered. But out of the committee, that is one of the issues that we think needs to be addressed.

Despite that one difference of opinion, I do want to express my thanks to the gentleman from California, Chairman BROWN, and his staff, and the chairman of the Subcommittee on Science, the gentleman from Virginia [Mr. BOUCHER], for their efforts in addressing our concerns as we went through this bill.

Additionally, I wanted to add special thanks to the subcommittee's Republican ranking member, the gentleman from New York [Mr. BOEHLERT], for his leadership in support of efforts in this cause. Mr. BOEHLERT is one who truly believes in this mission of the National Science Foundation, and that is reflected in this bill, and he deserves a lot of credit from not only our committee but from the House of Representatives for the leadership he provides in this arena.

With that, I yield back.

□ 1410

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

Mr. BOUCHER. Mr. Chairman, I, too, have no further requests for time. I

yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BOUCHER] having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration and the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE CYNTHIA A. MCKINNEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CYNTHIA A. MCKINNEY:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House of Representatives that my office has been served with a subpoena for documents issued by the United States District Court for the Southern district of Georgia in connection with a civil case.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CYNTHIA MCKINNEY.

OUTGUNNED BY THE BAD GUYS

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

Mr. KLECZKA. Madam Speaker, I am holding in my hand a copy of a story from the Milwaukee Journal, which describes in vivid detail the death and destructiveness of military-style assault weapons.

The headline reads, "Outgunned by the Bad Guys," and is a quote from Pewaukee Police Chief Ed Baumann. He was describing last Thursday's violent and tragic death of Captain James Lutz, of the Waukesha police department. Captain Lutz, a 29-year decorated veteran of the police force, was in pursuit of two bank robbers who turned their M1-A assault weapons on him, killing him instantly in a hail of 20 rounds. "It was not even close," says chief Baumann, "He didn't have a chance."

This week, the House will have the opportunity to ban the deadly weapons like the ones that cut down Captain Lutz and countless other Americans each year. This is not some knee-jerk reaction to a tragedy, this is an opportunity to take a stand on the safety of

the men, women, and children of America.

This bill does not ban legitimate hunting and sporting weapons. Instead, it halts the manufacture, transfer and sale of the most deadly, the most indiscriminate, the most violent types of weapons available on the market today.

Over 670 hunting and sporting rifles are specifically exempted by this legislation, and weapons currently owned are protected by a grandfather clause. This bill does away with the most deadly instruments of terror, the weapons designed for no other purpose than to kill people quickly. How can anyone oppose that?

I urge my colleagues to think about the fear in the hearts of their constituents who see that even the police cannot defend themselves from these weapons.

I encourage my colleagues to vote for the assault weapons ban.

Madam Speaker, I include for the RECORD the article to which I referred.

OUTGUNNED BY THE BAD GUYS

The chaos began with a popping sound amid the security of a quiet rural bank.

The clock on the wall of the Bank One branch office at state Highways 18 and 83 in Wales showed about 9:30 a.m. A customer, her child and five bank employees were there when the gunman walked inside.

Inside the bank, the gunman shouted. Then he fired a shot into the wall that knocked down the clock and set into motion a series of violent events that resulted in the death of Waukesha Police Capt. James A. Lutz, 57; injuries to three other officers; a terrified and wounded hostage; and two men, believed to be 18 and 50 years of age and possibly responsible for a string of robberies in the area, in custody.

"It [the shot] sounded like a toy cap gun," One of the tellers told investigators. "Everything happened so fast."

The young gunman ordered the tellers to lie down on the floor. He waved a handgun and put on a mask. According to reports, he shouted, "Get down or I'll shoot."

"When he told us to get down we got down and didn't look up again." A teller told authorities.

The gunman and his partner, who was in a getaway car, were on a mission: Both wore body armor, and they carried a 9mm handgun and two M-14 semiautomatic assault rifles.

As the employees lowered their heads, the gunman rifled through cash boxes in the bank. He fled with an undetermined amount of cash.

Outside, the husband of the bank customer saw what was happening through the front door windows. As he left the bank parking lot to call police, he spotted another man, in what appeared to be the getaway car.

The gunmen, driving a silver Ford Taurus with no license plates, drove east on Highway 18, north on County Highway G and east on Silvernail Road toward Waukesha. Officers were already responding, thanks to a silent alarm at the bank, but they were aided by the man's description of the car.

THE FIRST CHASE

Officers in two Waukesha squad cars were the first to spot the robbers. Lutz, a nearly 30-year veteran of the force, was driving an

unmarked squad car. He was tailed by Officer Thomas Fletcher. They followed the gunmen into the Rolling Ridge subdivision on the far northwest side of Waukesha.

One block into the subdivision, at Rolling Ridge Drive and Meadowbrook Road, one of the men exited the car and sprayed Lutz's vehicle with gunfire from an assault rifle. At 9:53 a.m., Lutz, who never made it out of his car, was struck several times, perhaps by as many as 20 rounds, witnesses said. He died instantly.

The shooting happened across the street from Meadowbrook Elementary School, where students were inside. The school doors were locked after the shots were fired.

Fletcher crouched behind the open door of his squad car and returned fire at the fleeing suspects. Bullets broke the windshield of Fletcher's squad car, but many of them ricocheted off his dashboard. Fletcher suffered a scrape and bruise under his right arm, which could have been caused by a bullet or flying debris.

CAR ABANDONED

After the shootout, the two gunmen abandoned their car. They ran for a half-mile through an open field and down a wooded embankment to a frontage road along Interstate 94.

One of the gunmen ran into the Interstate Printing plant, N14-W27545 Silvernail Road, in the Town of Pewaukee, and threatened two customers and an employee. Niki Herber, a graphic designer at Interstate Printing, was working in a back room when the gunman burst into the business.

"I heard him shout, 'Get on the floor or I'll kill you. Give me your car keys,'" Herber said.

The customers and the print shop employee quickly complied. The gunman snatched a set of keys to a 1990 Mitsubishi Montero parked out front and owned by Stella Knill, an advertising representative for Journal/Sentinel Inc.

"I was opening the door to leave," Knill said Friday. "Somebody grabbed me by the arm, spun me around and told me to get back inside. I thought he was joking."

"He showed me a gun and I said, 'OK,'" Knill said the gunman told all three in the shop to get on the floor.

"He started screaming, 'Who has cars here?' and 'who has keys?'"

"Then he decided he wanted my Montero. He asked, 'Who's got the Montero? Who's got the Mitsubishi?'"

When Knill turned over the keys the gunman made his final threat.

"He said, 'Don't get up! Don't move! I can see you through the windows. I'll kill you all!'"

The pair headed north on County Highway G and onto a dead-end road, Fieldhack Drive, where police thought they had them cornered. But the men abandoned the stolen Mitsubishi and fled north on foot through a wooded area.

WOMAN TAKEN HOSTAGE

There were reports that gunmen first ran to a house where no one was home. They ended up at a ranch home occupied by Judy Opat, on Oak St. near West Park.

At the time, about 10:30 a.m., Opat was just one of many residents who came to their doors to see why the area was swarming with police.

At first she thought the two men at her door were officers. But when they pulled out military-style rifles, she locked her door. It wasn't good enough. They shot out the door in an explosion of glass.

The men entered her home, took her hostage and ordered her to get behind the wheel of her full-size conversion van. Their intention was clear; to get Opat to run the police barricade out front. To make the message clear, they threatened to kill her.

One of the gunmen rode beside her and the other sat behind her as they approached the barricade of squad cars. Witnesses said there was an exchange of gunfire as the shiny, gray van got closer to the police.

"As they came out of the driveway, they started firing at us," Sheriff's Inspector Gary Paluszcyk said.

Bullets or shrapnel struck Sheriff's Capt. Thomas Lentz, 43, and Hartland's acting police chief, Thomas Duemling, 58. Lentz was struck in the knee, Duemling in the upper thigh.

Duemling was in good condition Friday at Waukesha Memorial Hospital; Lentz was treated and released.

Once the van approached the police roadblock, Opat decided to jump out. She landed on the pavement.

At some point, Opat was shot in the left shoulder. Her husband, Dale, said she told him that she was shot before she jumped, but it was unclear who shot her. She was in good condition Friday at Waukesha Memorial.

Opat scrambled for her life, ducking behind cars in the roadblock. After she tumbled from the vehicle, an intense gunbattle ensued.

"I bet there were 100 gunshots over 30 and 40 seconds," witness Duane Wasley said. At one home, residents counted more than a dozen bullet holes in the side of the house.

"At first it sounded like a row of firecrackers going off," said Sylvia Gilmore, the owner of a nearby beauty salon, Classic Styles.

END OF THE ROAD

The van hit an unmarked squad car, then sped off again for several hundred feet. With one of the gunmen pointing his weapon out the window, the van swerved to avoid another squad car, then plowed into a stand of trees near Highway SS and Oak St.

The gunmen, injured in the crash, were surrounded by police, who settled in for a long standoff.

"There were cops swarming all over the place," said Kim Paulons, who was just entering a nearby beauty salon to get her hair cut.

Authorities prepared to assault the van by hiding behind a snowplow owned by the Waukesha County Department of Transportation. A Sheriff's Department detective driving the plow used the huge blades to provide protection for the officers, dressed all in black.

Scores of neighbors watched the tense standoff for almost two hours. Negotiators for the county's tactical unit attempted to coax the gunmen into exiting the vehicle. The gunmen were injured and said they were unable to drop their weapons as commanded.

About 12:30 p.m., officers approached the men only after determining they would not be fired upon. Officers pointed handguns and rifles through the windows of the van. One of the suspects was pinned in the van and had to be extricated.

On Friday, the two remained in Waukesha Memorial Hospital in fair condition.

"I'll never forget it," said Donna Davis, who was sitting in the beauty parlor watching the events unfold. "I have lived here all of my life and don't lock my doors, I'll lock them now."

"We ended up being out-gunned by the bad guys," Pewaukee Police Chief Ed Baumann

said at the end of the day's events. "It was not even close. [Lutz] did not have a chance."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS MUST MAKE SURE SMALL BUSINESSES PROSPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I appreciate having the opportunity to take a few minutes of the time of the House to discuss a matter which is of utmost importance, I think, to small business in America, and it is also something that has become very important to me as I have worked on this issue. During my election campaigns over the last 2 years, Mr. Speaker, I have realized, when visiting with my constituents and, in particular, small businesses, and that includes many independent business people, people who operate as individuals, not as corporations or partnerships, including many involved in agricultural business, that their major concern is that of Government regulations. They find that extensive Federal regulations are very intrusive into their lives and their businesses, that they are very expensive and that they tend to prevent the small independent businesses from creating jobs. We all know, and the statistics prove, that most new jobs in America come from small businesses. So, Mr. Speaker, I think it is imperative that this body, the Congress, and the Government of the United States do whatever they can to be sure that small businesses can prosper and can create those jobs.

In 1980, Mr. Speaker, this Congress addressed the problems of excessive regulations by passing the Regulatory Flexibility Act. But most businesses do not know and have not felt the benefits of that legislation, and that is because we pretty well took all the effectiveness out of the Regulatory Flexibility Act when we passed it because we said that no one could call on the courts to enforce this act if the bureaucrats and the regulators chose not to do so.

Now the provisions of this act say that the regulators are supposed to identify, when they do regulations, what is the cheapest, least intrusive way to promulgate regulations so that we do not interfere with the ability of business to make a profit and create jobs. Unfortunately we said though that, if the regulators feel that that would not be applicable, then they do

not have to do anything, and often-times in most regulations we find a little bit of boilerplate that says this Regulatory Flexibility Act really does not apply, and so they do not do the analysis necessary to see if these regulations are going to be burdensome.

Mr. Speaker, after I had talked with a number of constituents I decided to find out what was on the books, and of course we found the Regulatory Flexibility Act of 1980, and we found what the problems were with it. Since that time we have introduced in this body H.R. 830. This piece of legislation has 251 cosponsors, many from both sides of the aisle. It is supported by a coalition of over 40 small business groups who are very anxious to see this bill approved.

Now what is the problem? One might say, "Well, if you have over 250 cosponsors and you have all these business groups supporting it, why can't this bill get approval? The Senate has passed a similar measure on the competitiveness bill."

Well, that is a good question, Mr. Speaker, and I think many of my constituents would say, "Why doesn't this Congress act? Why don't they take up this bill in the Judiciary Committee? Why don't they pass this bill out and let the full House vote on it?"

Because we, many of us, believe that it is disservice to our constituents.

□ 1420

Mr. Speaker, I think it concerns me that a bill can have 250 cosponsors and not get called in committee. No wonder we have had major changes in our discharge petition regulations in this House. No wonder we are going to get more and more discharge petitions if legislation with that many cosponsors cannot get approved and sent to the floor for our consideration.

I am here today to talk to this body, the House of Representatives, about the need to move this piece of legislation and to say that any other bill that has that many cosponsors should have an opportunity to be debated in this House, to have a vote in this House, and to give the people we represent a chance to see representative government working for them, for our economy, for America.

Mr. Speaker, I hope that others, including the leadership, will take this to heart.

VOTES ON H.R. 3600, THE HEALTH SECURITY ACT OF 1994

The SPEAKER pro tempore (Mr. COPERSMITH). Under the previous order the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL Mr. Speaker, the following recorded votes were taken on May 3, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman WIL-

LIAMS' substitute proposal for H.R. 3600, the Health Security Act of 1994:

First, a Substitute amendment by Mrs. ROUKEMA to the chairman's mark includes provisions of H.R. 3080 (Michel) within the jurisdiction of the Committee on Education and Labor and additional provisions providing for universal access to health coverage including Pooled Employer Health Programs and State-based Voluntary Accessible Health Programs. Amendment was defeated 10-16.

Democrats:

Mr. Williams, Nay.
Mr. Ford (ex officio).
Mr. Clay, Nay.
Mr. Kildee, Nay.
Mr. Miller (CA), Nay by proxy.
Mr. Owens, Nay by proxy.
Mr. Martinez, Nay by proxy.
Mr. Payne, Nay by proxy.
Mrs. Unsoeld, Nay by proxy.
Mrs. Mink, Nay.
Mr. Klink, Nay.
Mr. Murphy, Nay by proxy.
Mr. Engel, Nay.
Mr. Becerra, Nay.
Mr. Green, Nay by proxy.
Mrs. Woolsey, Nay by proxy.
Mr. Romero-Barceló, Nay.

Republicans:

Mrs. Roukema, Yea.
Mr. Goodling (ex officio), Yea.
Mr. Gunderson, Yea.
Mr. Army, Yea.
Mr. Barrett, Yea.
Mr. Boehner, Yea.
Mr. Fawell, Yea.
Mr. Ballenger, Yea.
Mr. Hoekstra, Yea.
Mr. McKeon, Yea.

Second, an amendment by Mr. ENGEL and Mr. MARTINEZ allowing State and local government health plans having 5,000 or more full-time employees to elect to be treated as a corporate alliance, experience rated plan, or to be treated as other nonexperience-rated-plan employers whose employees are covered under a State-based community rating area, voluntary or mandatory purchasing cooperative, or single-payer system. The amendment was adopted 17-9.

Democrats:

Mr. Williams, Yea.
Mr. Ford (ex officio).
Mr. Clay, Yea.
Mr. Kildee, Yea.
Mr. Miller (CA), Yea by proxy.
Mr. Owens, Yea by proxy.
Mr. Martinez, Yea by proxy.
Mr. Payne, Yea by proxy.
Mrs. Unsoeld, Yea by proxy.
Mrs. Mink, Yea.
Mr. Klink, Yea.
Mr. Murphy, Yea by proxy.
Mr. Engel, Yea.
Mr. Becerra, Yea.
Mr. Green, Yea by proxy.
Mrs. Woolsey, Yea by proxy.
Mr. Romero-Barceló, Yea.

Republicans:

Mrs. Roukema, Nay.
Mr. Goodling (ex officio) Nay by proxy.
Mr. Gunderson, Nay.
Mr. Army, Nay.
Mr. Barrett, Nay.
Mr. Boehner, Nay.
Mr. Fawell, Yea.
Mr. Ballenger, Nay.
Mr. Hoekstra, Nay by proxy.
Mr. McKeon, Nay.

Third, an amendment by Mr. OWENS to reduce cost-sharing to \$1 to \$2 per service for

households with incomes up to 150 percent of poverty and to help defray the costs of the amendment by increasing the individual annual catastrophic cost limit from \$1,500 to \$2,500 and by a 1.5 percent premium increase for non-subsidized households and non-subsidized employers. Amendment was defeated 12-15.

Democrats:

Mr. Williams, Nay.
Mr. Ford (ex officio), Nay by proxy.
Mr. Clay, Yea by proxy.
Mr. Kildee, Yea by proxy.
Mr. Miller (CA), Yea by proxy.
Mr. Owens, Yea.
Mr. Martinez, Yea by proxy.
Mr. Payne, Yea by proxy.
Mrs. Unsoeld, Nay.
Mrs. Mink, Yea by proxy.
Mr. Klink, Nay by proxy.
Mr. Murphy, Nay by proxy.
Mr. Engel, Yea by proxy.
Mr. Becerra, Yea.
Mr. Green, Yea.
Mrs. Woolsey, Yea by proxy.
Mr. Romero-Barceló, Yea by proxy.

THE RELEVANCE OF ANTICRIME LEGISLATION AND BUDGET RESTRAINTS TO MEMBERS' CONSTITUENTS

The SPEAKER pro tempore (Mr. BOUCHER). Under the Speaker's announced policy of February 11, 1994, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the majority leader.

Mr. OWENS. Mr. Speaker, I welcome the opportunity to use these special orders in order to tie together a number of very important things that are happening here with some of the kinds of catastrophes we see and the serious problems being experienced in my district.

It is very difficult to relate to the constituents of one's district exactly what relevance the activities in Washington have to the day-to-day problems they face. But they are quite relevant. Whatever we do down here is quite relevant.

We have just passed a crime bill out of the House of Representatives. It has gone to conference with the Senate, and that crime bill is quite relevant to what is happening with crime in my district and all other districts. The crime bill was passed, and it calls for billions of dollars to be expended to build more prisons. It also calls for a three-strikes-and-you're-out provision for people to be placed in prison of life. Some very expensive measures are included in the crime bill.

However, very little money is included by programs that were introduced by the Congressional Black Caucus which call for preventive efforts to be financed by the Federal Government, more after-school centers for young people, midnight basketball programs, and more treatment programs for drug addicts. A number of the things that were accepted in the bill are accepted with such small amounts

of money that they will be quite ineffective once they are implemented.

The crime bill had some good features. I do not want to criticize the total crime bill, and we do need some new policemen. Additional policemen would be allocated to communities based on the implementation of the authorization of the crime bill. A hundred thousand new policemen were requested by the President. The Senate and the House have different responses to that, but more policemen in the localities and more payment for police activities at the local level are very much needed across the country. Now, there are some other good features in the bill also, but there is a glaring omission from the bill, one that is hard to explain to my constituents. There is a glaring omission from the House bill of any concern with gun control. There are no provisions for dealing with gun control in any reasonable or meaningful manner.

Guns are at the heart of the problem with crime. The deadliness of crime in our times is definitely related to the proliferation of large numbers of guns. We have more than 200 million guns already. These are handguns. We are not talking about rifles for hunting. We are talking about guns already out there to the tune of 200 million, and it is climbing every day, so that soon we will have a handgun for every American man, woman, and child. It is ridiculous, and yet our bill does nothing to deal with the handgun provisions. We are to be considering that in a separate bill this week.

So my constituents ask me, "Are you serious about crime? If you refuse to do anything about gun control, are you serious?"

They ask me if we are serious about a number of things that are happening down here.

We have a large number of people now who are offering themselves as experts on welfare reform. That is going to be at the top of the discussion for the next 2 or 3 months. Welfare reform is on everybody's mind because they want to make certain we do not continue to waste the funds of our Government by assisting individuals who are unworthy of it or individuals who could be working and taking care of poor children who ought to have their fathers taking care of them. There are a number of reasons why the American people get excited and sometimes hysterical about welfare.

But my constituents ask me—and I agree 100 percent with them—if they are excited about Government waste, then why are we just excited about welfare reform? Why do we not reform some other things while we are at it? They ask, "Why don't you have what you would call subsidy reform?"

We have subsidies coming from the Federal Government where the taxpayers are paying people to do various

things, and the taxpayers are assisting people who we say need assistance in the form of subsidies.

We have subsidies for farmers. We pay farmers not to grow certain crops. We assist farmers with loans of various kinds. We have had this for years, for decades. Nobody has proposed that we take a look at the waste in these programs and cut back on the waste there.

Farmers are only 2 percent of the population. They are less than 2 percent of the total population of the United States, yet they absorb a large portion of the budget with these farm subsidy programs. Not only do we subsidize farmers with crop subsidies, but recently the Washington Post indicated that there is a great source of waste, a great deal of waste in the Farmers' Home Loan Mortgage Program. The Farmers' Home Loan Mortgage Program costs the taxpayers \$11.5 billion in loans that were forgiven, loans that were delinquent and just written off and forgiven. Let me repeat that figure to every American citizen who is concerned about Government waste. The taxpayers of the United States gave the farmers of the United States \$11.5 billion—that is not million. This amount of money, \$11.5 billion, was given to the farmers. That is what happens when we forgive a loan. They had \$11.5 billion worth of loans. They were not paying on them, and for various reasons our Department of Agriculture forgave the loans, gave the taxpayers' money to the farmers.

This is just a small segment of the population. The farmers only constitute 2 percent of the population.

We all appreciate our farmers. We need the farmers. American farmers are the greatest farmers in the world. Our agricultural system produces food cheaper than any other system. But do the American people want to give away \$11.5 billion when there are so many other needs that should be met?

The Washington Post ran a story on the Farmers' Home Loan Mortgage giveaway on the front page of the paper. They also cited in a very long article four millionaires who are farmers on the side, millionaires who have not paid on their loans for 8 to 10 years. The loans they had were just sitting there. They were not paying on them. Nothing had been done to them. One of the so-called farmers who was a millionaire had \$26 million in assets. In other words, he had property and stocks and bonds and various things totaling \$26 million, and yet he was not made to pay on his loan. He was delinquent on his loan.

So if we are interested in saving money, why do we focus only on the recipients of welfare? Welfare is called Aid to Dependent Children, Aid to Families with Dependent Children.

□ 1430

So the families with children who for some reason cannot be taken care of,

for some reason they have to have Government subsidy, we are singling them out and zeroing in on them and saying we have to have welfare reform, we have to save this money.

Yes, wherever there are people who are abusing this program, we certainly should take some steps to deal with it. But what about the Farmers Home Loan Mortgage? Are we going to take some steps to deal with the \$11.5 billion? Are we going to put some of those people in jail who did not pay their loans? Are we going to make some effort to collect it? What do we have to do? Do the taxpayers just have to give away \$11.5 billion and nothing happens?

I expected that on the floor of the Congress, once the article appeared on the front page of the Washington Post, that we would have numerous calls for an investigation. I expected we would have calls for special hearings. I expected that all of the freshmen who came last year, 110 freshmen, whose No. 1 item was lowering cost of Government, at least half of them would call for some special effort to deal with the waste of \$11.5 billion. But it has not happened.

There are some very strange things that happen in this Capitol, very strange things go on in Washington, and I find it very difficult to explain them to my constituents.

I cannot explain why nobody is concerned with a giveaway of \$11.5 billion. But I am not surprised. I am not shocked. Because for many months, I stood on the floor of this House and asked the same questions about the savings and loan swindle.

The savings and loans have swindled the American people out of billions of dollars. Billions of dollars were guaranteed by the taxpayers. The Federal deposit insurance guaranteed the deposits in the savings and loan banks, so that when they went bankrupt, when they collapsed, then taxpayer money had to be used to pay off the depositors.

Stanford University predicts that before we are finally finished with the savings and loan swindle, the American taxpayers will be out \$500 billion. I did not say million, I said B, billion. The savings and loan swindle, which went on for the last 4 or 5 years, will cost the American taxpayers at least \$500 billion before all of the operations are completed and all of the various agencies that were set up to recover the money, to take care of the depositors. Before it is all finished the taxpayers will be paying out, and getting nothing in return, \$500 billion.

We get nothing in return for this money. If you waste money in building an aircraft carrier that you do not need, or waste money in building a submarine you do not need, at least you have a piece of metal. You have something to show for it. In the case of the savings and loans, the money is gone.

They say they were managed badly, the real estate market collapsed. But we have evidence it was not bad management in 90 percent of the cases. There were business swindles. Business swindles, where somebody would buy a piece of real estate and inflate the cost of it, then sell it to somebody and inflate the cost of that. Finally, everybody would get a loan and, finally, you have a piece of real estate costing a few thousand dollars that would be up to \$1 million.

The bank gives a loan on that \$1 million to build the building. So you have a loan for the land which cost too much in the first place. Then you build a building, and they did not complete the building. So they never could occupy the building or get any income from the building. The whole thing collapsed to the tune of \$20 or \$30 million.

They said that was mismanagement. You can't call us crooks.

Everybody knew in every stage of the transaction they were ripping off the taxpayers; they were getting something they were not going to be able to pay back.

But in the final analysis, the bank is left holding the bag. The bank cannot meet its obligation, the bank goes under, and the American taxpayers come in in the form of the Federal Deposit Insurance Corporation and they bail out the bank, which means that the American taxpayers are left holding the bag. They have paid the bill. And that will cost us \$500 billion.

So while we are considering all of these ways to save money, why are we not considering what is our next step in recovering some of the money lost through the savings and loans swindle? Why not have investigations? Why not have hearings? Why not take a look at where we are, 5 or 6 years now into the discovery and the exposure of the massive swindles of the savings and loans associations?

Nobody wants to talk about that here in this Capitol. People get hysterical about wasting money on children who cannot help themselves, welfare dependent children, but nobody wants to talk about the massive amounts that we wasted through the savings and loans swindle.

My constituents cannot understand it, and I don't think anybody else in America really can understand it. Why aren't our newspapers screaming loudly about this awful waste? Why aren't our major leaders talking about the impact on the economy of that kind of waste? You get nothing for it. The farmers are given \$11.5 billion. You are getting nothing for it. What is it doing for the total economy? If the S&L swindle costs us \$500 billion, we get nothing for it.

There is another way to spend our money. Why not invest in activities which produce jobs? Why not go back to where we were a year ago when the

President offered the stimulus package that was going to create programs which would build bridges, programs which would build highways, programs which would provide services in terms of more Head Start youngsters, increased assistance to build libraries and schools? Sixteen billion dollars, just a mere \$16 billion, was dedicated to using the taxpayers' money to invest in activities which would generate income.

Not only would income be generated from the jobs that were created, but the kinds of activities that the people who have the jobs were engaged in would be improving the economy, increasing the possibility of other economic activity. If you build better bridges and better roads and highways, then the movement of goods is made more efficient. If you give better training to students and job training to employees, they are able to take more skilled jobs. They earn more income. The income taxes come back to the Federal Government. So it is an investment.

The stimulus program of the President made more sense than any program we have had on the table in the last 2 years. And yet that stimulus package was voted down by the Senate. We passed it in the House, but it was later voted down.

My constituents want to know why don't we come forward with another stimulus package? Every week when I go home. I am from New York, so I am fortunate enough to be able to go home every week. In fact, I am so close to my constituents, they want me to come home every night.

At least every week I am in the district, and I get greeted at the door of my office by men who are asking, when are the jobs coming? Congressman, when are the jobs coming? Nothing that happens is more important than the creation of jobs.

To put it all together, I have talked about the crime bill. I talked about welfare reform. I am talking about waste in the farmers home loan mortgage program, I am talking about waste in the savings and loan swindle.

I would like to see us deal with all of that waste and use the taxpayers' money instead in another direction, of creating jobs, of investing in activities which create jobs.

We don't talk enough about jobs in this House. We don't talk enough about jobs in this Capitol. There is an assumption because we are in a capitalistic society, the free market prevails, that Government plays a minor role in the creation of jobs. While we recognize that jobs drive the economy and you can't have a working economy without jobs, you can't have a working economy unless you have income generating activity, because the income generating activity produces revenue, and revenue is what Government needs to survive on.

We don't recognize that. We don't admit that the primary stimulus for the capitalistic economy of America has been for the last 50 years the Government, after we ended World War II, which was an activity where there was a great stimulus. But in our peacetime economy, the greatest stimulus for the economy has always been the Government.

□ 1440

The fact that we decided to go into an arms race with the Soviet Union meant that we poured billions of dollars into the defense industry, and the defense industry was the motor of our economy. What that defense industry motor showed us is that if you do not have defense as a motor to drive the economy, if you do not create jobs via defense, if the Government does not stimulate jobs that way, then it has to stimulate them some other way.

Government must create jobs. We must go forward understanding that one of our primary responsibilities as legislators, one of the primary responsibilities of the decisionmakers here in this Capitol is to create jobs. People in my district do not understand why we do not spend more time talking about creating jobs. Why do we have lengthy discussions about crime and a crime bill and we do not recognize that people who have jobs, who have hope of some day getting a job, behave in ways which reduce crime.

The No. 1 reason for crime is that people are seeking some income. They are trying to get it without having to go through the regular channels. And there are always crooks; there are always criminals in every society. But when you get a dramatic increase in the number of criminals, when you have large percentages of the population participating in criminal activity, there is something wrong with the society and the opportunities that the society is making available for the people of the society.

A society is a social construct which is created in order to improve over the state of nature. If we were all out here in the jungle, it would be survival of the fittest, those who have bread, those who have bananas, those who have food would have it taken from them by those who are stronger. And the strongest would survive. We do not want that. All societies exist because they are trying to improve over the jungle, over the state of nature.

So if a society exists as an improvement over a state of nature, it means that it makes certain kinds of contracts, a compact with the individual that we are going to provide the opportunity in this construct of ours for everybody to survive. Everybody should have an opportunity to survive. And survival in our times means everybody should have the opportunity to earn income legitimately. Everybody should

have the opportunity to be able to work and get paid decent wages for their work, which brings me back to the question of welfare reform.

We are talking about welfare reform. Suddenly people who have never, ever talked to a welfare recipient are declaring that they are experts on welfare. Plans are being offered by people who have never indicated any interest in poor people. All of a sudden there are all kinds of experts.

Welfare reform should begin with the assumption that if you had jobs, people would prefer those jobs and they would take those jobs and you would not have to subsidize them in some other way. We will always have a need to subsidize people who are disabled, people with disabilities, some of those who cannot get jobs would have to be subsidized. The elderly would have to be subsidized. Children with no parents would have to be subsidized. But there are large numbers of people who are receiving aid from the Government of some form, food stamps, public housing, various kinds of subsidies, because they cannot get a job which pays an income high enough to cover those necessities.

So if you want to deal with those necessities, then create jobs and let people just get a job, earn income. That is the simplest solution. A lot of the social problems that result from people not having jobs, a lot of tension created that breaks families apart, broken families which create situations where children are more likely to get into trouble, stress creates situations where people are more vulnerable and likely to become alcoholics or they are likely to become drug addicts, a lot of things that happen in our society would not happen if you had a way for people to earn a living. If they had income, they would solve their own problems.

If there was a hope that jobs would be there, if youngsters understood that at the end of the schooling process, there is a job waiting and people have education, there is a difference of people who have education and those that do not have education. Those who do have education do get jobs. They are able to make a living. If you had that kind of hope held up, a large part of the schooling problems and problems that we encounter with our young people would be resolved.

So the job becomes the key factor. If that is the key factor, why do we not concentrate on producing more jobs.

There is a lot of hypocrisy that comes out of the mouths of those who have insisted that we want to end welfare as we know it. They want to end welfare and make people go to work, as if all those welfare recipients out there do not want to go to work. Where are the jobs? And in numerous situations we have seen a few jobs open up in the big cities. There was one dramatic illustration in Chicago where one of the big hotel chains opened a new hotel in

Chicago and they took photographs, so they were available for everybody to see, of people going around the block. It was the middle of winter. They are lined up, 10,000 people came out for a few hundred jobs; 10,000 people came out. Everywhere else that you announce jobs, if you announce jobs in New York City, you will have thousands of people applying for 40, 50 jobs. The problem is jobs. So why do we not concentrate on creating jobs?

Why do I say the people who are pushing welfare reform are hypocritical? Because they do not want to talk about the fact that welfare was created because it is cheaper to put a person on welfare and pay them some pittance amount of money and say that you are trying to help them survive and you are trying to help their children than it is to give them a job.

A minimum wage job with health benefits will cost far more than any 1 of the 50 States now pay to welfare recipients.

A family of four gets far less than they would get with a combination of a minimum wage job and a health benefit. There are minimum wage jobs that are not worth it because if you do not have the health benefit, then the person who gets off welfare gets a minimum wage job, no health benefit, they are in worse trouble than they were before if they have a family. The minute one of the kids get sick, they have no way to take care of them. This keeps a lot of people on welfare because they want the health benefit.

Health reform, health care reform becomes very important in this whole matter of being able to reform welfare, being able to provide jobs, because if the employer cannot provide the health benefits, then of course with a national health care reform package, we will provide the benefits and enable the person to make a decision without taking a job, without having to consider the loss of their Medicaid benefits. Again, the problem goes back to the creation of jobs. What are we going to do in this society to create jobs? And in the process of creating jobs we solve and resolve a lot of problems. There is always a great deal of work to be done.

In our society right now there are jobs waiting in terms of work to be done. We just need a way to pay people to do it.

Our infrastructure is still crumbling, highways, bridges which always come to mind, but across the country, a large percentage of our schools, our public schools are so dilapidated and so decaying that they are dangerous. In New York City, the opening of school last fall was delayed for 2 weeks because we had large numbers of schools with asbestos at a level which was dangerous for young people. We still have large numbers of schools which have lead pipes and a lead problem. Lead and asbestos problems in public schools

generate a health problem which is immediate and very dangerous, because science has shown that ingestion of lead or asbestos by young children, the damage created is far greater than it is with adults.

So we have unsafe schools in many places in the country and certainly in our big cities. Just to repair and replace some of those schools would create thousands of jobs. The work is there to be done. We need some way to pay people to do it. The schools in New York, we would like to put in more computers and even the better schools that want to put in computers and more audiovisual devices, we find that the lines which go into the schools, the telephone lines are inadequate. We cannot have modern wiring. We cannot have modern computerization of the schools because of the fact that we need to have new lines go in via the telephone company.

□ 1450

There is work to be done there. Somebody needs to be paid to do it.

We are going into the age of telecommunications wrapped around the whole world. The telecommunications people are talking about supplying 500 channels, 500 cable channels that can be supplied. The question is, what is going to go over those channels. How are we going to train people to deal with the wiring of the whole world?

South Africa has just become free. The great demand for education in South Africa, the great demand for new housing in South Africa, the great demand for the building of a new infrastructure, they will look to some other nation to help with that.

There are jobs that are possible, but people have to be trained for those jobs. They have to be educated for those jobs. In some cases, only the Government can provide the payroll.

This is nothing new. We provide the payroll for General Motors when they build tanks. All of the tanks used by the military in this country are built in this country. They are built by workers in this country. We provide the payroll for that.

When we build aircraft carriers, an aircraft carrier cost \$3.35 billion, they are built not far from here. The only place in the world that builds aircraft carriers is Newport News, VA.

When in Newport News the Government gives a contract to build an aircraft carrier for \$3.5 billion, that puts a whole lot of people to work, not only in Newport News, but making all the parts, supplying all the various parts, means a whole lot of other people in other States across the country are also involved in building that aircraft carrier, so those people are on the public payroll. They are on our taxpayers' payroll.

In Groton, CT, we built a *Sea Wolf* submarine. When President Clinton be-

came President he decided to build one more *Sea Wolf* submarine. We did not need a *Sea Wolf* submarine because the conflict with the Soviet Union was over. There was nowhere to use a *Sea Wolf* submarine.

The decision was made in order to keep people working. I think it was an expensive way to provide jobs, to build a *Sea Wolf* submarine, but my point here is that the people who built the *Sea Wolf* submarine are on the public payroll. The contract would not be there if the Government did not order the *Sea Wolf* submarine.

We have had for years a \$200, \$300, \$400 billion defense budget. Right now, with the Soviet Union gone and no other superpower existing in the world, we still have a \$260 billion defense budget. We are still building planes, tanks, various kinds of equipment, because we say it may be needed.

I will not quarrel right now with whether it is going to be needed at all, but everybody who is involved in that activity, \$260 billion, they are on the public payroll. We are providing those jobs. I have no quarrel with using Government money to provide jobs, but let us admit that it is a legitimate function of Government to provide jobs.

Once we have no more excuses to build planes and tanks and bombs, let us use Government money to provide jobs in other areas. Let us use Government money to build the highways and the schools. Let us use Government money to take care of the needs of human beings, to provide new kinds of methods and equipment, supplies, for education.

My constituents do not understand why we do not use our Government money in more reasonable ways. My constituents do not understand why, as a member of the Committee on Education and Labor, I had to spend 3 days in a House-Senate session debating something called Opportunity to Learn standards. When I tell them I spent the equivalent of 3 days debating back and forth whether we should have Opportunity to Learn standards written into the Goal 2000 legislation on education, they are baffled.

Opportunity to Learn standards are merely a statement of common sense. In the Goals 2000 legislation, the President of the United States is agreeing with the previous President that the Federal Government ought to get involved more in education reform.

What they are saying in Goals 2000 is that we should begin with a world-class curriculum, a standard curriculum, or curriculum standards, not a curriculum that is standardized, but curriculum standards; so we set those standards and invite all of the States, nobody is mandated, all of the States are invited to participate and come up with standards that are similar to the standards we set, as they establish a curriculum which will be not exactly

the same across the country, but very similar.

In addition to the curriculum standards, we are going to establish world-class tests so all the youngsters in the country will be taking the same test. With those tests we will measure how much of this world-class curriculum they are absorbing.

Those two items put the burden of educational improvement on the backs of the students, and that is altogether fitting. Students must shoulder that burden.

When I proposed a third set of standards, standards related to the delivery system, how are you going to help these youngsters pass these tests, what are you going to do which will facilitate their being able to learn so that they will be able to pass the tests, absorb the world-class curriculum, that is when the debate began. How are you going to do that? We have to talk in concrete terms.

We started talking then about, are you going to make sure that every youngster in America is in a building which, first of all, is safe, does not have asbestos, does not have lead, is safe? After the building is safe, are you going to make sure it is conducive to learning? Will there be proper lighting? Will there be space? Will the student enjoy going to school every day? Are you going to build science laboratories in every school, make sure that the schools that are teaching science have the laboratories and the equipment in the laboratories to teach science?

In New York City, not only do we have no science labs and science equipment in the junior high schools, a survey 2 years ago showed that in two-thirds of the schools, the two-thirds of the schools where African-American and Latino youngsters were predominantly in the student body, those two-thirds of the schools had teachers teaching math and science who had never majored in math and science in college, so the basic item, the teacher, was not qualified to really help those young people to pass any test on science or math.

In Goals 2000, we have six subjects that are going to have these world-class curriculums established. One of them is math. One is science. Another is geography.

As I pushed the idea of Opportunity to Learn standards, I asked the question, "Can we have standards which say that every school should have books that are current?" We have facts that show that in the books of the school libraries across America, the average copyright date is 1965. If the copyright date is 1965, that means the book was published in 1965. The information in the book is 1965 information.

How can you learn geography from books that are almost 30 years old, 25 years old? How can you learn history, current history? There are at least 30

countries that exist now that did not exist in 1965, so how can you learn history and geography if you do not have appropriate books? Opportunity to Learn standards means that you are going to address this problem: What are the States doing to facilitate learning? Common sense.

We got tremendous opposition, because it means you have to talk about spending money. In order to deal with the Opportunity to Learn standards, you are going to have to spend money to build buildings, you are going to have to spend money to build laboratories. You are going to have to spend far more money than we are willing to spend on education to make sure every lab is equipped with the right equipment. You are going to have to buy books. You are going to have to do what any sophomore in high school would tell you is necessary for learning.

But the Governors rose in rebellion against the idea of the Opportunity to Learn standards. The administration rose in rebellion. The Wall Street Journal condemned me as a person who was going to create an opportunity for parents to sue, because they saw parents awakening.

If parents see a situation where their kids are being pushed in this world-class curriculum, and the kids have to take the tests and their whole lives depend on these tests, then parents are going to say, "What about this other standard? Are you really providing the opportunity to learn to my child?" And the pressure in the courts and the pressure politically is what they anticipate, and would not respond to.

Why not? Why not use the billions of dollars that are going to waste to build decent schools and to equip those schools with the best possible equipment? Why not use the billions of dollars to train teachers who really know how to teach science and math, so no schoolroom where science and math is being taught has to have a teacher who does not know the subject?

□ 1500

Why not? We have the money. We are not a desperately poor country as many speakers on the floor of this House would make us out to be, we have to watch every penny. Yes, we ought to watch every penny, but we ought to watch how we take the pennies away from the great bottomless pits of waste and dedicate them to the activities that are constructive and will help people to learn the skills they need in order to gain the jobs that they need, to earn the incomes that they need, in order for them to take care of themselves.

I am all in favor of people getting off welfare, 2 years and get off, OK. I have no problem with that. But guarantee a job. Let the Government guarantee a job for every person who gets off welfare.

I would go even further. I introduced legislation when I first arrived here in 1983. In January 1983 I introduced a bill which said we ought to amend the Constitution to guarantee the right to a job opportunity to every American who wants to work. That is pie in the sky, my colleagues told me, and they still tell me that. But for the future our society is going to exist in peace and harmony with opportunity for all only if it creates job opportunities for all, only if we have jobs and get rid of the kinds of tensions and the kind of oppression that exists at this point in parts of my district.

Parts of my district, like most inner city communities, are under siege. They feel they are under siege because they waited all of those years for Ronald Reagan to go, 8 years, and then 4 more years for George Bush to go, and finally we had a President who said he cared about the people. Finally we had Democratic control of the House, the Senate and the White House. And all we hear now is obscene, irrational rattling on and on about how important it is to build more prisons, how important it is to have more death penalties, how absolutely important it is to get people off welfare in 2 years. But no talk about creating jobs.

One strike and the administration was out. The administration made an attempt, a valid attempt to get a stimulus package passed, \$16 billion in expenditures, \$3 billion in tax cuts and tax credits, et cetera, \$19 billion total. We barely got it passed on the floor of the House, but it passed. And then it was filibustered to death on the floor of the Senate.

Now we have no desire to go back and try again, it appears. Nothing else makes sense that we do down here unless we do go back and address the serious vacuum that has been created by the absence of a stimulus package sponsored by the Federal Government. A huge package, greater than \$16 billion is necessary now.

What we have done over the last 3 years is accepted stimulus through the back door. In other words, another way to put it was God has forced us to offer stimulus packages to certain parts of the country. We passed a few months ago an earthquake relief bill for California, \$8 billion in earthquake relief. Now God created the earthquake, nature created the earthquake. It was something we had no control over. The people who were involved as victims deserve assistance. Our Government should come to the aid of people who are victims of earthquakes.

That \$8 billion is a stimulus, however, regardless of what purpose, it is a stimulus to the economy of California. The economy of California has bounded back. It is moving now. They paid big bonuses, billions of dollars to rebuild the freeway. Everybody worked on the freeway. Many of the contractors got

an extra bonus, and they did other things, and on and on it goes. The economy is jumping as a result of \$8 billion in stimulus.

Last year we appropriated \$6 billion to the Midwest flood victims, so the States in the Midwest who were so unfortunate as to have floods destroying homes and crops, et cetera, God at work again, nature at work, we came to their aid. We had a \$6 billion flood relief package. That \$6 billion helps victims, and I am all in favor of helping the victims of floods.

But that is a stimulus for the economy of those areas. It is Federal money going to those areas to provide funding for rebuilding homes, rebuilding roads, activity which stimulates income, which generates income. And the economy of those areas are benefiting from our Federal Government's help.

Before that, during the last year of the Bush administration, we appropriated \$6 billion for hurricane victim relief in Florida, hurricane victims. Again, God at work, nature at work. But it is a stimulus for the State of Florida, Federal money not coming out of the State coffers poured into Florida to do what is necessary to help the victims which becomes an economic stimulus. It creates jobs, generates income.

Would it not be logical and fair to look at the economy of the big cities like New York, and Chicago, and Los Angeles, the inner cities of those areas where unemployment has been at the level for the last 12 or 13 years, a level which is twice as high as the average unemployment across the whole Nation? In the neighborhoods where unemployment has been twice as high as the average national unemployment, why not declare them disaster areas? They are disasters created by man, not God, not nature. But we have managed the economy in ways which has drained the job producing activities out of those areas.

One of the ways we manage the economy is the deposits paid by city people were taken to the Midwest and the Far West to build shopping malls with all of the savings and loan money that got pumped down the drain, and the deposits were put in in the big cities, and in many cases in the East and in the Midwest they would not invest in neighborhoods in the inner cities because they said the investments would not be safe. So they built shopping malls in Texas or apartment houses in Texas, or Colorado, the areas where we have the greatest amount of savings and loan swindles. The economy was grossly mismanaged.

People say New York has always got its hand out asking the Federal Government to do something for New York. New York State in the past 20 years has always paid more tax money into the Federal Government's coffers than it has gotten back. New York State has always paid more into the

Federal coffers. Two years ago it was \$16 billion more that went into the Federal Government than came back to New York. The year before that it was \$23 billion more came from New York and went into the Federal coffers than we got back in terms of Federal expenditures.

So the mismanagement of the economy means we are draining away resources from areas, creating situations where the jobs are not there, and we walk away and do nothing. When we call for a stimulus package that might help New York and the big cities, suddenly people think it is going to bankrupt the country. An earthquake, no questions asked. A flood, no questions asked. A hurricane, no questions asked.

Let us grow up and join the 20th century. Let us stop being superstitious, folks running around responding to nature and to God and recognize that there are other kinds of disasters, and disasters exist in our big cities and our inner cities. A disaster exists in most of my district, and my folks do not understand, my constituents do not understand why we do not come to their aid, why we do not give them some relief, some disaster relief.

On the floor of this House this kind of sensible, logical dialog is almost impossible to find. Nobody wants to talk about why we do not use the tremendous riches and resources of this Nation to come to the aid of victims of 12 years of unemployment, 12 years of no opportunities, 12 years of people being forced to pick up the crumbs, 12 years of suffering, 12 years of pressure, 12 years which have generated more addicts, more alcoholics.

It is only jobs we ask. We do not need a complicated welfare reform program. Just give us the jobs.

□ 1510

Give us the jobs. There is work to be done. All we need is somebody to pay for the work. If there is nobody else to pay for the work, if private enterprise will not do it, then let the Government do it.

If you want to play the games we play down here in terms of every new program must have a way, must identify the sources of funding, then every day I can give you a new source of funding for a jobs program on the streets of our cities.

We can start with the CIA. You know, we tried to cut the CIA 10 percent the last time they were up for appropriation, and nobody wanted to listen, an overwhelming defeat for a cut of the CIA.

This past week we had an agent of the CIA, a very high-placed person, who turned out to be a double agent. We will not go into the story. But in his farewell address before he went off to prison, he stated that the CIA was a big joke; the CIA is an agency of old boys spending the taxpayers' money,

playing games and doing nothing. He felt he should rip it off. Because what else? You know, everybody else was ripping it off, too.

That is oversimplifying, but what Eldridge Ames said ought to be investigated. A multibillion-dollar operation, we have an intelligence operation which the New York Times and other reliable sources estimate to be \$28 billion to \$30 billion, \$28 billion to \$30 billion in intelligence activity in 1994, the same as we had 3 or 4 years ago just before the Evil Empire dissolved and the major superpower competition went off the radar screen. We still have an expenditure of \$28 billion to \$30 billion.

If you want to find the money to pay for a jobs program in the big cities, give us a billion a year from the CIA until it gets down, from our intelligence operations, the CIA included, until it gets down to some reasonable size. You might consider just abolishing the CIA and let the FBI and the local police and State Department perform the functions they are supposed to perform, because as Eldridge Ames pointed out, many of the agents who were supposed to be experts in certain countries do not know the language of the country, so they are sitting at a desk in Washington making decisions and analyses about that country.

We could save a whole lot of money in the payment to agents and double agents. If Eldridge Ames was receiving \$2 million from the broke, bankrupt Soviet Union, and they were paying him \$2 million to spy on us, then has anybody considered what we must be paying Russian agents to spy on the Russians? If the going rate for the Russians is \$2 million, then we must be paying the Russian spies much more than that. To do what? Useless spying. Who needs it?

We are paying for expense accounts. We are paying for femmes fatales and agents provocateurs and information sources. There is a cloak-and-dagger game going on out there which has no relevance to anything.

As Eldridge Ames pointed out, most of the information our CIA gathers can be gotten from some other source with far less cost.

So let us begin by cutting back on the CIA and pumping that money into jobs in the inner cities, or let us be serious about the Farmers Home Loan Mortgage.

If we have given away already \$11.5 billion in debts forgiven, let us resolve that we are going to go out and collect the rest of the loans or do something to get the taxpayers' money back. Let us take that money and put it into the inner cities.

Let us take another look at the savings-and-loan swindles, and let us decide that we are really going to be serious this time and make people pay back a lot of the money they walked

off with or go to prison. That is a source of funding for jobs programs in the inner cities.

Let us stop building more aircraft carriers and *Seawolf* submarines just to provide jobs. You can provide three or four times more jobs with the same amount of money than it takes to build weapons systems that are never going to be utilized.

Let us get serious. I want the people who are in my district to know that when they are faced with budget cuts by the city, and the city has cut 70 percent of the youth programs out of the budget because they say, "We cannot afford it"; the city is cutting back on all kinds of programs that existed before. All that relates to what happens down here in Washington, because New York State is sending still money to the Federal Government that it does not get back in the form of services and programs. So it relates to the Federal Government. It relates to the Federal Government, because all taxes begin at the local level.

There are no taxes generated in Washington, DC. The taxes are generated from people all over the country.

Last April 15 the taxes flowed out of the local areas into Washington. It is our money. Taxpayers should demand that the money be utilized in ways that are more productive, that the waste stop, that the hysteria about crime, the hysteria about welfare reform, the hysteria be replaced with some honest discussion of what shall the Government do to assist the economy. What shall the Government do to provide income-generating activities? What shall our Government do to provide jobs?

I want to close by saying that there was a program on television a couple weeks ago called "Survival Against the Odds" or "Surviving the Odds," "Surviving the Odds." It was directed at what shall we do in our communities to help African-American males. African-American males, in large numbers, are already in the criminal justice system. One-fourth of African-American males between the ages of 18 and 25 are somewhere in the criminal justice system. They are either on probation, on parole, or they are in prison. That is a lot of people, one-fourth of the African-American males in this country, at this point, before we start three strikes and you are out, before we start a massive campaign to stop crime, already one-fourth.

What do we do about them? The television program addressed this in many ways. I was shocked, after listening to it for a whole hour, to not hear any discussion of jobs and what jobs have to do with young people. The existence of jobs, the existence of opportunity, the existence of an economy which is expanding, all of that is necessary to create hope.

Why should young people have hope if they cannot at least look forward to having a job so they can bring home a paycheck? Why can they have hope if they do not have an opportunity to utilize the education they might get if they stay in school?

We have a stagnation that is setting in in our whole economy, and not only our young people are at risk, not only are our young people in the inner cities or in districts like my district in Brooklyn at risk, but large numbers of people who have jobs now are at risk.

If we continue to fail to recognize the supreme duty of our Government is to make certain that the economy is working, to create jobs, we are at risk.

There is competition of all kinds, people who have Ph.D.'s who are nuclear scientists, they are at risk, too, because we have nuclear scientists in other parts of the world who are working for less than minimum wage. The Soviet Union has nuclear scientists right now who are working for less than minimum wage. They may be utilized instead of our own nuclear scientists. We have computer programmers who are at risk, because large numbers of computer programmers are being brought in from countries like India, and they work for at least half as much as a computer programmer that comes out of our colleges and universities work for.

If we do not create more jobs, if the Government is not directing its attention, its focus, on income-producing activities and jobs including watching our trade agreements and our agreements which allow people to bring in low-paid workers to work in our own economy, if we do not do all of that, then we are headed for a situation where there will be increasing amounts of hostility, of tension, outrage, and explosion.

People in my district want to know why Government does not have more common sense. I think we ought to try to answer that question more on the floor of this House, and the way to do that is to spend more attention on programs that create jobs.

Let us go back to the stimulus package. If the President will not offer another stimulus package in order to create jobs, it is the duty of every Member of Congress to develop ways in which we can develop a package that is based on utilization of the taxpayers' money for investment, not for waste, but for investment to create jobs, to create opportunity.

□ 1520

RECESS

The SPEAKER pro tempore (Mr. HILLIARD). Pursuant to the provisions of clause 12, rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 3 o'clock and 20 minutes p.m.) the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HILLIARD) at 5 o'clock and 2 minutes p.m.

NATIONAL FLOOD INSURANCE REFORM ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3191, 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 Massachusetts [Mr. KENNEDY] that the House suspend the rules and pass the bill, H.R. 3191, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 335, nays 60, not voting 37, as follows:

[Roll No. 149]
YEAS—335

Abercrombie	Costello	Hamburg
Ackerman	Coyne	Hamilton
Andrews (NJ)	Cramer	Harman
Andrews (TX)	Crapo	Hastert
Applegate	Cunningham	Hastings
Bacchus (FL)	Danner	Hayes
Bachus (AL)	Darden	Herger
Baesler	de la Garza	Hilliard
Baker (LA)	Deal	Hinchee
Barca	DeFazio	Hoagland
Barcia	Derrick	Hobson
Barlow	Deutsch	Hochbrueckner
Barrett (NE)	Diaz-Balart	Holden
Barrett (WI)	Dingell	Horn
Bartlett	Dixon	Houghton
Becerra	Dooley	Hoyer
Bellenson	Durbin	Huffington
Bentley	Edwards (CA)	Hughes
Bereuter	Edwards (TX)	Hunter
Berman	Emerson	Hutto
Bevill	Engel	Hyde
Bilbray	English	Inhofe
Bishop	Eshoo	Insole
Blute	Evans	Istook
Boehlert	Everett	Jacobs
Bonilla	Ewing	Jefferson
Bonior	Farr	Johnson (CT)
Borski	Fawell	Johnson (GA)
Boucher	Fazio	Johnson (SD)
Brewster	Fields (LA)	Johnson, E. B.
Brooks	Filner	Johnston
Browder	Flake	Kanjorski
Brown (CA)	Foglietta	Kaptur
Brown (FL)	Ford (MI)	Kasich
Brown (OH)	Ford (TN)	Kennedy
Bryant	Frank (MA)	Kennelly
Buyer	Franks (CT)	Kildee
Byrne	Franks (NJ)	King
Callahan	Frost	Kingston
Calvert	Furse	Kleccka
Cantwell	Gallo	Klein
Cardin	Gejdenson	Klink
Carr	Gephardt	Kiug
Castle	Geren	Knollenberg
Chapman	Gilchrest	Kolbe
Clay	Gilman	Kopetski
Clayton	Gingrich	Kreidler
Clement	Glickman	Kyl
Clinger	Gonzalez	LaFalce
Clyburn	Goodlatte	Lambert
Coble	Goodling	Lancaster
Coleman	Gordon	Lantos
Collins (IL)	Grams	LaRocco
Collins (MI)	Green	Laughlin
Combust	Greenwood	Lazio
Condit	Gunderson	Leach
Conyers	Gutierrez	Lehman
Cooper	Hall (OH)	Levin
Coppersmith	Hall (TX)	Levy

Lewis (CA)	Orton	Shepherd
Lightfoot	Owens	Shuster
Linder	Oxley	Sisisky
Lipinski	Pallone	Skaggs
Livingston	Parker	Skeen
Lloyd	Pastor	Sketton
Lowe	Payne (NJ)	Slatery
Machtley	Payne (VA)	Slaughter
Maloney	Pelosi	Smith (IA)
Manton	Penny	Smith (NJ)
Manzullo	Peterson (FL)	Snowe
Margolies-	Peterson (MN)	Spratt
Mervinsky	Petri	Stark
Markey	Pickett	Stenholm
Martinez	Pickle	Strickland
Matsui	Pombo	Studds
Mazzoli	Pomeroy	Stupak
McCandless	Porter	Sundquist
McCloskey	Portman	Swett
McCrery	Poshard	Swift
McCurdy	Price (NC)	Synar
McDade	Quillen	Talent
McDermott	Quinn	Tanner
McHale	Rahall	Tauzin
McHugh	Ramstad	Taylor (MS)
McKeon	Rangel	Tejeda
McKinney	Ravenel	Thomas (CA)
McMillan	Reed	Thomas (WY)
McNulty	Regula	Thompson
Meehan	Reynolds	Torkildsen
Meek	Richardson	Torres
Menendez	Roemer	Torricelli
Meyers	Rogers	Towns
Mfume	Ros-Lehtinen	Trafficant
Michel	Rose	Tucker
Miller (CA)	Rostenkowski	Unsoeld
Mineta	Roth	Valentine
Minge	Roukema	Velazquez
Mink	Rowland	Vento
Moakley	Roybal-Allard	Volkmer
Mollinari	Rush	Walsh
Mollohan	Sabo	Waters
Montgomery	Sanders	Watt
Morella	Sarpalius	Waxman
Murphy	Sawyer	Wilson
Murtha	Saxton	Wise
Nadler	Schenk	Wolf
Neal (NC)	Schiff	Woolsey
Nussle	Schumer	Wyden
Oberstar	Scott	Wynn
Obey	Serrano	Yates
Oliver	Sharp	Young (AK)
Ortiz	Shays	Zimmer

NAYS—60

Allard	Ehlers	Moorhead
Archer	Fields (TX)	Packard
Armey	Fowler	Paxon
Baker (CA)	Gekas	Roberts
Ballenger	Gibbons	Rohrabacher
Barton	Gillmor	Royce
Billrakis	Goss	Schroeder
Billie	Hancock	Sensenbrenner
Bunning	Hansen	Shaw
Burton	Hefley	Smith (MI)
Camp	Hoekstra	Smith (TX)
Canady	Hutchinson	Solomon
Cox	Inglis	Spence
Crane	Johnson, Sam	Stearns
DeLay	Kim	Stump
Dickey	Lewis (FL)	Thurman
Dornan	McCollum	Upton
Dreier	McInnis	Vucanovich
Duncan	Mica	Walker
Dunn	Miller (FL)	Zeliff

NOT VOTING—37

Andrews (ME)	Hefner	Smith (OR)
Bateman	Hoke	Stokes
Blackwell	Lewis (GA)	Taylor (NC)
Boehner	Long	Thornton
Collins (GA)	Mann	Visclosky
DeLauro	Moran	Washington
Dellums	Myers	Weldon
Dicks	Neal (MA)	Wheat
Doolittle	Pryce (OH)	Whitten
Fingerhut	Ridge	Williams
Fish	Sangmeister	Young (FL)
Galegley	Santorum	
Grandy	Schaefer	

□ 1728

Messrs. HEFLEY, BALLENGER, SOLOMON, KIM, and INGLIS of South

Carolina changed their vote from "yea" to "nay."

Messrs. LEWIS of California, HINCHEY, and INHOFE changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, I was not present during the House session on Tuesday, May 3. Had I been present, I would have voted "yes" on H.R. 3191, the national flood insurance reauthorization. I commend my colleagues on the Banking Committee for their excellent work in crafting this comprehensive piece of legislation.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, I was absent on Tuesday, May 3, and missed rollcall vote 149. But had I been here, I would have voted in support of H.R. 3191, the National Flood Insurance Reform Act.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1995

Mr. SABO. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3266

Mr. SARPALIUS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3266.

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

There was no objection.

GENERAL LEAVE

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3191, the bill just considered and passed.

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

There was no objection.

□ 1730

NATIONAL RANDOM ACTS OF KINDNESS WEEK

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 357) designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from California [Mr. TUCKER] who is the chief sponsor of House Joint Resolution 357.

Mr. TUCKER. Mr. Speaker, I thank the gentleman for yielding and I thank the gentlewoman from Virginia [Mrs. BYRNE] for bringing this joint resolution to the floor.

Mr. Speaker, I rise today to support this resolution designating the week of February 12, 1995, as "National Random Acts of Kindness Week." Over the past several weeks, I have received dozens of cards, letters, and phone calls from all over the country, expressing support for this resolution. Members from both sides of the aisle have joined in this effort, to express the sense of Congress, that all persons should be encouraged to practice random acts of kindness, and at this time I want to thank each and every one of them. We are all aware of the increasing perception of unchecked violence engulfing our streets. But how many of us, on our own motion Mr. Speaker, will pay the toll for the guy behind us, carry the grocery bags for an elderly shopper, say a kind word to a stranger, or give a quarter to a homeless person. These, Mr. Speaker, are examples of the random acts of kindness Members of this body should practice and encourage among people. Will this resolution do anything to stop the violence? In all honesty Mr. Speaker, I do not know. But I am comforted by knowing that random acts of kindness are contagious.

God bless America.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to rise in support of House Joint Resolution 357, legislation designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week." I praise the gentleman from California [Mr. TUCKER] for introducing this resolution.

As Americans, we have become accustomed to horrifying crime statis-

tics—every day 14 Americans age 19 and under are killed in gun-related suicides and homicides, about 1.2 million elementary-age children have access to guns, and as many as 135,000 children bring guns to school daily.

The rising incidence of violent crime in our cities and towns is a statistic that we, as Americans, can no longer ignore.

While our criminal justice system must ensure that those who break the law are appropriately punished, we, as fellow Americans, need to get back to the basics and remember the inherent beauty that lies in all of us. I believe that this may be done by practicing random acts of kindness.

It is for this reason that I am proud to support this resolution. By designating February 12, 1995, as a day in which we practice acts of consideration and generosity, I believe that we can gain additional strength and compassion, which, I am hopeful, will lead to peaceful harmony and coexistence.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 357

Whereas the incidence of random acts of violence in the United States has reached epidemic levels;

Whereas the Surgeon General of the United States estimates that, every day in the United States, 135,000 children carry guns to school;

Whereas every day in the United States, 3 children are killed by child abuse, 9 children are murdered, 13 children are killed by guns, 30 children are wounded by guns, 307 children are arrested for crimes of violence, 7,945 children are reported abused or neglected, and 5,703 teenagers are victims of violent crime;

Whereas every 4 hours a child in the United States commits suicide;

Whereas in the United States, a rape is committed every 6 minutes, and every year between 3,000,000 and 4,000,000 women are battered by their partners and more than 200,000 women are stalked;

Whereas every year in the United States, there are 4.7 random acts of violence committed against every 1,000 persons 65 years of age or older;

Whereas every year in the United States, there are 758.1 random acts of violence for every 100,000 persons in the United States, and 235 firearm-related acts of violence for every 100,000 persons in the United States;

Whereas there are 238,000,000 handguns in the United States;

Whereas in 1992 in the United States, there were 1,730 anti-Semitic incidents, the total number of white-supremacist groups rose 27 percent above the number from the previous year, and a record number of bias-related incidents, including 31 murders, were reported;

Whereas hate crimes against Asians comprised 8.9 percent of all hate crimes documented in Los Angeles County in 1990; every 4 hours an African-American child is murdered;

Whereas the United States strongly opposes random acts of violence, and all forms

of intolerance and mean-spiritedness based on ethnicity, religion, race, gender, or sexual orientation;

Whereas the people of the United States should be encouraged to practice random acts of kindness, in the spirit of compassion, kindness, and goodwill toward all persons; and

Whereas February 14 is annually celebrated as Valentine's Day; Now, therefore, be it

Resolved by the Senate of the House of Representatives of the United States of America in Congress assembled, That the week beginning February 12, 1995, is designated as "National Random Acts of Kindness Week," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WALKING WEEK

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 146) designating May 1, 1994, through May 7, 1994, as "National Walking Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I rise today to offer my support for Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994 as National Walking Week. I would like to commend the gentleman from Pennsylvania Mr. PAUL McHALE, for all of his hard work in bringing this joint resolution to the floor.

Mr. Speaker, the medical profession has established that walking protects against high blood pressure as well as cholesterol problems, and other factors leading to heart disease. In addition, walking has been found to protect against adult onset of diabetes; protect against osteoporosis by strengthening bones; offers protection against several forms of cancer; and has been declared as a safe and dependable way for overweight individuals to lose weight.

Therefore, Mr. Speaker, this joint resolution encourages walking and community spirit, while promoting pedestrian safety and accessibility for walkers throughout our communities.

Accordingly, I urge my colleagues to support this joint resolution and to support all appropriate activities and

ceremonies observing National Walking Week.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 146

Whereas medical authorities have established that walking—

(1) powerfully protects against high blood pressure, cholesterol problems, and other factors that can contribute to heart disease;

(2) protects against adult onset (Type II) diabetes;

(3) builds strong bones and protects against osteoporosis, the weak-bone disease that afflicts millions of older women;

(4) probably offers protection against several forms of cancer that are believed to be preventable through regular and moderate exercise; and

(5) is a safe and dependable way for millions of overweight people to lose weight without stringent dieting;

Whereas the failure to exercise regularly, such as walking, has been identified as the single greatest risk factor for heart disease;

Whereas the designation of "National Walking Week" will help promote the issue of pedestrian access and safety;

Whereas areas of America are becoming inaccessible or unsafe for walkers, so the benefits of this activity are being blocked;

Whereas people should be able to walk anywhere in their community, within reason; and

Whereas walking encourages community spirit and safety: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1, 1994, through May 7, 1994, is designated as "National Walking Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The Senate joint resolution 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.

□ 1740

D-DAY NATIONAL REMEMBRANCE DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 303) to designate June 6, 1994, as "D-day National Remembrance Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield under my reservation to the gentleman from

California [Mr. LANTOS], who is the chief sponsor of House Joint Resolution 303.

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, June 6, 1994, will be the 50th anniversary of the largest amphibious operation in the history of this world.

It was the D-day assault known as Operation Overlord in which 5,000 Allied ships, 11,000 Allied aircraft, and 153,000 American, British, and Canadian troops participated. We suffered significant losses. There were 6,500 American casualties.

But D-day was among the most critical events of World War II, and with the success of this Allied landing in Normandy, our troops provided a foothold for the liberation of France, the eventual Allied breakthrough into Germany, leading ultimately to Allied victory in Europe.

This summer there will be hundreds of thousands of Americans visiting our military cemeteries in Europe. The endless rows of snow-white marble crosses and Stars of David should remind us of the sacrifice a previous generation paid so that this generation may live in freedom and in peace.

I want to thank all of my colleagues who joined with me in this resolution, and I want to thank the President and Members of Congress who will be in Normandy on June 6 to pay our tribute to the gallant men and women who fought so valiantly against the forces of evil during the Second World War and who brought us victory in Europe.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I rise in support of this resolution which affords proper recognition to one of the most pivotal events in world history.

In just a few weeks, we will be commemorating the 50th anniversary of the Allied invasion of the Normandy beaches in France. That day operations overseas immediately became known as "D-day," even though in military parlance, there have been many other D-day's before and since. In the public mind, however, June 6, 1944 is and always will be the only D-day.

It is easy, from a vantage point of 50 years in the future, to underestimate the success of our forces on that June day. In retrospect, the success of the Normandy invasion, as well as the final defeat of Nazi Germany within the following 11 months, seems preordained and inevitable. However, we must never forget that, at the time, the Normandy invasion was far from a guaranteed success, and were it not for a combination of skilled planning, valor, and just plain luck, the success of D-day could readily have gone the other way.

Throughout World War II, the carnage and waste of World War I were never far out of the minds of the governmental and military leadership—and of our fighting forces. World War I,

we must remember, was fought less than 30 years prior to D-day. Virtually every soldier in the foxhole, every sailor or at sea, had heard stories from their own fathers, from other World War I veterans, from motion pictures and books, and from their own commanding officers about how it was common during that earlier conflict to expend a loss of thousands upon thousands of casualties to gain a few square yards of land. They were all familiar with the static trench warfare of 1914 to 1918, during which a generation of European youth was killed off or maimed without any significant change in the location of the fighting front. They were well aware that World War I was a bloody stalemate, with an unprecedented loss of life, and which resulted only in the rise of Nazism and a renewed conflict within a generation.

They did not want this to happen again.

At the time of D-day, the Allies were under tremendous pressure from the Kremlin to initiate an invasion of Western Europe to relieve the brunt of military combat which the Russian Army was absorbing on the eastern front. Many well-meaning American citizens, British subjects, and French freedom fighters joined in this call for a Western front. Both the government and the military resisted this pressure. Roosevelt and Churchill, as well as Generals Marshall and Eisenhower, well remembered the carnage of 1914-1918. They did not want the wholesale slaughter to be repeated, nor would they countenance a return to the bloody and fruitless trench warfare of World War I.

They determined that France would not be invaded from the west until the Allies were guaranteed overwhelming military superiority—despite the entreaties of the Soviet Union.

The mastermind of D-day was one of the military giants of all time: Dwight D. Eisenhower. It was "Ike" who supervised the accumulation of materiel in Britain; who made the decision which beaches would be the most productive to invade; and made the final decision on the date. Gen. "Ike" Eisenhower had the personality, the charisma, and the leadership capabilities to take the often diverse and divergent military leadership of the various Allied nations and mold them into a united, efficient, fighting machine.

We all know that "Ike" deserves the credit for the incredible success which resulted from the gamble on D-day. Few Americans realize, however, that "Ike" was prepared to take the sole blame if the invasion proved a failure. He had, in fact, prepared a press release in which he contended that the failure of D-day was the result of his own miscalculations and that no one should be blamed other than he. As we all know, that press release was never issued, and, in fact, its existence was unknown until after General Eisenhower's death.

Originally, D-day was supposed to take place on June 5. Weather conditions prohibited this, and the forecasts predicted June 6 would not be much better. However, if the invasion did not take place at this time it would be many weeks before the tidal conditions were right for an invasion of this nature, and Eisenhower was convinced that his security could not remain tight and that the secret of the invasion would be leaked if postponed again. So, "Ike" took a gamble that the weather would hold on June 6 long enough for sufficient forces to secure the shore.

We all know what happened next: the names of Normandy beaches will be emblazoned in all of our histories as long as valor and dedication are honored.

But, so much could have gone wrong on that June morning, 50 year ago. If the weather did not hold out; if the Germans had taken the invasion seriously and counterattacked immediately; if Roosevelt and Churchill had caved in to Stalin and authorized the invasion before our forces were ready; if Hitler had authorized the development of V-1 and V-2 missile rockets and other military hardware earlier—if any of these things had gone differently, we may well not be here today saluting the bravery and valor of D-day.

But, thanks to our superior military leadership and the incredible gallantry of American and Allied soldiers, sailors, and pilots. D-day is a glorious day: a day when the ideals of liberty and justice were guaranteed to Western Europe, and, in fact, because the wave of the future for the rest of the world.

It is fitting that we adopt this resolution, so that future generations can be reminded of what D-day should mean to us all.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 303

Whereas June 6, 1994, marks the fiftieth anniversary of D-Day, the day of the beginning of the Allied assault at Normandy, France, during World War II;

Whereas the D-Day assault, known as Operation Overlord, was the most extensive amphibious operation ever to occur, involving on the first day of the operation five thousand ships, over eleven thousand sorties of Allied aircraft, and one hundred and fifty-three thousand American, British, and Canadian troops;

Whereas five separate beaches were assaulted, with American forces commanded by Lieutenant General Omar Bradley attacking Omaha and Utah beaches and British and Canadian forces commanded by General Miles Dempsey attacking Gold, Juno, and Sword beaches;

Whereas American troops suffered significant losses during the assault, including over six thousand five hundred casualties;

Whereas the D-Day assault was among the most critical events of World War II, with the success of the Allied landings in Normandy providing the foothold for the liberation of France and the eventual Allied breakthrough into Germany and leading ultimately to the Allied victory in Europe; and

Whereas June 6, 1944, is one of the most significant dates in the history of the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 6, 1994, is designated as "D-Day National Remembrance Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just considered.

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

There was no objection.

□ 1750

AMERICANS SHOULD BEWARE OF DRIVING IN MEXICO

The SPEAKER pro tempore (Mr. COPPERSMITH). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY], is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, Americans citizens beware. Driving in Mexico has potentially serious problems for Americans, particularly if you are involved in an automobile accident.

A lawyer from Maryland, Lawrence P. Pinno, Jr., learned the hard way that by being a good citizen and staying at the scene of an accident does not pay in Mexico. For his efforts, he was jailed and his human rights were seriously violated.

Mr. Pinno relates that he was in Cancun, Mexico on his way for an afternoon of scuba diving when a young man on a moped ran into the side of his rented Budget Rent-A-Car Volkswagen. The car was stopped when the moped, driven by a Mexican national, slammed into the side of the Volkswagen. The moped rider came off a walkway into the road hitting the car.

The Mexican citizen was injured, so Mr. Pinno remained at the scene giving aid to him. Mr. Pinno says he cooperated fully with the police officials who arrived on the scene—which began what he calls "a nightmare."

The description of what happened next set the stage for buying his way out of jail. Mr. Pinno said,

A uniformed person arrived at the scene, and drew a diagram. He did not talk to any witnesses, although there were many. Then he directed me to drive my rented motor vehicle to a place which I believe was the Transit Police Headquarters. I did so. Upon my arrival there, I was placed into a small room.

Nobody said anything to me, other than I was to be detained. No traffic tickets had been written, no charges were filed and there was no judicial officer present or promised for the future. I was merely to be detained.

From the time of his detention, officials requested money from him for each step of the system before he was finally released. He had to pay 20 pesos to a person who was to administer a breathalyzer test. There was a subtle threat to Mr. Pinno that if he did not submit to the test his detention would continue. Of course, the test was negative because there was no alcohol in his blood.

The breathalyzer operator next investigated the moped passenger's injuries. At that time, Mr. Pinno was told that with a payment of an additional 20 pesos nuevos, he could leave. He paid the money, but was still detained.

At 5 o'clock he was transported in a locked police vehicle to another small building where supposedly Mr. Pinno could see a judge. A sign indicated this was the Policia Judicial Del Estado Comandancia 94. There was no judge. Mr. Pinno was not allowed to leave but he was subjected to further processing.

At 11 o'clock he was required to sign a document, written in Spanish, and was told he could leave after paying \$1,000 in cash. Having only \$600 Mr. Pinno offered his jailers a credit card with his passport as security. Only cash was acceptable.

By now he had been in custody over 10 hours without food, water or bathroom facilities. Desperate, Mr. Pinno asked to use a telephone to call American Express for funds so he could leave, but there were no phones.

Mr. Pinno later was told by someone in charge that if he would sign an American Express sales draft in blank then he could leave. Hopeful, he signed the draft, but was not permitted to leave.

When Mr. Pinno's captors realized that he would not produce the cash, he was then put in a jail cell along with 19 other prisoners. The cell was 12 feet by 16 feet wide and was so small and crowded that not everyone could sit at the same time. There was no food and bathroom facilities. Prisoners relieved themselves on the floor, which was the only place to sit.

By 1:30 the next day a friend furnished the \$1,000 in cash, but it took another 4 hours before he was finally released. Mr. Pinno is so upset over this experience that he is considering running ads in newspapers to find out how many other Americans have had similar experiences. For my part I intend to write the Secretary of State requesting that warnings be provided

American citizens about driving in Mexico. At least our Government should warn Americans that they are at risk driving in Mexico. Thank you.

A TO Z BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New Hampshire [Mr. ZELIFF] is recognized for 1 hour as the designee of the minority leader.

Mr. ZELIFF. Mr. Speaker, I rise this day to express my enthusiastic support for one of the most bold and exciting initiatives which Congress will consider this year. H.R. 3266 and its companion resolution, House Resolution 407, cosponsored by a bipartisan group of 230 House Members, can form the basis for a fundamental reform of the budgetary process in this House, reform which we know in our hearts is desperately needed and long overdue.

Here is the problem: Congress promises to cut Government spending year after year. But when the tax bill comes in, it is always higher. Here is the solution: Seize control of big Government spending by tackling the budget piece by piece from top to bottom, from A to Z. That is the program which I urge you to support, the A to Z plan, Mr. Speaker. This bill proposes what was once unthinkable, that we act specifically and responsibly on individual spending programs. This bill promises and proposes that we lift the veil of secrecy and give each Member of Congress an honest, open, equal vote on individual programs which make up the monster we now know as the Federal deficit and the budget.

The budgetary process we have does not fool anybody anymore. The way you get that pork-barrel project for your district is to tie it to a flood relief bill or aid to fight child abuse. Who is going to vote against child abuse? That is the way the budget is put together, too; billions of dollars of spending which would never survive on their own somehow slither through the U.S. Congress hidden in the pages of the Federal budget. All we have is 1 vote on the whole package, take it or leave it, up or down. The principle of the A to Z plan is simple: Break the budget down, allow 56 hours of honest debate on Federal spending and cuts. During that debate, any Member may introduce a specific idea to cut Federal spending. Each spending cut proposal will be debated openly and individually on this floor. After the debate, each proposal would be voted up or down by the full House.

The A to Z plan gives us the opportunity to set aside power politics, set aside partisan rhetoric, set aside the self-serving "spend anything as long as I get mine" attitude, for which this Congress is justly criticized by the American people.

A to Z is our way to shed light on the budget process; to start to clean up the mess by cleaning up the process.

The A to Z plan gets us behind this shell game, gets us beyond that shell game of spending now and promising savings later. With the power of A to Z we have a chance to give a body blow to big Government spending instead of the customary slap on the wrist and to do it right now.

Just as this proposal seeks to free each Member of Congress to express their views and vote their conscience on how we spend tax money taken from hardworking Americans, so does each Member have the responsibility to stand up and be counted on the A to Z plan.

Those who would reject real accountability for the billions of tax dollars we spend must expect revenge from the voters who pay those taxes and then shake their heads as they watch the subterfuge and waste.

□ 1800

Let us be clear on just what the A to Z plan is and what it is not. A to Z is the way to break down the budget into manageable pieces so we may control spending. A to Z is the way to let the voice and the vote of every Member of Congress count and be heard. A to Z is a clean break from the abuses of power and the process of the past, an embrace of the kind of democracy which the American people once believed that we stood for in the U.S. Congress. A to Z is not a circus. It is not a distraction, as our opponents suggest. That is a smoke screen. A to Z is not a way to circumvent House leadership. It is a means to enable us each, to enable all of us, to take a stand for real leadership. To the American people the A to Z plan is just plain common sense.

Mr. Speaker, those of us who have been homeowners and wage earners know that this is how real people work their own budgets, in their kitchens, in their rooms. I say to my colleagues, "When you need to cut spending and make ends meet, you look at each of your expenses one by one, and you find ways that you can cut them and live within your means." This is the way we should cut spending and save money in Congress, too.

This is not rocket science. It is just good government. That is why the A to Z plan is endorsed by so many outside organizations, and I will just name them: American Conservative Union, American Legislative Exchange Council, Americans for a Balanced Budget, American Small Business Association, Americans for Tax Relief, Association of Concerned Taxpayers, Christian Coalition, Citizens Against Government Waste, Citizens for a Sound Economy, Free the Eagle, National American Wholesale Grocers Association, National Federation of Independent Businesses, National Taxpayers Union,

Pennsylvania Leadership Council, Small Business Survival Committee, United Seniors Association, United States Chamber of Commerce.

Mr. Speaker, this is the way we should cut spending and save money in Congress, too. It makes so much sense. Some may ask, "Who would oppose such a plan?"

We know who. Behind closed doors some members of the speaker's team scrambling to find ways to derail this freight train are whispering, "How can we accomplish this?"

The real question, which voters all across America have for us now, is:

How can we not do this?

The underlying principle of this debate is nothing less than what is the legitimate function of Congress. Those who believe that Congress exists to serve a select few who control and subvert the intent of representative democracy should have the guts to admit it. Those of us who believe that every Member must have the right to act in the best interests of their voters that they represent who sent them here have an obligation to oppose such a power grab. The A to Z plan can be the foundation of the reform that we need.

Mr. Speaker, I ask every Member here to join supporters of this important movement, to stand up for what is right, and I urge every voter in America who hears these words to let their Congressman know how important it is to support the A to Z cutting spending plan.

Tomorrow we will start the discharge process, and we hope that we will be successful in getting 218 folks to this 230 that cosponsored this bill, and tonight I am very pleased and honored to recognize my colleague and friend, the gentleman from Oklahoma [Mr. INHOFE], who basically started this process rolling, tore down the walls of secrecy. This is the type of reform that would not have been possible 1 year ago had JIM not put his hard work and efforts in all of our behalf to get the process fully started.

I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from New Hampshire [Mr. ZELIFF].

Mr. Speaker, it is just a shock to me and to people at our town hall meetings that we have to resort to something like this. Most of America really believes that we have an opportunity to vote things down, to get on record, and they do not understand what type of institutional corruption there is here in this body that keeps people from being heard, and, as my colleague knows, all I can say is, "They just don't get it. The leadership of this body just doesn't understand. They are holding on with white knuckles to that old way of doing business that they have done for 60 or 70 years, and they don't understand that times have changed

and people are going to be making some demands for a change."

Mr. Speaker, the gentleman's issue is important, of course, and that is to be able to cut spending in a way that, I think, effectively we can do it. But the issue is not the main thing at stake here. The issue really is accountability.

There are a lot of people that are elected to this body that their constituency maybe does not want them to come up here and cut out a lot of these programs. I suspect they are few and far between, but this is an opportunity to cut government spending, and to think that we have to tomorrow—I guess at 2 o'clock—resort to a discharge petition to bring this out. Let me just real briefly explain why this is necessary.

Mr. Speaker, it is necessary because we went through a period of history in this body for 60 years, up until last September, where the elite leadership was able to have absolute, not partial, but absolute, control of the entire agenda of the House of Representatives. As my colleagues know, the gentleman from New Hampshire [Mr. ZELIFF] would introduce a bill that 90 percent of the people in America want, and they design it, they would look at it and say, "Well, this is something that, yeah, these dumb people out in America might want, 90 percent, but not to us, the elite leadership of this body. So, we'll stick it in the Rules Committee with a deal that it will never have a hearing, never see the light of day, never have a vote." So, that has been going on for some 60 years.

And the issue, yes, it is important. We tried the balanced budget amendment to the Constitution. It should not have been necessary to have a discharge petition to bring that out for a vote, but it was necessary, and so it came out, and we lost it by 12 votes, and I would suggest to the gentleman from New Hampshire that there will be a lot of heads that will roll at election time because they are among those 12 that stopped us from having a balanced budget amendment to the Constitution of this country, a recognition that this body has demonstrated for 40 years it is incapable of fiscal frugality or of changing the deficit situation that we have. Well, that lost by 12 votes.

Now, Mr. Speaker, tomorrow we have a chance to do it where we are putting people on record as to whether or not they want to vote on specific spending cuts, and this is an opportunity that we will have tomorrow to do that. I think it is significant that people understand the process that we have in this country and that it should not be necessary, but it is necessary, to do that.

So, tomorrow at, I guess, 2 o'clock there will be several of us that will be going around on the floor and be going

to individuals who have cosponsored the A to Z bill. It has gotten a lot of national publicity because it is inconceivable that anyone could be opposed to the A to Z bill.

Mr. Speaker, the gentleman has explained it quite accurately, but in a nutshell all it is is an opportunity to go on record to vote against these programs that no longer—that the vast majority of them in America do not want, and that is all we want to do, is to give people that opportunity.

It is kind of interesting, and I cannot remember who did the study, but I do have it documented. But a child that is born now—I happen to have two grandchildren that just celebrated their first birthday. Those children coming into the world today, unless we do something to change this system of deficits piling up over and over again, a child born today will have to spend 75 percent of his lifetime income just to service the debt.

Now, Mr. Speaker, it was not long ago. It was the 5th of August 1993 that we passed the Omnibus Budget Reconciliation Act of 1993. In this bill that a lot of people mistakenly called a deficit reduction bill because it increased the deficit, it did not decrease the deficit—it was the largest tax and spend increase in the history of this country, and those are not the words of conservative Republican JIM INHOFE. Those are the words of PATRICK MOYNIHAN, chairman of the Senate Finance Committee. It increased taxes by \$255 billion, and I ask, Did you know that there wasn't one program eliminated in that bill? We talked about the mohair program, we talked about the honey bee program. Nothing was eliminated. Just keep the programs going because they are in someone's district, someone who has seniority in this operation here that wants to keep these programs going in spite of the fact that 90 percent of the people in New Hampshire, 90 percent of the people in Oklahoma and across America want us to bite the bullet and do away with some of these useless programs.

Mr. ZELIFF. Let me just ask a quick question.

Going back to the vote in August, am I correct in saying that that deficit reduction bill added a trillion dollars to our debt, making the total—we are right at \$4.5 trillion, and we are going to be close to \$6 trillion.

Mr. INHOFE. Mr. Speaker, I thank the gentleman for that question because it needs clarification. I say to the gentleman, You're being generous when you say that because there are assumptions, and I can't be partisan when I say this because quite frankly back in 1990, when you had the Budget Reconciliation Act, and President Bush was President, the same thing happened then. We had assumptions that were revenue assumptions.

For example, we have revenue that comes from gasoline tax.

□ 1810

So they had to project how much revenue will come in. Then they have a growth assumption. For each 1 percent growth in our economy, that translates into \$24 billion of new money. So the President is putting on growth assumptions here that are not realistic.

I think probably we will find it is going to be even much greater than that.

Mr. ZELIFF. If the gentleman will yield back, an example you used in 1990 when we added \$164 billion to our debt then, or new taxes, the actual number ended up at \$197 billion. So our ability to project is somewhat limited.

Mr. INHOFE. Our ability to project in this body has always been to be in error in our favor. I think that there are some of us in this body that are more concerned about future generations than we are the current generation. You have to keep in mind that all this stuff we are doing today, all the fun we are having, all the programs we are funding, are all being funded with borrowed money, being borrowed from my two grandchildren and future generations. You have to somehow drive that into the minds of the people making the decisions.

Your bill is going to do a better job of that than anything else I have seen. A balanced budget amendment is a good thing. We did our best. We lost it by 12 votes, and a lot of heads will roll at election time as a result of it. You are not saying we wanted you to defend the mohair program. You are not saying we wanted you to defund the honey bee program.

You are saying we wanted you to be accountable. We wanted your people at home to know how you stand on these various programs. Because the current system we have, just like the Reconciliation Act of 1993, it had all of these things in one bill, where you could not amend it, so you could not pick and choose.

Now we are going to have that opportunity. If we are successful, if the people at home put enough pressure on this body, we are going to be able to hold each and every Member of this body accountable for each of these spending decreases that will be proposed as a result of your bill. As you have already mentioned, unfortunately, it is going to be necessary to have a discharge petition to bring that out.

So I guess what I really wanted to get across and say to the gentleman from New Hampshire is this should not be a bill that is Democrat versus Republican. It should not be conservative versus liberal. This is just accountability.

Mr. ZELIFF. There are 59 Democrats on this bill. We have 230 cosponsors. There are 171 Republicans. It is bipartisan. Frankly, I think that is the best part that we can say. This is a joint effort, from both sides of the aisle.

Back in August, prior to the vote for the President's economic plan, we had 234 Members sign a letter to the Speaker asking for a special session of Congress to do nothing but cut spending, a 10 day session, if you will. We never heard back on that. That is why we went and moved forward and dropped the bill itself, and now we are doing the discharge.

Mr. INHOFE. I would have to try to speculate as to why there is so much resistance. I do not think it is all just because of these programs that they do not want cut. They do not want to change around here. They do not want to change the way of doing business.

They were very upset when the change came with the discharge petition reform. That took away the ability to hide from people at home what we are doing in this body. This is probably the second real test of that. I stood at this very podium when we passed that reform and said that it will not be necessary to have very many discharge petitions, because now the leadership of these committees know that they have to be responsible, they have to hold hearings, and they have to give us an opportunity to have a public vote.

This happens to be a case that they should have done it without this, but they are not doing it. I applaud you for your efforts and for thinking this up. This is a ingenious way to try to do something.

Mr. ZELIFF. It is pretty simple. You could probably think of something similar in Oklahoma, but it is like either a small business or a small town meeting where, in New Hampshire what we do is take care of all the items on the warrant one by one in about 2 or 2½ hours. We decide how to handle all the town's business in one day.

Obviously, it is a little bit more difficult and complicated here, but the process is the same. Why not address these, take a look at your spending, get rid of waste and inefficiency, everything on the table, A to Z.

I would like to now recognize my colleague from Michigan, PETER HOEKSTRA.

Mr. HOEKSTRA. Thank you. It is good to be here tonight and talk about what we are actually going to try to accomplish tomorrow. I think tomorrow is going to provide many of us in the House a fantastic opportunity by signing the discharge petition, which will bring your bill to the floor, A to Z.

I think it is important to reiterate again what we are trying to do. We are trying to get 56 hours of debate. We are trying to get and provide for every Member of this Chamber the opportunity to bring an amendment to the floor to cut spending, so that we can go back to our constituents later this year and show that we as a Congress really have taken more seriously the need to fix the deficit.

I have got some documents in front of me that show that it can be done. Specifically the Concord Coalition. But I think it is important to recognize what the Concord Coalition and our own GAO says and all that, that in the year 2000, we will still be in debt. And between now and the year 2000, we are going to continue deficit spending, we are going to continue to accumulate dollars of debt. And, as our colleague from Oklahoma stated, we are stealing from the next generation. We are taking a phenomenal amount of money from the next generation and spending it on ourselves.

The Concord Coalition goes through and talks about a way that by the year 2000 we can fix the deficit, we can get it down to zero. We as a Congress have had an opportunity recently in the different budget proposals to vote on a plan that would balance the budget, which was the Solomon plan.

They talk about a number of things that we can do, and I expect that as we get the discharge petition, we will have an opportunity to vote on many of the things that the Concord Coalition has talked about, things that were included in the Solomon budget, things that are included in the Solomon budget, things that are included in other proposals, because there are many people that have taken a close look at reducing the deficit.

Where does the Concord Coalition suggest that we can perhaps cut spending? There may be opportunities in the defense area. There may be opportunities in domestic spending. There may be some opportunities in entitlements. As we go through and attack each of these issues, we will also accumulate a benefit of not spending as much on interest payments.

My staff has taken a look specifically at what would happen if we cut franking. Just in the House of Representatives, if we said we were going to spend approximately about the same dollars per household that the Senate spent, we would save \$35 million per year.

Some would say in Washington that that is not a lot of money. But only in Washington would we say that \$35 million is not a lot of money. The company I worked for in the private sector, if we had an increase of sales of \$35 million from one year to the next, that would have been a very, very successful year.

It is just one of what I hope will be 435 creative, bipartisan efforts to cut spending, so that we can say we have honestly, like you talked about what happens in the town meetings in New Hampshire, that we have had the opportunity to go through the budget, line item by line item, and find those areas that we at least believe should be brought to a vote of the House, and that we can then go back and say, you know, we found another \$50 billion, we found another \$100 billion. We have

more work to do, but there are a lot of opportunities here.

I think we would have a great week or 10 days of debate going through each and every one of these, and I think the American people would be excited by watching the process.

Mr. ZELIFF. I think in the gentleman's earlier remarks he talked about the fact that in the year 2000 we weren't anywhere close to balancing our budget. I think our problem here is that it doesn't have to be this way. We can take advantage of a narrow window of opportunity to put the train back on track. We can start living within our means. We may have to start living on 95 percent of what we previously spent, but we can accomplish a goal of providing a balanced budget, living within our means, being competitive in as early as the year 2000.

This is not heavy lifting. This is responsible government. This is leadership. This is something we need to address.

Mr. HOEKSTRA. If the gentleman will yield further, it wasn't that long ago that we had the Penny-Kasich proposal, a bipartisan effort to cut spending.

Mr. ZELIFF. That was a penny on the dollar.

Mr. HOEKSTRA. Over what, the next 5 years. And we could not pass that as a package. So what this bill will allow us to do is come back and take bits and pieces of that bill, find those elements where we have enough votes to pass the spending cuts. We will then implement those. Plus, it will provide for a wide range of opportunities for additional cuts.

Just think, our constituents will be able to go through and see 435 programs. They will be able to see how much we proposed in cutting, and then they will be able to see how we voted on each one of those items.

□ 1820

The other thing that we will be able to see is, I think they might get a better appreciation, because getting down to a balanced budget will not be easy. But they will have seen the decisions that we have made to reduce the deficit. Then perhaps we can go back to them and say, we have gotten half the way there now. You saw some of the programs that we decided to keep. Perhaps you can give us some recommendations on it. We voted to keep this program because we thought it provided a benefit. Is it really providing a benefit to you? Maybe that is a program that you think we—do you think we should cut that program?

So it is going to be a process that will open up this Chamber, and I think can open up the process for the country as a whole for us all to focus on reducing the deficit and getting to our objective of a balanced budget. We also had the opportunity to vote for a balanced

budget amendment. I thought that would have been the opportunity where we really could have displayed to the American people.

Mr. ZELIFF. Is it not interesting how that balanced budget amendment elusively, we thought we had the votes, and all of a sudden we just missed by a few votes? I voted on it twice now and the same thing has happened both times.

Mr. HOEKSTRA. Only having been here 16 months, all the critical votes, we always lose by about 10 to 13 votes, the votes that would change the way that we do business. The only thing that I think really changed was the work that my colleague from Oklahoma did, was getting the discharge petition.

That is opening up the process and without that, I am sure you would have been saying, I have 231 cosponsors. We are moving toward the discharge petition, but that discharge petition would have never passed, would have never gotten the 218 signatures because we would have never been able to tell the American people who signed and who did not sign. We will now be able to keep a record of who thought this legislation was good enough to cosponsor so that they could go back to their districts and say, see, we are for deficit reduction. I am sponsoring the A to Z plan.

It is going to be real interesting to see those 12 or 13 who cosponsored the legislation or if there even will be 12 or 13. I hope there are 231 people lined up there tomorrow.

Mr. ZELIFF. There should be.

Mr. HOEKSTRA. Two hundred thirty-one people lined up to sign this and get it passed.

Mr. INHOFE. You know, you mentioned the discharge petition. You mentioned this, they have something in common, that is both of them deal with accountability. That is why I hope that people do not frame this as a conservative or a liberal movement.

I can remember when we were on a talk radio show in Massachusetts and a guy called in and he said: INHOFE, I do not really like anything that you stand for except for this. I happen to be a very liberal Democrat. I am an elected official in the Democratic Party in the State of Massachusetts. This, I agree with you, this is only one thing. That is accountability.

I think that message should ring through to this, because that is all this is, is accountability.

I would dare to say that the four of us will not agree on very many of these cuts, when they come up. We are going to be voting. We might feel differently about the space station and some of the other programs. But at least we will then have to be accountable for each and every one.

Since both the gentlemen are freshmen, I hope you address in your re-

marks that would you have ever believed when you came to Congress that you would have to be going through all of this just to be heard and to be able to vote on a reduction in spending? Did this ever occur to you? And if the answer is what I think it is, how do you explain this to the people at townhall meetings? That is the frustration that I have.

Mr. HOEKSTRA. I studied political science. I graduated back in 1974. I studied the Rules Committee. I think if textbooks were written today, the definition in and the power of the Rules Committee would be described much differently today than it was back in the 1970's, because back in the 1970's, the closed rule was an exception. And now I think in this Congress, what, 85, 90 percent of the rules have been closed rules and just to explain what a closed rule is. It means, when the bill comes to the floor it clearly outlines exactly what amendments will be in order, what amendments may be voted on, what so many people forget is all of the amendments that were proposed to the Rules Committee that never see the light of day, that never make it to the floor of the House for a vote.

So I think having studied political science, having watched the House and now being here and working in it, that has probably been the biggest disappointment, the lack of a deliberative, open process here on the floor of the House to tackle many of the issues.

Mr. ZELIFF. Representative democracy is what it is all about, and accountability.

I would like to introduce another colleague of ours from Michigan, JOE KNOLLENBERG.

Mr. KNOLLENBERG. I thank the gentleman for yielding. I just wanted to make sure that you get the applause, BILL, that you deserve for making this effort, an extraordinary effort as it is to get people to deal with reality. I think it is just plain openness.

I know that the Congressman from Oklahoma, JIM INHOFE, has been the spark plug to this whole process. That has already been covered, I am sure, in your conversations.

I would just like to point out that, and I kind of want to respond to Congressman INHOFE's question which was directed to my colleague from Michigan, what was my interpretation, what was my opinion, what was my view about how things are done here. Frankly, until you get here you do not really know that. I have to tell you, it is very difficult for me to go back to a townhall meeting in my district and tell people, this is what happens. When you mention the process, it is almost like a blank stare appears on their face. It is a blur. It is not an open process.

I know that in many ways we have a system here that has worked for so many years and it has worked well enough that it seems things get done.

But frankly, the thing that struck me is the fact that it is not open. It is closed. Not just the rules process, and that was an area that I knew very, very little about. It is an area, too, it is a committee that has frankly, it brings blank stares also when you start to tell people how things have to be processed through the Rules Committee, whether it is an open rule or a closed rule.

One of the phrases that I hear a great deal from colleagues of mine is that they say that I am for cutting spending, but I am opposed to cutting this particular program. Many times we get a bill that we like parts of it, we may like two-thirds or three-fourths, there are a couple of areas that just kill it. And so we wind up, even though the bill might have been perfected by amendment, we wind up voting against it.

Is it not interesting, here is a process that Congressman ZELIFF has introduced and certainly the spark came from over here, from Congressman INHOFE, here is something very simple. Now we can take these things apart, one by one. We can strip away this figleaf and talk about one issue at a time and we can vote for it up or we can vote for it down. We have the right to make a decision on the basis of something very simple, very clean. I think that is what I like about the process, is its simplicity, its openness, and it is simple.

Mr. ZELIFF. Frankly, the reason it is so simple has made an impact across America. I did an hour this morning from 8 to 9 with C-SPAN, a call-in show. And we had calls in every minute of that hour. It is incredible.

Mr. INHOFE. If you had calls in over a period of an hour, can you tell me one logical reason to oppose this? What kind of questions came in that seemed to make sense to you?

Mr. ZELIFF. Basically, I was on with a fellow from the Brookings Institution that basically was going the other way. He represented that opposition to the A to Z, that it was not within the committee process and he went through his whole process. I went according to why I thought it was a good idea.

I would say that all of the calls, bar none, were in support of the A to Z process, simple straightforward representative democracy.

Mr. INHOFE. It sounds like the opposition you experienced was the same opposition that I did when they say this violates this great committee process. My response was, if it is a process that is corrupt and it is broken, then it has to be fixed.

Mr. ZELIFF. The committee process could easily have taken place. We introduced a letter to the Speaker with 234 names on it in August. That was 9 months ago. Then we dropped a bill with 230 names on it. Something could have happened over that 9-month period. Nothing happened. All we asked

for is an hour or a designated time of debate on cutting spending and waste and inefficiency.

Mr. INHOFE. There were 30 legislative days they could have acted. That means not 30 days, that is closer to 70 days. And so that is a pretty good indication that they were not going to have a hearing. They were not going to allow a vote. And this is the only way it could happen. I always argue, this system of a discharge petition does not circumvent the committee system. I am sure that you have said that to the gentleman you were debating with this morning.

□ 1830

Mr. INHOFE. I think it is awfully difficult to come up with a credible objection to merely forcing every Member of Congress to be on record on these spending cuts.

Mr. ZELIFF. I think that is what people want back home. I think that is what they are demanding. I think our process—and I have done an awful lot of town meetings, when we talk about responsibility to our constituents, coming back home, being available, talking to them, doing town meetings, being available in our offices for office hours, seeing our constituents, having an open door policy—I think where people are in trouble is when they do not provide this opportunity.

That is why we will get better respect for Members of Congress and this institution, I think, as we lift the veil of secrecy and we open up, come out of the closet, and let us debate the item or the proposal based on the merits. I think that is what this thing is all about. Let us talk about it on the merits. Let us give everybody a shot at it. Let us then vote it up or down and move on to the next item. I think that is what it is all about.

Mr. KNOLLENBERG. Will the gentleman yield, just to comment on that, and also on the views of the gentleman from Oklahoma [Mr. INHOFE] a moment ago, because the committee structure seems to have broken down and seems to be in need of repair, and it does.

Frankly, I think this is maybe one way of cleansing this process. I think maybe the openness provided by the avenue that the gentleman has brought to the floor, the A to Z process, is one that might overall help the entire structure.

I am not against the committee structure. I am not against the process that goes on there. I am sure nobody here is. However, sometimes I think we might need just a little kick, maybe a little oil in the system, and this is one of those things I think that brings on another light and helps the process. Maybe in the end it will help the committee process be more efficient, be more attendant to the things that really concern America, concern this country, and not sit in a corner ready to be

forgotten about and in fact collect dust.

I would just suggest that this is a way, this process is a way, to maybe make the whole system work better.

Mr. ZELIFF. Let me toss out an idea or two, and let us just give folks an opportunity to see what kinds of things we are thinking about in terms of entitlements. Entitlements are something I think we need to address, and are certainly driving our deficit.

Certainly one thing I have talked about back home in New Hampshire in terms of our Health Care Task Force, we believe—Medicare was introduced in 1965 and then it was projected to cost \$9 billion in 1990. It actually cost \$106 billion. You say what is \$100 billion. That is the kind of accountability we are talking about.

One of the things I would like to introduce is, why not means testing on Medicare? Why not people who are making \$75,000 or more a year pay a little higher on their part B premium than maybe those that can hardly put food on their table? Would that be a reasonable proposal? Most of my seniors in my town meetings support that idea.

Copayments are another idea that would make sense, and certainly getting rid of the helium reserve is something that for 40 or 45 years we have been talking about doing. The Medicare process would save \$1.5 billion, the one I described. The helium reserve would be almost \$1 billion.

Maybe you gentlemen would like to add any thoughts of other areas that you think might be worth while.

Mr. INHOFE. Let me just make one comment in response to that. If we really wanted to do a responsible thing, it would be to look at one of these studies such as the Heritage Foundation and others have given to us, that you could actually eliminate the deficit by the year 2000 without any tax increases or without any spending cuts just by applying a cap.

There is one study that says if you put a 2 percent cap on, by the year 2003, without any changes otherwise, you will have the budget back into balance, the deficit eliminated. If you were to make that 1.5 percent and are able to stimulate the economy so we have a 3-percent growth, which would add about \$75 billion a year in new revenue, then we would be able to do it in about 3 more years.

There are a lot of good ideas out there. I mentioned in our news conference this morning, there are other ways of doing it. Certainly, the way that you are projecting is an offering that we will be looking at tomorrow and trying to bring out so we can get people on record.

This is a very responsible way because, again, we may not all agree on even the things that you just now mentioned, but at least we can get on

record and everybody back home can look at us at election time and say "They were for cutting spending," or "They were not for cutting spending."

Mr. ZELIFF. Absolutely; just 1 quick second. I have been involved here where we have voted and lost the vote on the balanced budget amendment. I think as Republicans we would certainly give a Democratic administration the line-item veto, but that is not going to go anywhere. Penny-Kasich I thought was a tremendous opportunity, again, a penny on the dollar, \$95 billion, that did not go anywhere. It just missed by a handful of votes. There was a package group of cuts of various programs.

There are people who say that the only way we are going to really get significant control of spending is to do something similar to a Base Closure Commission, and it seems to me we should be able to not have a third party do what we are elected to do.

Leon Panetta, the morning of the balanced budget amendment vote, came out on TV and said, "Look, we do not need a constitutional amendment to force us to do what we are sent here to do." The problem is that what we have been sent down here to do does not seem to be working, so the A to Z is a new attempt, a new process, a new idea which is a potentially revolutionary idea but very simple, and hopefully this will be a process that will work.

Mr. HOEKSTERA. Will the gentleman yield?

Mr. ZELIFF. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I would like to just build on the statement that my colleague, the gentleman from Oklahoma, said. If we cap Federal spending at a rate of 1.5 or 2 percent, we could achieve a balanced budget.

I think that is an important thing for the American people to recognize. When they here about us cutting spending, again, when we cut spending in the private sector, you know, we would spend \$1 million, and when we said we were going to cut spending, it meant the next year we would spend less than \$1 million. Only in Washington can we come and find out that we are spending \$1.4 trillion and we are cutting spending, which means next year we are going to spend \$1.45 trillion.

Mr. INHOFE. If the gentleman will yield right on that point, there is an article that every Member of Congress and others around the country should read, and it is called "Budget Baloney." It was in Readers Digest 2 or 3 months ago.

In there they kind of put it in terms that even I understand. They say if a guy has \$5,000 and he wants a \$10,000 car, all he does is say, "I really want a \$15,000 car, but I will take a \$10,000 car, so I have reduced the deficit by \$5,000." People laugh at that, but that is ex-

actly what we do in this body. They ought to read that article.

Mr. ZELIFF. It really puts it in perspective.

Mr. HOEKSTRA. What we do is cut off projected spending, so I anticipate one of these years we are going to blow projected spending up, really make it look high, and then we are going to come back and say we just had the biggest budget cut in history, and we cut \$1 trillion over 5 years, and that is only because we projected the numbers much higher than where they actually ought to be. There is another thing—

Mr. ZELIFF. Are you saying, then, back in August under this deficit reduction plan, that that was based on projected spending, not actual cuts?

Mr. HOEKSTRA. It was cuts off of projected spending, not cuts off of—what historically I have always said is, you are spending this much this year, and a cut means next year you will be spending a little bit less.

Mr. ZELIFF. Absolutely, that is all build in, the cost of inflation and all the rest.

Mr. HOEKSTRA. A built-in escalator.

Mr. INHOFE. If the gentleman will yield, to answer your question, we had a built-in increase in the deficit every year for the budget we passed in 1993.

Mr. HOEKSTRA. If the gentleman will yield, I would like to talk just a little bit about something else, again reinforcing why it is so important that we start working on cutting spending today. This is just a quote out of this booklet here.

If there is a single line item in the Federal budget that is 100 percent waste, fraud, and abuse, it is interest on the national debt. Our Government's interest payments on its debt, like personal interest payments on credit card debt, do not buy a single useful item.

Just think of all the dollars that are coming into Washington that are just paying off the debt, or not paying off the debt but paying interest on the debt. I wish we were paying off the debt.

In 1995 we will spend about \$218 billion on interest payments. In the future—and this is assuming there is no change in interest rates, and we all know that interest rates are now going up slightly. Just think what happens to these numbers if interest rates go up at all. But in the year 2000, interest on the debt is projected to total \$278 billion per year, and by the year 2003, we will start seeing the graph accelerate. \$328 billion, think about that, \$328 billion in interest payments that do not buy us anything. They do not buy us another mile of highway, they do not buy any small child a breakfast program or a hot lunch program, they do not help send anybody to college. It does not put one more police officer on the street. It does not do any of those things.

□ 1840

Mr. ZELIFF. If the gentleman will yield, I do not think we have any bankers here. None of us are bankers or have been in the past. If any of us were bankers, under the scenario you just described, when you came in for a loan do you think you would get it?

Mr. HOEKSTRA. I hope I am never in that position to find out. But I know I would never get the loan.

Mr. ZELIFF. I happen to be a small businessman from New Hampshire. We have three small businesses which my son now runs. If I went to the bank with that proposition, they would be telling me that I am heading down the trough of bankruptcy, and if I do not change and reverse that, that I am going to be insolvent.

I think our narrow window of opportunity is we can do something about it, and I think that is what the gentleman is trying to say.

Mr. HOEKSTRA. I think we have a fantastic opportunity.

Here is another book that was prepared by the Congressional Budget Office, something that we should read every night, "Reducing the Deficit." It talks about spending and revenue options. I think this Congress has done enough for revenue options. I do not think we need any more revenue options. We have done too much on that already.

Mr. ZELIFF. The problem is spending, is it now?

Mr. HOEKSTRA. The problem is the first part. The first part of the book talks about spending cuts, and that is exactly what we are going to have an opportunity to do after we get 218 signatures on the A to Z plan.

Mr. KNOLLENBERG. If the gentleman will yield, as I was listening to all of my colleagues make their statements, it occurred to me that if Congress has been doing its job for 25 years we would not be here tonight. If we were really interested in balancing the budget, I am reminded, and I campaigned I know on the idea of reducing spending, reducing government spending, reducing taxes and reducing regulations, when I look back for 25 years we have failed to balance the budget since 1969. That was the last time we balanced a budget. And that is the reason we are here. We are here because something is not working.

Mr. ZELIFF. Did you say 1969 was the last year?

Mr. KNOLLENBERG. The last year we balanced a budget in this Congress was 1969.

Mr. ZELIFF. How many years ago was that?

Mr. KNOLLENBERG. By my count it was 25 years. That is the story I think we have to look at, because that is the failure.

Mr. INHOFE. If the gentleman will yield, one of my big problems that we have is the electorate, if they knew

what you just said, they would not be turning Members back into office. And I always remind people do not listen to a Member of Congress and what he says at home on the stump or what he says in town hall meetings. Look and see how he is rated. If you want to know how the two gentlemen from Michigan are voting, you look at the National Taxpayers Union rating or the Citizens Against Government Waste rating. They all have ratings, and I wish more people would do that. And I am seeing that more people are doing that.

But I have more people tell me at my town hall meetings, and I have a lot of them, they say we know you are not the problem. They did not think that several years ago. But now people are much more aware, and that is why I think the leadership, the very liberal leadership that has been mismanaging this institution for the last 50 years is trying to hold on with white knuckles to an old failed system that has put us into debt, trying to blame somebody else, trying to blame the President and other people. But it is this Congress that has done it. And I think people are aware of it. Certainly the exercise we are going to go through on the A to Z bill is going to reinforce in people's minds who the good guys and the bad guys are. And I would suggest all of these people who are arrogantly going to oppose this, they better stop and think about it because they are going to feel that at election time.

Mr. KNOLLENBERG. I concur with the statement just made, and I concur with what has taken place here this evening.

I want to conclude my comments by again applauding Congressman ZELIFF and Congressman INHOFE for their spark, for their enthusiasm and for really architecting the possibilities that we have in front of us. And tomorrow is a big day. We do not know yet what the outcome of that day will be. We are looking forward to seeing those names go on that petition, and we will find out exactly who if any, and I hope everybody, as has already been mentioned, does sign up. And we do have the beginning. If it is not 56 hours, that is fine. But we have the beginning of some openness, to let a little air in, so to speak. And I think that this institution could use some of that, and I wanted to commend and applaud the efforts made.

Mr. ZELIFF. I am hearing that there are four committed Members that will get up and sign that discharge, and you are going to be No. 1, I hope right after me.

Mr. INHOFE. I hope so.

Let me ask the gentleman, can you imagine how anyone could be a cosponsor of the Andrews-Zeliff A to Z bill and not sign a discharge petition? What message, what possible message could that convey to their voters at home other than I want you to think

that I am for this, but I do not really want to have to vote for it.

How many cosponsors do you have now on your bill?

Mr. ZELIFF. I have 230.

Mr. INHOFE. And how many to sign a discharge petition successfully?

Mr. ZELIFF. We need 218.

Mr. INHOFE. Can you imagine there will be as many as 13 Members that would not sign the discharge petition?

Mr. ZELIFF. If the gentleman will yield, I think that the 12 Members who are the difference between 218 and 230 do not want to get left behind, so they should be up front, and there should be a mad scramble tomorrow at 2 o'clock with a big line out here signing this discharge paper. And I am hoping to give the benefit of the doubt. I think that is what is going to take place.

If not, however, because all of the outside organizations, there are a lot of people following this, and I think that grass roots America is watching this very closely. They are going to be holding us accountable. And hopefully that will help the process move along a little bit.

Mr. INHOFE. I would make the gentleman a bet that if there are individuals who cosponsor and do not sign the discharge petition that talk radio shows all around America will be picking that up, and a number of national journals, and that will be the talk for the next 2 weeks.

Mr. ZELIFF. I believe it will be.

Mr. HOEKSTRA. Just to close, again quoting from this booklet, it talks about the need for grass roots involvement, and it talks about the army of people at the grass roots level and what we need. It talks about this army is arming itself with information about the causes, but more importantly the effects of the growing national debt and what that debt is doing to our future.

Again, going back to what my colleagues talked about, robbing from the next generation if we do not start going off spending and balancing the budget. The choice is nevertheless clear. Either eliminate the deficit and return to the kind of United States that leaves each generation better off than the one before, or do nothing, spend every cent we can get our hands on, and borrow the rest, mortgage our future and betray the American dream. That is the opportunity that is laid on front of us tomorrow.

If we can get the 218 signatures, and then go through the process in a constructive, in a bipartisan, responsible way, getting input from the American people, we can attack this problem, we can make a difference, and most importantly, we can do what the people sent us to Washington to do, which is to straighten out our fiscal house, get us on a solid foundation so that we not only can have a bright future in the short term, but that for those next gen-

erations we have not stolen the American dream from them.

So I thank the gentleman very much for the opportunity, and thank him for all of the work he has put in on this program. I think we are going to have a great day, and we are going to have a great week in getting those signatures.

Mr. ZELIFF. I think it is going to be a lot of fun. It is going to be a day of accountability. That is what we call tomorrow, it is a day for accountability, a day to stand up and sign up for what you believe in.

Again, as we close the debate on this special order on A to Z, we are talking about deficits in excess of \$200 billion per year. We are talking about a debt of \$4.5 trillion. We are talking about having tried things like a balanced budget amendment. We have tried the concept of a line item veto. We have tried Penny-Kasich. We have tried other ideas. A to Z is a revolutionary new idea. It is a mission to cut spending. It is a simple process, everything on the table line by line, item for item, accountability. We talk about it, we discuss it and we vote on it. It is representative democracy at its best.

I thank my colleagues for joining me here tonight.

A to Z day is tomorrow. It is accountability day, and I thank my colleagues for joining me at the well, and tomorrow we will be the first to sign that discharge paper.

A NEW WAY OF DOING BUSINESS IN WASHINGTON

The SPEAKER pro tempore (Mr. COPPERSMITH). Under the Speaker's announced policy of February 11, 1994, the gentleman from New Hampshire [Mr. SWETT] is recognized for 60 minutes as the majority leader's designee.

Mr. SWETT. Mr. Speaker, for the last 2 months I have given a number of speeches here on the House floor to bring about a dialog on the need for a new way of doing business here in Washington. My remarks tonight will be a continuation of that dialog.

□ 1850

All too often debates here in Washington do not focus on real problems and real solutions. Debates become battles between extremes with each side employing hyperbole to score political points. Neither side bothers to really listen to the opposing point of view. Each side blasts at the other with sound bites designed for partisan advantage and a spot on the evening news.

I might just add that the debate that we just heard concerning the A to Z program that is being championed by my Republican colleague, the gentleman from New Hampshire [Mr. ZELIFF], is the outcome where we have not been able to debate these things,

and I think there has to be some dialog that allows us to get at the issues that are bothering the American people with regard to spending, and for that effort I think my colleague, the gentleman from New Hampshire [Mr. ZELIFF], needs to be commended.

But this extremism, when it is not allowed to take place in a deliberative and thoughtful process, creates false impressions, false questions, false choices, and ultimately, I think, faulty public policy, because real problems and real solutions are not typically part of the debate that takes place.

The time has come to devise a new way of doing business in Washington which focuses on reality and not on the rhetoric that we so often hear. That is what this series of speeches is all about. It is designed to provide a forum for an emerging coalition in the House known as the New Democrats, a small group dedicated to getting results and dedicating themselves to accountability in Government programs.

We also believe that for real programs to be enacted that are going to have an impact, an impact of longevity and constructive impact, they have to be of bipartisan nature, and that is an important part of the work that these New Democrats are engaged in. This new coalition is building in strength. New Democrats played a prominent role in the development of the Penny-Kasich amendment of last October, which sought to cut Government spending by \$90 billion over and above the budget cuts proposed by President Clinton, again, a bipartisan effort. New Democrats are also helping to drive through Congress a piece of legislation coauthored by a Republican, the gentleman from Connecticut [Mr. SHAYS], and myself, the Congressional Accountability Act.

The idea behind this legislation is simply Congress should abide by the same laws that it passes for the rest of the country. The Congressional Accountability Act will change all of what we have now where Congress does not have to abide by the same laws it passes for the rest of the land, and it will require Congress to come into line and, more importantly, to live firsthand the same kind of life under regulations that the rest of the country must live. I think that that brings a much cleaner, keener awareness to the Congress of what is happening out in the neighborhoods across this great land.

New Democrats have also joined together to demonstrate their support for increased accountability in Government-funded research, an area I have become familiar with through my work on the Committee on Science, Space, and Technology.

Tonight I come before you to talk about welfare reform. It is an issue that in one way or another affects us all, and one that particularly calls for

the New Democrat strategy of bringing people together to work toward a common and comprehensive solution.

Like many Americans, I believe there are fundamental problems with the Nation's welfare system. Currently our system of welfare discourages work, isolates the poor in a separate welfare economy, fosters dependency, empowers bureaucracies and social service providers rather than poor citizens, and rewards failure, not success.

Most absurd perhaps is that our current welfare system unintentionally promotes the breakup of families by penalizing marriage and underwriting out-of-wedlock births and single parenthood. This perverse system tears at the very fabric of our society.

To deal with these chronic problems, some of my colleagues and I formed the Mainstream Forum Welfare Working Group. Our working group is dedicated to helping President Clinton in his pledge to "end welfare as we know it." In calling for an end to this flawed system, the President has created a rare opportunity to fundamentally change a public system that is failing those it is intended to help and those who pay for it.

As the President said many times in his 1992 Presidential campaign, "People are not looking for a handout, they are looking for a hand up." Poor Americans are looking for opportunity, and it is time we gave it to them.

Welfare reform should not be about taking away from people. It should be about giving back to poor Americans hope, pride, opportunity, and the chance to become connected to their communities once again.

The notion that welfare should offer poor Americans transitional support en route to a job rather than to subsidize a way of life widely seen as divorced from work and responsibility has clearly struck a responsive chord with the public.

The New Democrats in the House have seized the idea that public assistance must be conditioned on responsible behavior by recipients, and we are going to run with it to pass a comprehensive reform, if not this year, hopefully in the next Congress.

Recent surveys show that more than 90 percent of the public want to see dramatic changes in the welfare system. Yet Americans are less concerned about cost than about welfare's failure to reward basic American values, values like work and saving, marriage and family, individual initiative, and a sense of community.

Our group has tried to embody all of these values into a comprehensive reform plan. The legislation expected soon in its final form will culminate an 8-month effort by our group to produce a plan based on all of these principles, and one that does not just talk about them but really puts them to good use and gives the American public an op-

portunity to see good legislation making a real impact on our community.

Our group believes that imposing a time limit on welfare eligibility is the only way to fundamentally change the system from one that writes checks to one that puts people back to work. Welfare should be a way station, not a destination.

A 2-year limit on assistance will transform a system based on the right to income maintenance into a system based on the obligation to work. However, since time limits without other reform measures would serve only to worsen the situation for over 14 million welfare recipients, 9 million of which are children, the Mainstream Forum works hard to include expanded opportunities for jobs, for child care, and child support enforcement. Employment clearly is the centerpiece of this reform effort. It has been said many times that the best social program is a job, but we must ensure that a welfare recipient is better off economically by taking a job than by remaining on welfare.

To do this, we must eliminate the current disincentives within the system that make welfare more attractive than work.

Toward this end, we must support health care reform, which I am proud to be doing. We must support the expansion of the earned income tax credit which, when people finish their tax forms for this year and start getting the checks back from the Government, we are going to see what an impressive difference that has made to many people across the country.

We need to provide safe and affordable child care and allow recipients to accumulate a reasonable amount of assets before cutting off their benefits.

The current system isolates poor Americans from the mainstream economy and inadvertently sets up barriers to work and to social mobility. The overriding goal of welfare reform must be to reconnect people to the world of work. Only through productive work can welfare recipients acquire the skills, the habits, experience, connections, and self-esteem necessary to become self-sufficient members of the community.

□ 1900

Although State flexibility is stressed throughout our plan, we have developed a Federal model for putting people back to work from which all States can draw. Improving child support enforcement is another critical part of our reform effort. We plan to enhance noncustodial parent location and identification, improve the process by which child support orders are established, establish hospital-based paternity, and enforce child support through punitive measures for deadbeat parents. These improvements in the child support system will insure that

children can count on support from both parents and that the cost of public benefits is reduced while a working mother's real income is raised.

Children must have the support of both parents, but not just the monetary support. We must do all we can to keep families together and remove all barriers to healthy, stable families. The Mainstream Forum is incorporating family-friendly stabilization strategies into its welfare reform proposal to provide incentives for families to remain strong and under one roof. For example, unwed mothers will be allowed to marry without losing their benefits. That is right, unwed mothers will be allowed to marry without losing their benefits.

It is widely documented that long-term welfare dependency is increasingly driven by illegitimate births. Too many teens are becoming parents and too few are able to responsibly care for and nurture their newborn children. To address this problem, the Mainstream Forum will call for a national educational campaign, among other things, to teach young people that children who have children face tremendous obstacles to self-sufficiency. This is a reality that many young people just do not understand right now, and they need to hear about this and who better to tell them than those who are currently struggling under those obstacles themselves? That is how we can bring these people into the cause and give them a real reason, a real role to play which I think is going to help them in their self-esteem struggle as well.

Lastly, the Mainstream Forum Working Group sees program simplification as a crucial part of its reform effort. The group intends to simplify the Federal waiver process for States, simplify the application process for AFDC and food stamps, encourage and increase Federal commitment to automation, and establish a uniform time frame for implementing an electronic benefits transfer system framework for State systems. Program simplification should make it easier for those in need to receive short-term assistance which, hopefully, is going to give them short-term benefits that will put them back into productivity much more quickly and keep these trying to defraud the system from doing so.

No State is free from the problems of poverty, joblessness, and homelessness. In my own State of New Hampshire, the caseload rate for AFDC has shown significant increases in recent years. AFDC grant payments for 1992 totaled over \$54 million, a 29.7-percent increase over State fiscal year 1991.

Our present system has no hope of reversing this trend. This drain on State economies must be stopped.

While we may have differences in our ideas and approaches to welfare reform, there is a bipartisan consensus that our

welfare system is badly in need of improvement. To achieve this goal, a political bargain must be struck, liberals must accept work requirements while conservatives must accept more public spending to support people's struggle to work.

Solely reducing spending would force families further into poverty and, in the long run, drain our country in terms of social and economic costs. The cost of this radical redesign of social welfare is likely to cost more in the short run, but, as noted before, the long-term savings will be extraordinary. And that is what we need to see into the first decade of the 21st century, much reduced numbers on welfare, much increased numbers working, providing for families, holding those families together, educating those children to behave as responsible citizens. It has an impact not only on families and on welfare, it has an impact on crime, education, and ultimately this Nation's competitiveness.

One such savings will come through the delaying of teen births. The Center for Population Options estimated that if all births to teens had been delayed until the mother was in her twenties, taxpayers could have saved \$13 billion. If all teens had delayed births until the mothers had been in their twenties, \$13 billion could be saved over 30 years. This group also found that each family begun in 1992 by a first birth to a teen of 15 to 17 years of age will cost the public on average over \$25,000, \$25,575 over the next 20 years. This is a cost that this country can ill afford.

What is really ludicrous about this cost is that it is incurred when we could keep that from happening, when we could actually take better care of our neighbors and our children and reduce this expenditure significantly and, in the meantime, create a better sense of community throughout the country as well.

In his inaugural speech, President Clinton said, and I quote:

It is time to break the habit of expecting something for nothing from our Government or from each other. Let us all take more responsibility, not only for our families, but for our communities and our country.

This sentiment is not new, and echoes frustration felt around the country. However, these feelings of frustration should not frame the welfare reform debate. Underlying problems to welfare dependency must be addressed. We cannot ask people to take more responsibility for themselves and then not give them the means to do so. We must dedicate ourselves to helping people become self-reliant. Public welfare systems must demand mutual responsibility by both Government and recipient. In this process we will be able to move this Nation from a system centered on maintenance and consumption to a system oriented around work and the de-

velopment of self-esteem and personal assets.

Remember, the best social welfare program is a job. And as we work through this very difficult program of welfare reform, we are going to have to continue doing what we can to expand the economy, because as people gain in education, as they put their children into the childcare facilities that will enable them to become more productive citizens, we are going to have to expand the economy to accommodate their productivity as workers in America.

It is my hope that we can address all of these issues, that we can identify the funding to invest in welfare reform in the short term so that we can reap the benefits of the long-term gains. It is my hope also that my colleagues will join me in a bipartisan manner in accomplishing this most important work.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COLLINS of Georgia (at the request of Mr. MICHEL) for today and Wednesday, May 4, on account of a death in the family.

Ms. LONG (at the request of Mr. GEPHARDT) for today and tomorrow on account of a death in the family.

Mr. MANN (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. DELAURO (at the request of Mr. GEPHARDT) for today after 5 p.m. on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EWING) to revise and extend their remarks and include extraneous material:)

Mr. EWING for 5 minutes today and on May 5.

Mr. SOLOMON for 5 minutes today.
(The following Member (at the request of Mr. OBERSTAR) to revise and extend his remarks and include extraneous material:)

Mr. HOAGLAND for 5 minutes today.
(The following Members (at the request of Mr. ZELIFF) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes each day on May 3, 4, and 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Ms. MOLINARI.
Mr. MCCOLLUM.
Mr. MCDADE.
Mr. GALLEGLY.

(The following Members (at the request of Mr. OBERSTAR) and to include extraneous matter:)

Mr. ROSE.
Mr. CARR.
Mr. LEVIN.
Mrs. KENNELLY.
Mr. SCHUMER.
Mr. COYNE.
Mr. TORRES.
Mr. LANTOS.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. HOCHBRUECKNER.
Mr. DERRICK in two instances.
Mr. EWING.
Mr. HYDE.
Mr. VENTO.
Mr. FRANK of Massachusetts.
Mr. FINGERHUT.
Mr. BROOKS.
Mr. HORN.
Ms. FURSE.
Mr. FOGLIETTA.
Mr. LIPINSKI.
Mr. LIGHTFOOT.
Mr. FLAKE.

Mr. BURTON of Indiana in two instances.

Mr. SKAGGS.
Mr. JOHNSON of South Dakota.
Mr. PETERSON of Florida.
Mr. BREWSTER.
Mr. SHAW.

(The following Members (at the request of Mr. ZELIFF) and to include extraneous matter:)

Mr. STENHOLM.
Mr. DE LA GARZA.
Mr. ENGEL in four instances.

SENATE BILLS REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week." Referred to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. SWETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 4, 1994, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3088. A letter from the Secretary of Agriculture, transmitting the annual report on

foreign investment in U.S. agricultural land through December 31, 1993, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

3089. A letter from the Executive Director, Thrift Depositor Protection Oversight Board and the Acting CEO, Resolution Trust Corporation, transmitting the semiannual report on the activities and efforts of the RTC, the FDIC, and the Thrift Depositor Protection Oversight Board, pursuant to section 21A(k)(5)(A) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

3090. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the Corporation's 1993 semiannual progress report—covering the period June 30 to December 31, 1993—on professional conduct investigations pursuant to the provisions of section 2540 of the Crime Control Act of 1990, pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

3091. A letter from the Executive Director, District of Columbia Retirement Board, transmitting financial disclosure statements of board members, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3092. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the financial disclosure statement of a board member, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3093. A letter from the Chairman, District of Columbia Retirement Board, transmitting the board's fiscal year 1993 annual report, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3094. A letter from the Secretary of Education, transmitting a copy of final regulations—Institutional Eligibility Under the Higher Education Act of 1965, as amended; eligibility of foreign medical schools under the Guaranteed Student Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3095. A letter from the Secretary of Education, transmitting final regulations student assistance general provisions, subpart E—verification of student aid application information, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3096. A letter from the Secretary of Education, transmitting announcement of criteria for loan origination for the 1995-1996 academic year, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3097. A letter from the Secretary of Education, transmitting Secretary's procedures and criteria for recognition of accrediting agencies, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 13th report on the activities of the Multinational Force and Observers [MFO] and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

3099. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation policy in South Asia, pursuant to 22 U.S.C. 2376(c); to the Committee on Foreign Affairs.

3100. A letter from the Director, Office of Personnel Management, transmitting the an-

nual report of the Civil Service Retirement and Disability Fund for fiscal year 1993, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Operations.

3101. A letter from the Chairman, Federal Election Commission, transmitting 62 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

3102. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3103. A letter from the Director, Office of Management and Budget, transmitting a letter to express, in the strongest possible terms, the administration's opposition to H.R. 4013, which would bar the Department of Veterans Affairs [VA] from reducing FTE's in the Veterans Health Administration [VHA] during the next 5 years; to the Committee on Veterans' Affairs.

3104. A letter from the Comptroller General of the United States, General Accounting Office, transmitting GAO's review of the actions taken with respect to the White House Travel Office; jointly, to the Committees on Government Operations and Post Office and Civil Service.

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. BLACKWELL:

H.R. 4323. A bill to require ammunition to bear serial numbers; to the Committee on the Judiciary.

By Mr. BOEHNER:

H.R. 4324. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the signing of the Treaty of Greene Ville at Fort Greene Ville, OH; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BORSKI:

H.R. 4325. A bill to exclude certain retirement accounts for purposes of determining eligibility to receive food stamp benefits, aid to families with dependent children, supplemental security income benefits, and Medicaid benefits; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. BREWSTER (for himself, Mr. HOUGHTON, Mr. GEPHARDT, Mr. SHAW, and Mr. KOPETSKI):

H.R. 4326. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4327. A bill to eliminate franked mail for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Rules.

By Mr. CONYERS (for himself and Mr. CLINGER):

H.R. 4328. A bill to amend the Office of Federal Procurement Policy Act to reform the Federal acquisition process, and for other purposes; to the Committee on Government Operations.

By Mr. DE LA GARZA (for himself (by request) and Mr. STENHOLM):

H.R. 4329. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. DERRICK (for himself, Mr. CLYBURN, Mr. RAVENEL, Mr. SPENCE, and Mr. SPRATT):

H.R. 4330. A bill to establish the South Carolina National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Ms. FURSE:

H.R. 4331. A bill to terminate the C-17 aircraft program after fiscal year 1995 and provide for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. McCLOSKEY (for himself and Mr. STARK):

H.R. 4332. A bill to set forth the policy of the United States for nuclear nonproliferation; to the Committee on Foreign Affairs.

By Mr. SKAGGS (for himself and Mrs. SCHROEDER):

H.R. 4333. A bill to designate certain lands in Rocky Mountain National Park as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. UNDERWOOD:

H.R. 4334. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to provide assistance to promote public participation in defense environmental restoration activities; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mrs. UNSOELD, and Mr. DICKS):

H.R. 4335. A bill to authorize certain U.S.-flag fishing and fish processing vessels to be chartered or sold to foreign citizens and transferred to foreign registry without approval by the Secretary of Transportation, and to establish limitations on the authority of those vessels to thereafter operate in the fisheries and coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. EWING:

H. Res. 415. Resolution providing for the consideration of the bill (H.R. 830) to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

358. By the SPEAKER: Memorial of the House of Representatives of the State of Idaho, relative to Federal Cropland Set-aside Program; to the Committee on Agriculture.

359. Also, memorial of the House of Representatives of the State of Idaho, relative to continued Federal commitment to Railroad Retirement System; to the Committee on Energy and Commerce.

360. Also, memorial of the House of Representatives of the State of Idaho, relative to Laotian POW/MIA cases; to the Committee on Foreign Affairs.

361. Also, memorial of the House of Representatives of the State of Idaho, relative to allowing States to tax mail-order sales; to the Committee on the Judiciary.

362. Also, memorial of the House of Representatives of the State of Idaho, relative to critical habitat designation; to the Committee on Merchant Marine and Fisheries.

363. Also, memorial of the Senate of the Commonwealth of Virginia, relative to memorializing Congress to designate the annual memorial service in Roanoke, as the Official

National EMS Memorial Service; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. ROSE introduced a bill (H.R. 4336) for the relief of Mary J. Woodard; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. WYDEN.
 H.R. 326: Mr. WELDON, Mr. LEVY, Mr. BARTON of Texas, Mr. MINETA, Mr. WHITTEN, Mrs. LLOYD, Mr. SMITH of New Jersey, and Mr. CLYBURN.
 H.R. 518: Ms. ENGLISH of Arizona, Mr. MACTHLEY, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, and Mrs. MEEK of Florida.
 H.R. 794: Mr. FINGERHUT, Mr. SARPALIUS, Mr. INSLEE, and Mr. HAYES.
 H.R. 1155: Mr. GIBBONS.
 H.R. 1719: Mr. KING.
 H.R. 1792: Mr. PICKETT.
 H.R. 1863: Mr. CALVERT.
 H.R. 1906: Mr. DELLUMS and Mr. HINCHEY.
 H.R. 2036: Mr. WYDEN.
 H.R. 2037: Mr. WYDEN.
 H.R. 2079: Mr. PAYNE of Virginia.
 H.R. 2393: Mr. BONILLA, Mr. WOLF, and Ms. PRYCE of Ohio.
 H.R. 2484: Mr. POMEROY and Mr. SANGMEISTER.
 H.R. 2512: Mr. NUSSLE, Mr. BARTLETT of Maryland, and Mr. SMITH of New Jersey.
 H.R. 2758: Mr. KING, Mr. BACCHUS of Florida, Mr. DORNAN, Mr. LIVINGSTON, Mr. WALSH, Mr. HOKE, Mr. KYL, Mrs. BYRNE, and Mr. WILSON.
 H.R. 2896: Mrs. MEYERS of Kansas.
 H.R. 2898: Mr. ENGEL and Mr. WATT.
 H.R. 3023: Mr. MCKEON, Mr. PETERSON of Minnesota, Mr. ACKERMAN, Mr. BREWSTER, Mr. DEFAZIO, Mr. INGLIS of South Carolina, Mr. CLINGER, Ms. DUNN, Mr. DARDEN, Mr. FIELDS of Louisiana, and Mr. THOMAS of Wyoming.
 H.R. 3105: Mr. LIPINSKI.
 H.R. 3238: Mr. CANADY.
 H.R. 3293: Mr. TAYLOR of Mississippi, Mr. MONTGOMERY, and Mrs. KENNELLY.
 H.R. 3367: Mr. TALENT.
 H.R. 3407: Mr. BREWSTER, Mr. ANDREWS of New Jersey, and Mr. INSLEE.
 H.R. 3483: Mr. BACHUS of Alabama.
 H.R. 3698: Mr. SHAYS and Mr. LEWIS of Florida.
 H.R. 3771: Mr. JEFFERSON.
 H.R. 3790: Mr. STUMP and Mr. BARLOW.
 H.R. 3900: Mr. ENGEL and Ms. FURSE.
 H.R. 3913: Mr. PAXON and Mr. MCCREERY.
 H.R. 3951: Mr. PETERSON of Florida, Mr. MCCLOSKEY, and Mr. PARKER.
 H.R. 3973: Mr. NEAL of Massachusetts, Mr. MCCLOSKEY, Mr. BEILENSEN, and Mr. FILNER.
 H.R. 4000: Mr. GOSS and Mr. EWING.
 H.R. 4043: Mr. JEFFERSON, Mr. FORD of Tennessee, Mr. MCCREERY, Mr. DICKEY, Mr. BAKER of Louisiana, Mr. THORNTON, Mr. TOWNS, Mr. OWENS, Mr. HAYES, Ms. WATERS, Ms. LAM-

BERT, Mrs. MEEK of Florida, Mr. CLYBURN, Mr. SCOTT, Mr. BAESLER, Mr. REYNOLDS, Mr. WATT, and Mr. PARKER.

H.R. 4050: Mr. BEILENSEN, Mr. ACKERMAN, and Mr. LAFALCE.

H.R. 4051: Mr. TUCKER.

H.R. 4052: Mr. SANTORUM, Mr. TAYLOR of North Carolina, Mr. WILSON, Mr. COBLE, Mr. FROST, Mr. BURTON of Indiana, and Mr. BLUTE.

H.R. 4056: Mr. McMILLAN, Mr. MORAN, Mr. MILLER of Florida, Mr. FINGERHUT, and Mr. ZIMMER.

H.R. 4062: Mrs. ROUKEMA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. WASHINGTON, and Mr. DELLUMS.

H.R. 4091: Mr. SABO and Mr. STARK.

H.R. 4100: Mr. KILDEE.

H.R. 4129: Mr. VALENTINE, Mr. CLEMENT, Mr. WILSON, Mr. WALSH, Mr. SKEEN, Mr. CLINGER, Mr. BOEHLERT, Mr. DARDEN, and Mrs. MINK of Hawaii.

H.R. 4148: Mr. OLVER and Mr. ABERCROMBIE.
 H.R. 4189: Mr. McMILLAN, Mr. KLUG, Mr. INSLEE, Mr. GILLMOR, and Mr. PARKER.

H.R. 4215: Mr. ARMEY.

H.R. 4260: Mr. WYDEN, Mr. HOCHBRUECKNER, Mr. CLEMENT, Mr. FOGLETTA, Mr. WISE, Mr. FILNER, Mrs. MEEK of Florida, and Mr. PASTOR.

H.R. 4288: Mr. GENE GREEN of Texas and Mr. FRANK of Massachusetts.

H.J. Res. 44: Mr. QUILLEN.

H.J. Res. 129: Mr. PAXON.

H.J. Res. 209: Mr. STENHOLM, Mr. BISHOP, Mr. BROWDER, Mr. MEEHAN, Mr. FLAKE, Mr. GINGRICH, Mr. SANGMEISTER, Mr. PETERSON of Minnesota, Mr. VOLKMER, and Mr. HAMILTON.

H.J. Res. 276: Ms. BROWN of Florida, Mr. BROWN of California, Mr. TORRICELLI, Mr. FISH, Mr. MAZZOLI, Mr. GUNDERSON, Mr. COOPER, Ms. SCHENK, Mr. OBERSTAR, Mr. GINGRICH, Mr. SHAYS, Ms. MCKINNEY, Mr. WASHINGTON, Mr. MINETA, Mr. HAMBURG, Mr. OWENS, Mr. SUNDQUIST, Mrs. COLLINS of Illinois, Mr. FIELDS of Louisiana, Mr. DUNCAN, Mr. INHOPE, Mr. GUTIERREZ, Mr. DEUTSCH, Ms. KAPTUR, Mr. COBLE, Mr. COPPERSMITH, Mrs. MALONEY, Mr. CLYBURN, Mr. PACKARD, Ms. ESHOO, Mr. LEWIS of California, Mr. WATT, Mr. GILMAN, Mr. BARRETT of Wisconsin, Mr. MCINNIS, Mr. FAZIO, Mr. FRANKS of New Jersey, Mrs. FOWLER, Mr. CHAPMAN, Mr. MFUME, Mr. GREENWOOD, Mr. KENNEDY, Mr. CRANE, and Mr. MCCLOSKEY.

H.J. Res. 303: Mr. BERMAN, Mr. ANDREWS of New Jersey, Mr. CALVERT, Mr. STUPAK, Mr. WELDON, Mr. CLEMENT, Mr. FAWELL, Mrs. KENNELLY, Mr. CLINGER, Mr. DIAZ-BALART, Mr. HASTINGS, Mr. FINGERHUT, and Mr. HORN.

H.J. Res. 315: Mr. BLACKWELL, Mr. COSTELLO, Mr. CRANE, Mr. DELAY, Mr. DREIER, Ms. DUNN, Mr. FORD of Michigan, Mr. GALLEGLY, Mr. GEKAS, Mr. GUNDERSON, Mr. HEFNER, Mr. HANSEN, Mr. HOBSON, Mr. HUTCHINSON, Mr. JEFFERSON, Mr. KASICH, Mr. LANTOS, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. MCCREERY, Ms. MCKINNEY, Mrs. MALONEY, Mr. MORAN, Mr. PETRI, Mr. QUINN, Mr. REYNOLDS, Mr. RIDGE, Mr. ROEMER, Mr. RUSH, Mr. SAXTON, Mr. SCOTT, Mr. STUPAK, Mr. TUCKER, Mr. VISCLOSKEY, Mr. WHEAT, and Mr. YOUNG of Florida.

H.J. Res. 327: Mr. BORSKI, Mr. MCCLOSKEY, Mr. BLUTE, Mr. KOLBE, Mr. GREENWOOD, Mr. GLICKMAN, Mr. HOYER, Mr. GEJDENSON, Mr. SMITH of Texas, and Mr. FLAKE.

H.J. Res. 354: Mr. KLEIN, Mr. MACTHLEY, Mr. FRANK of Massachusetts, Mr. FISH, Mr. NEAL of Massachusetts, Mr. VENTO, Mr. SMITH of Texas, Mr. MYERS of Indiana, Mr. HUGHES, Mr. GEKAS, Mr. GLICKMAN, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. LANCASTER, Mr. ENGEL, Mrs. BYRNE, Mr. EMERSON, and Mr. LANTOS.

H.J. Res. 359: Mr. WOLF, Mr. BEVILL, Mr. SPRATT, Mrs. ROUKEMA, Mr. KING, Mr. KASICH, Mr. TANNER, Mr. DE LA GARZA, Mr. LIPINSKI, Mr. SYNAR, and Mr. DIXON.

H. Con. Res. 199: Mr. RAHALL, Ms. LONG, and Ms. MCKINNEY.

H. Con. Res. 231: Mr. PORTER and Mr. LEWIS of Georgia.

H. Res. 144: Mr. TRAFICANT.

H. Res. 381: Mr. ARMEY.

H. Res. 390: Mr. DEFAZIO.

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. 3266: Mr. SARPALIUS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3254 By Mr. SOLOMON:

—At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) DENIAL OF FUNDS.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United States from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(b) PROCEDURES FOR DETERMINATION.—In determining compliance with subsection (a), the Director shall—(1) include on any grant or contract application questions as to whether the educational institution has, by policy or practice, effectively denied such entry or access for recruiting purposes; and (2) inquire of the Department of Defense whether such entry or access has been denied by an institution before awarding such grant or contract to it.

(c) DEFINITIONS.—For purposes of this section—(1) the term "student" means an individual enrolled in an educational institution who is 17 years of age or older, and (2) the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent educational institution enrolled in by the student.