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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

SENATE—*Friday, June 16, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, before us is a brand-new day filled with opportunities to live out our calling as servant leaders. We trust You to guide us so that all we do and say will be to Your glory.

Since we will pass through this day only once, if there is any kindness we can express, any affirmation we can communicate, any help we can give, free us to do it today. Help us to be sensitive to what is happening with people around us. We know that there are unmet needs beneath the surface of the most successful and the most self-assured. Today some are enduring hidden physical and emotional pain, others are fearful of an uncertain future, and still others carry burdens of worry for families or friends. May we take no one for granted, but instead be communicators of Your love and encouragement.

As this intense and busy week comes to a close, we express our gratitude for all of the people who make this Senate function so effectively: Each Senator's staff, the officers and staff of the Senate, the guards and the Secret Service, the maintenance crews and the people who work so faithfully in hundreds of crucial tasks. Today, as the Senate pages graduate, we thank You for these outstanding young men and women who have served in the Senate for these past months. We thank You for each one of these future leaders of our Nation. Lord, You have richly blessed this Senate so that You can bless this Nation through its inspired leadership. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. DOLE. Thank you, Mr. President.

SCHEDULE

Mr. DOLE. This morning, leader time has been reserved and there will be a period for morning business until the hour of 11 a.m. At 11 a.m., the Senate will resume consideration of the motion to proceed to S. 440, the National Highway System bill.

I have announced there will be no rollcall votes during today's session of the Senate. Cloture was filed last night on the motion to proceed, and there will be a vote on that cloture motion at 3 o'clock on Monday.

I am hopeful that maybe during today's session there can be some agreement reached on S. 440, the National Highway System Designation Act of 1995. It is a very important piece of legislation. It affects every State. There are one or two controversial areas. One is the Davis-Bacon Act, and one is the maximum speed limit compliance program. Those two issues, I assume, will be debated for some time. But it is my hope to complete action on this bill no later than Tuesday of next week, and then at that point to either go to regulatory reform, if that is ready—there are negotiations ongoing as we speak, and there are still about 10 areas of difference, but if we can reach a bipartisan compromise on regulatory reform, we would hope to take it up on Wednesday—or the other possible proposal would be welfare reform. And again, there is some difficulty on both sides, I might say. Republicans are having some difficulties. I understand the Democrats may be, too. But that is again a very important piece of legislation we hope to be able to resolve if not next week, take it up the following week.

THE TELECOMMUNICATIONS LEGISLATION

Mr. DOLE. Mr. President, let me also indicate, as I said yesterday, we passed a very important piece of legislation, telecommunications legislation. And obviously there were many, many people who deserved to be thanked for their effort. Certainly, the chairman of the committee, Senator LARRY PRESSLER of South Dakota, and members of his staff, and Senator HOLLINGS and members of his staff, and many members of the committee. I wanted to make certain I did not forget to thank David Wilson on my staff, who has been following this issue almost on a day-to-day basis for the past several months. I certainly appreciated his efforts and his insight into the very delicate issues which were involved in the legislation.

Mr. President, I understand there will be speakers coming to the floor. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I know leaders' time was reserved.

THE ENTERTAINMENT INDUSTRY

Mr. DOLE. Mr. President, remarks I made in California a few weeks ago have played a role in starting a new national debate on how the entertainment industry has contributed to the coarsening of our culture.

I was certainly not the first in this Chamber to take some to task for placing profits ahead of the innocence of our children. Senators SIMON and BRADLEY have fought the good fight on this matter for many years.

One thing that those Senators and I know, however, is that what we do here on the floor of the Senate, matters far less than what occurs out in the real world.

Until Americans hold accountable those who debase our culture, then there is little hope for progress.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

But there are definite signs of progress all across the country. And today, I wanted to congratulate radio station KGRM, which is the campus radio station at Grambling State University in Shreveport, LA.

Earlier this week, the station announced that, as a protest against profanity and obscenity, it will not play rap music for 19 days.

The station's assistant director said—and I quote—"If we can give students a format that's free of obscenity as far as words and lyrics, I think they'll be receptive to it."

Mr. President, Robert Kennedy once said "Each time a man stands for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope."

This morning, radio station KRGM is transmitting much more than just words and music. It is also transmitting a ripple of hope. I congratulate them for their courage.

THE ADARAND DECISION

Mr. DOLE. Mr. President, last Monday's Supreme Court ruling in the Adarand case is good news for those who believe that the Federal Government works best when it works to unite all Americans of all backgrounds.

In her majority opinion, Justice Sandra Day O'Connor correctly rejected the Clinton administration's position by insisting that Government-sponsored racial classifications, no matter how well intentioned, are inherently suspect and must meet the very highest standard of constitutional review—the standard of review known as strict scrutiny.

Whatever our race or ethnic background, the simple truth is that we are all Americans. We all pledge allegiance to the same flag. We all pay taxes to the same Government. We all share the same hope of a better future for our children and grandchildren. And on the battlefield, we all bleed the same blood. As Justice Scalia said in his concurring opinion, and I quote:

> In the eyes of government, we are just one race. It is American.

No doubt about it, the evil of discrimination continues to exist in the America of 1995. And, unfortunately, we have not yet achieved the colorblind ideal for which so many have valiantly struggled. But fighting discrimination cannot become an excuse to divide Americans by race, by ethnic background, by gender.

You do not cure discrimination with more discrimination.

So, Mr. President, I welcome the Supreme Court's Adarand decision. It clarifies the standard of review that must be applied to Federal laws and regulations that grant preferences on the basis of race. And perhaps as important, it is a wake-up call to Congress to put the Federal Government's own troubled house in order.

BOSNIA

Mr. DOLE. Mr. President, the facts are out: The New York Times reported last weekend that the Milosevic regime is actively aiding its Bosnian Serb allies—sending military assistance and fuel, SAM-6's, and even paying the salaries of many Bosnian Serb officers. This comes as little surprise to me, since I have been extremely skeptical of Slobodan Milosevic's reincarnation as peacemaker—an image the Clinton administration has actively promoted in a desperate bid to devise a Bosnia policy.

Indeed, the recent hostage taking by the Bosnian Serbs, followed by their release as a result of Milosevic's efforts, has called into question the theory of a split between Milosevic and Radovan Karadzic.

In my view the issue is not whether or not Milosevic and Karadzic are friends or political rivals, but whether or not their objectives are the same. The real question is, do Milosevic and Karadzic both want a greater Serbia?

It seems to me that the answer is yes—and that this charade of good cop, bad cop, has been useful in furthering that objective.

Apparently administration sources were aware of this support from Belgrade but continued with the approach of easing sanctions on Serbia. Those of us in the Congress who believed this policy was unwise for a number of reasons—including the fact that it removed leverage on the deteriorating situation in Kosova—were told that lifting sanctions would help bring peace to Bosnia because Milosevic would recognize Bosnia.

Mr. President, this report should prompt an immediate review of the administration's approach. Now is not the time to lift or further suspend sanctions on Serbia. The Milosevic regime is clearly supporting Bosnian Serb and Krajina Serb forces—and maybe even orchestrating their actions. In addition, it is continuing to oppress the Albanian majority in Kosova—which is in its 6th year under martial law.

Mr. President, I intend to offer an amendment to the foreign aid bill which would amend current Serbian sanctions legislation—originally sponsored by Senator LEVIN—to include strict criteria for the lifting of United States sanctions on Belgrade. This criteria will include a complete cutoff of military, political, or other material support from Belgrade to the Bosnian Serb and Krajina Serb militants; a restoration of civil rights to all minorities in Serbia; and a restoration of civil and human rights and political autonomy to the 2 million Albanians in Kosova.

It is time to stop this farce. Milosevic is no peacemaker. He is the author of the tragedies in Croatia, in Bosnia, in Kosova. His regime must be held responsible for its actions, not rewarded for its pretensions.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Maryland [Mr. SARBANES] is recognized to speak for up to 15 minutes.

The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Chair.

(The remarks of Mr. SARBANES pertaining to the introduction of S. 934, S. 935, S. 936, S. 937, and S. 938 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE TELECOMMUNICATIONS ACT OF 1995

Mr. MCCAIN. Mr. President, yesterday the Senate passed S. 652, the Telecommunications Reform Act of 1995. This is historic legislation that will substantially change the communications industry in this country.

Although the legislation alters the status quo, I was not able to support it due to the fact that the bill fundamentally reregulated, not deregulated the telecommunications industry.

I strongly support passing telecommunications reform. For too long this issue has been dictated by the courts. This is an abrogation of congressional authority, and the Congress is now compelled to play catch-up. It is imperative that the Congress implement a comprehensive, complete policy that will encourage free market competition and breed industry innovation that will ultimately benefit the consumer. Legislation that will accomplish this must contain provisions that deregulate and fosters true competition.

Unfortunately, the bill passed by the Senate, S. 652, does exactly the opposite. Regulation is increased and congressional, and Federal Communications Commission micromanagement is advanced. This bill establishes a regulatory regime that reallocates existing markets, controls and limits future growth, and effects changes to the communications industry through a series of complex, excessive regulation.

The best way to truly help the consumer is to allow industry the maximum flexibility to grow and prosper. That can be accomplished through deregulation. History shows us that deregulation of industry benefits the consumer. We should be working to pass legislation that deregulates.

S. 652 contains a prescription for a larger and more intrusive Government in Washington.

The bill mandates over 80 new regulatory proceedings that the Congressional Budget Office estimates will cost over $81 million to implement. Moreover, it is squarely at odds with nearly a quarter century of well-considered, soundly crafted, and broadly successful regulatory reform initiatives which commanded strong bipartisan support and, in the final analysis, yielded substantial consumer dividends for the American public. Back in 1970, the Senate Commerce Committee began work to deregulate a number of key, infrastructure industries. Airline, truck and rail, broadcast, maritime, cable, and freight regulatory reforms were initiated and successfully carried forward. These reforms paralleled changes which were occurring in the world at large, as the notion of pervasive, central economic planning by Government—embodied in the now-bankrupt Communist teaching and doctrine—faltered and competitive free enterprise concepts were adopted and embraced.

Senator PACKWOOD and I offered a series of amendments to S. 652 to make the bill more deregulatory. One amendment would have eliminated from the bill provisions which give the FCC excessive and unnecessary policymaking power. Another would have struck the community users provisions in the bill. A third amendment would have replaced the bill's universal service scheme with a voucher system that would have truly empowered consumers.

Unfortunately, all of those amendments were defeated.

I do want to thank the Commerce Committee chairman and ranking member for accepting some other amendments. I had sought to change the definition of the universal service contained in the bill. The universal service definition was far too broad and would have potentially cost consumers and companies hundreds of millions of dollars. The committee adopted the definition of universal service that I proposed as part of the manager's package of amendments.

Also included in the manager's package was an amendment I intended to offer to strike the DBS tax provisions in the bill. The legislation contained language that would have authorized the States to order DBS television providers to act as State tax collectors. This was an ill-conceived concept and I am very pleased that it was struck from the bill.

I was also very pleased that the committee accepted my amendment mandating that the FCC report any increases in the fees charged to communications companies as part of their universal service obligation and another amendment to means test the community users section of the bill. Both improved the bill.

Last, although I could not support this legislation, I want to thank Chairman PRESSLER. He did a masterful job of shepherding this bill through the Senate. He deserves specific praise for his efforts.

I also want to thank ranking Member HOLLINGS, Senator ROCKEFELLER, Senator SNOWE, and Senator PACKWOOD.

Their staff also deserve considerable praise for their efforts and hard work. I also want to thank Adam Thier of the Heritage Foundation, Bob Corn-Revere of Hogan & Hartson, and Jeffrey Blumenfeld and Christy Kunin of Blumenfeld & Cohen for their input and advocacy regarding the telecommunications voucher program.

I appreciate their help, and I thank them for their efforts.

HOUSTON ROCKETS WIN NBA CHAMPIONSHIP

Mrs. HUTCHISON. Mr. President, on Wednesday a team from my home State, the Houston Rockets, won their second consecutive NBA Championship, defeating the Orlando Magic four games to none. The Rockets overcame everything from injuries to midseason trade to, finally, one of the toughest playoff schedules over.

To understand the full significance of Wednesday night's victory, Mr. President, you must understand the history of Houston's two star players, Hakeem Olajuwon and Clyde Drexler. Both attended the University of Houston in the first part of the 1980's. In 1983 and 1984, Olajuwon and Drexler took their University of Houston team to the NCAA National Championship game. Soon after, they both went their separate ways. But this past Valentine's Day, in a trade many sports critics called unnecessary, the Rockets put Drexler back with his old college teammate Olajuwon. Wednesday night, the critics were proven wrong.

The Houston Rockets set an NBA playoff record by winning seven road games in a row. On their way to the NBA title, they won 11 out of their last 13 games. In the Western Conference Finals, they defeated the team with the best record in the regular season, another treasured Texas gem the San Antonio Spurs. As a team that never got the respect that it deserved when it won the title last year, Houston can now celebrate a title that will long be remembered. For most of the team, the second one is so much sweeter; but to Clyde Drexler, after 12 years in the NBA, this is the sweetest.

Mr. President, to repeat as champions with a four-game sweep is unprecedented. Five times the Rockets faced elimination and five times—with poise, determination, and character—they prevailed. The championship was a total team effort and everyone contributed.

Mr. President, I am sure that my colleagues will be glad to join me in congratulating the 1995 NBA World Champion Houston Rockets. For a team that started the playoffs with the sixth seed in the tournament, they are the lowest seed ever to win a World Championship. The Rockets showed their most adamant critics that they were not about to give up. In the words of head coach Rudy Tomjonavich, "Never underestimate the heart of a champion."

Mr. President, I just wanted to make sure that we recognized this great team effort, and the heart of these champions. And I am very proud of the Houston Rockets today, as last year, for their repeat world championship in basketball Wednesday.

I yield the floor, and I thank you, Mr. President.

THE SURGEON GENERAL

Mr. SIMON. Mr. President, we have been without a Surgeon General now for 6 months. I was very pleased when Senator DOLE mentioned he was going to meet with Dr. Foster. I hope that meeting can take place. I think the vote in our committee clearly illustrated there is a will on the part of this body to confirm Dr. Foster. I notice even those who voted against Dr. Foster had praise for his dedication and sincerity. I hope we can move soon on this Foster nomination. I think we have delayed enough.

If he is going to be voted down, let us vote him down. But I think we will approve him. I think he should be approved. I think those of us who were on the committee who heard him testify were very impressed by what he had to say.

NOMINATION OF DR. HENRY FOSTER TO BE SURGEON GENERAL

Mr. KENNEDY. Mr. President, I wish to address the Senate on the situation facing the President's nomination submitted to the Senate for the office of Surgeon General.

Mr. President, it is now nearly 4 months since President Clinton sent to the Senate the nomination of Dr. Henry Foster to be Surgeon General of the United States. On May 2 and 3, the Labor Committee held hearings on the nomination and on May 26 the committee voted to approve the nomination and sent it to the full Senate for final action.

Already 3 weeks have passed and nothing further has happened. It is time for a vote.

Dr. Foster has demonstrated his impressive qualifications, his character, and his vision for the future of health care in this country. During the committee hearings, he successfully put to rest the charges attacking his character and his ability. He earned the admiration and respect of the committee and the American public. Even some who opposed the nomination have expressed the belief that the Senate

should vote. Other opponents have threatened to filibuster to prevent a final vote.

It is time for the Senate to act. By now it is obvious that Dr. Foster is a highly principled physician and educator who has devoted his life and his career to the service of others. His record is outstanding. He has been widely praised for his contributions to the quality of health care for his patients, for his service to his community, and for his research and teaching and medicine. We do a disservice to Dr. Foster, the Senate and the Nation as a whole by prolonging this process.

The Nation has now been without a Surgeon General for 6 months, and there is no justification for further delay. Only one issue is holding up this nomination. Many other issues have been raised as a smokescreen, but they are easily dispelled. The real issue delaying this nomination is the issue of abortion. The diehard opponents of a woman's right to choose are doing all they can to block this nomination because Dr. Foster participated in a small number of abortions during his 38-year career. But Dr. Foster is a baby doctor, not an abortion doctor. He has delivered thousands of healthy babies, often in the most difficult circumstances of poverty and neglect. As one commentator has observed, "Dr. Foster has saved more babies than Operation Rescue."

In any event, abortion is a legal medical procedure and a constitutionally protected right. It is not a disqualification for the office of Surgeon General of the United States. And there is no justification for some of our Republican colleagues to try to make it one.

Dr. Foster is an obstetrician and a gynecologist, and it is no surprise to anyone that he has participated in abortions. Those who have heard Dr. Foster describe his vision for health care and have examined his record know about the lives he has saved, the hundreds of young doctors he has trained, his outstanding research on sickle-cell anemia and infant mortality, his model program on maternal and infant care, and his groundbreaking work to combat teenage pregnancy. President George Bush thought so highly of Dr. Foster's "I Have a Future Program" in Nashville that he honored it with the designation as one of his thousand points of light.

With this nomination, the Nation has an unprecedented opportunity to deal more effectively with some of the more difficult challenges facing us in health care today and to do it under the leadership of an outstanding physician and an outstanding human being who has devoted his life to providing health care and for opportunity to those who need the help most.

As Dr. Foster has stated, his first priority will be to deal with the Nation's overwhelming problem of teenage pregnancy, and he is just what the doctor ordered to lead this important battle.

Teenage pregnancy is a crisis of devastating proportions. The United States has the highest rate of teenage pregnancy in the industrial world. More than a million U.S. teenagers become pregnant every year, and every day the problem gets worse. Dr. Foster can be the national spokesman we need on this issue to educate teenagers about the risks of pregnancy.

Every day, every week, every month, every year, the number of teenagers lost to this epidemic grows further out of control. With Dr. Foster's leadership, we have an unparalleled opportunity to deal more effectively with this cruel cycle of teenage pregnancy, dependency and hopelessness.

Dr. Foster's "I Have a Future Program" has been a beacon of hope to inner-city teenagers. His program provides the guidance they need to make responsible, sensible decisions about their health and their future and to put themselves on the road to self-sufficiency and productivity and away from dependency, violence and poverty. He has taught them to say no to early sex and yes to their futures and to their education and to their dreams.

Dr. Foster has devoted his life to giving people a chance, giving women the chance for healthy babies, giving babies a healthy childhood, giving teenagers a chance for successful futures.

Now Dr. Foster deserves a chance of his own, a chance to be voted on by the entire Senate. I urge the majority leader to do the right thing and bring this nomination up before the Senate and a vote by the entire Senate.

Mr. President, I heard earlier during the debate and discussion that we have legislation before us that is going to be necessary to pass by October. I daresay that every day that we delay in terms of approving Dr. Foster is a day when this Nation is lacking in the leadership of this extraordinary human being who can do something about today's problems, not problems and challenges that the States are going to face in the fall, but today's problems, tomorrow's problems, on the problems of teenage pregnancy and the problems of child and maternal care, and all the range of public health problems that are across this country.

That individual ought to be approved. We ought to have a debate. If the majority leader was looking for something to do on a Friday, we ought to be debating that today and voting on it today, instead of debating the issue that is going to deny working families income to put bread on the table.

We can ask what our priorities are. The majority has selected to debate Davis-Bacon, not to debate the qualifications of Dr. Foster. As much as I am sympathetic to where we might be in the fall, I am concerned about the public health conditions of the American public today. There is no excuse—no excuse whatsoever—not to bring him up, other than the power of those who have expressed their views about the issues on abortion. That is what is behind this delay, and it is wrong.

Dr. Foster has appeared before the committee, answered the questions, has been reported out, and he is entitled to a vote. Even two members of our committee who voted in opposition indicated that they believe the Senate ought to vote on this.

We have to ask ourselves, how much longer do we have to wait? This is a timely, important, sensitive position, and this country is being denied the leadership of Dr. Foster, and we have no adequate explanation about why that is the case. The nominees are entitled to be debated and to be reported out and, once reported out, they are entitled to be voted on in the U.S. Senate.

So, Mr. President, I hope that we will have an opportunity the next time the majority is looking around for something because we are not ready to deal with the welfare reform issues, and we are not prepared to deal with some other issue, that we can move ahead on the Dr. Foster nomination. We are ready to debate it. The committee is ready to debate it. We are entitled, he is entitled, and the country is entitled to have a vote on that nomination, and I hope that it will be very soon.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

SECTION 252(a)(2)(A)

Mr. PACKWOOD. Section 252(a)(2)(A) requires a separate subsidiary for all information services except those that were being offered before July 24, 1991. Since that date literally hundreds of information services have been initiated and offered, because July 24, 1991, is the day before the information services line of business restriction was lifted by the MFJ court. This means that all of those services have to be shifted to a separate subsidiary on the date of enactment of this act.

Are there not two problems in your view: First, the bill does not grandfather all existing information services. Second, it will be impractical for Bell operating companies to transfer existing information services to a separate subsidiary prior to the date of enactment of this act.

Mr. PRESSLER. Yes; I agree. It is my intention to address these problems in conference.

ROTARY PEACE PROGRAM ON POPULATION AND DEVELOPMENT

Mr. NUNN. Mr. President, I have recently been contacted by Mr. David Stovall, a constituent from Cornelia, GA. In addition to his professional

work at Habersham Bank and his community service with the chamber of commerce and the Georgia Mountains Private Industry and Local Coordinating Committee, Mr. Stovall serves in the Habersham County Rotary Club and as governor of Rotary District 6910.

It is in his capacity as a Rotary District Governor that Mr. Stovall brought to my attention a recent "Rotary Peace Program" put on by the Rotary Foundation of Rotary International. Entitled "Population and Development: A Global Perspective for Rotary Service," the event brought together Rotarians from District 9100, which includes Rotary clubs in 15 West African nations, and Rotarians from District 6910, which includes 57 Rotary clubs from throughout North Georgia.

At the Dakar Peace Program, the Rotarians were examining an issue of concern to many Americans—that is, the population growth in a number of countries in the world which are incapable of meeting the agricultural, the environmental, the medical, and the economic challenges that accompany such high races of growth.

Mr. President, these Rotarians, meeting in Dakar, Senegal, serve as an example of how nonprofit service organizations can take actions which contribute to the public debate and help to further policy objectives. To this end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the resolution adopted at the Dakar Peace Forum.

I also want to recognize other Georgia Rotarians who participated in the Dakar Peace Forum. They include Buck Lindsay of Lawrenceville, David Roper of Martinez, James Lyle of Augusta, and Dr. Ruby Cheves of Union Point.

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

A ROTARY PEACE PROGRAM BY THE ROTARY FOUNDATION OF ROTARY INTERNATIONAL

RESOLUTION

Whereas, The Trustees of Rotary International have endorsed a Rotary Peace Program on the topic of World Population and Sustainable Development, held this date in Dakar;

Whereas, in Forum, assembled Rotarians from Districts 6910 and 9100, and other parts of the Rotary World, along with NGOS in the field of population, have discussed in detail the topic of Population and Development;

Whereas, Recognized international and governmental experts on the subject of population and development have presented detailed information on the subject and participated in the deliberations;

Whereas, the Forum considered the conclusions of the International Conference on Population and Development held in Cairo, Egypt in 1994, encouraging and promoting respect for all human rights and for fundamental freedoms for all;

Whereas, The participants in the Forum expressed unanimous consensus that World Population is an issue of extreme importance and is an area in which Rotary must accordingly apply its humanitarian attention; now therefore: be it *Resolved*, That recommendation should be and is hereby made to the Board of Directors of Rotary International and to the Trustees of TRF that the following priorities be recognized:

(1) That awareness be promoted at all levels among Rotarians and others on the subject of Population and Development, in forums, including conferences, assemblies, institutions and peace forum;

(2) That the Directors establish a Task Force on Population and Development;

(3) That the Trustees of the TRF, in their humanitarian works, give high priority to projects which promote the role of women in development and which recognize the importance of the environment and population;

(4) That the education of Rotarians and non-Rotarians on the subject of population be carried out through the existing infrastructure of Polioplus, or a variation thereof. Be it further

Resolved, (5) That the Trustees provide appropriation for and begin research and development in support of a 3-H product, to serve as a model, addressing the subject of population and development.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, June 15, the Federal debt stood at $4,893,073,460,637.78. On a per capita basis, every man, woman, and child in America owes $18,574.19 as his or her share of that debt.

WHAT AN AIR FORCE PILOT'S RESCUE SAYS ABOUT AMERICA

Mr. LIEBERMAN. Mr. President, America rejoiced last week when the news broke of Air Force Capt. Scott O'Grady's rescue from Serb-controlled territory of Bosnia after being missing for 6 days. We were relieved to know that he was safe and sound and we were eager to receive a sliver of good news from a region where day after day for 3 years we have been besieged by reports of the murder of innocents, genocide, and international hooliganism on a scale unseen since the dark days of World War II.

Our elation could not help but grow when this young F-16 pilot stepped before the microphones for the first time after his rescue. His words filled us with pride and reminded us of what makes the men and women of our Armed Forces so special and what is special about America. After 6 days of eating grass, drinking rain water, and hiding from armed Serbs who were trying to kill him, this young man's first words were of his thanks to God, his parents, his comrades-in-arms, and his country. As remarkable as his own actions were in the face of considerable hardship and danger, Scott O'Grady told the world that he was not the hero in this situation—in his view it was the brave men and women who risked their lives for him by conducting a continuous search effort and, when at last he was located, flying into enemy territory to snatch him away and bring him home.

Though he spoke for less than 2 minutes in that first appearance before a cheering crowd at Aviano Air Base and, thanks to instant communications, the entire world, his words should give us all pause and cause us to consider the values he reflects: trust in God, love of family, unwavering confidence in his country, and faith in the abilities of his colleagues in each of the military services. Throughout the past week of interviews and ceremonies at the White House and Pentagon, Captain O'Grady has continued to talk about his faith in God, country, family, and coworker.

Are these values unique to Scott O'Grady or to members of the Armed Forces? Clearly, living, working, and, when called upon, fighting and dying together are unique aspects of life in the Armed Forces which build the camaraderie and faith in your fellow workers that are so evident in the military. These values are critically important when one's work requires you to put your life in the hands of others.

As a member of the Senate Armed Services Committee, I am involved in decisions on defense budgets and policies which remind me every day of the important responsibilities we have for the men and women of our Armed Forces. We must work to ensure that they are properly trained, equipped, and motivated—as Captain O'Grady and the members of the rescue forces clearly were—if they are going to be able to continue their vital work of ensuring our national security. Too often in recent times, the dedicated men and women of our military have been tarred with a brush of scandal because of the improper acts of just a few. These acts are cause for concern and should be taken seriously as the Senate always has. But at the end of the day, I believe that what we see in Captain O'Grady and those brave servicemen and women who rescued him is the best representation of what our Armed Forces are and what they stand for.

But the values we have seen reflected in the words and deeds of Scott O'Grady are, in fact, the values which Americans have prized throughout our history. They are what has made America great. They are the values which most of us learned from our parents in homes across America. Scott's mother and father should be proud of the way they taught these values to their son.

The daily barrage of headlines of violence in the homes and streets of America, stories of broken homes, and indications of racial and religious bigotry could lead one to conclude that there is a cancer growing on America's spirit. I do not believe it and I doubt that most Americans believe it.

Americans are as they have always been—people of faith, courage, patriotism, and hard work. Perhaps it is time

to remind ourselves of what is good about us and to allow our values to come to the surface again where they can help pull us above our fears and insecurities.

America owes young Scott O'Grady a debt of gratitude—for the professional manner in which he performed his duties as an officer in the U.S. Air Force and for the reminder that he has given us of what it takes to survive in these troubled times. America should rejoice with his return—and reflect upon what it says about us as a nation.

AFFIRMATIVE ACTION

Mr. McCONNELL. Mr. President, I would like to address the Supreme Court's historic decision in the Adarand case handed down earlier this week. A majority of the Court, led by Justice Sandra Day O'Connor, found that preference and set-aside programs ordered by the Federal Government must be examined under the strictest judicial scrutiny. Justice O'Connor's opinion states that equal protection of the laws, as guaranteed by the Constitution, extends to every person, not to particular groups.

These preference programs are based on notions of group entitlement. As a practical matter, this decision will make it very difficult for the Federal Government to justify the more than 150 preference programs that currently exist. This decision is an important step in making this Nation truly color blind.

The case involved a Federal subcontract on a highway project. Under the Surface Transportation Act of 1987, Department of Transportation gives a bonus to a general contractor who hires subcontractors who qualify as socially and economically disadvantaged. Under the Small Business Administration definitions, disadvantaged is presumed to include African-Americans, Hispanic-Americans, women, native Americans, and other minority group members.

Despite Adarand Construction's lowest bid on a Colorado highway project to build a guardrail, the general contractor gave the subcontract to a minority firm. Adarand sued, claiming a violation of its right to equal protection.

Justice O'Connor, citing earlier affirmative action cases which had clouded the issue of the validity of these programs, wrote that classification based upon race which appear to be benign are not really benign, but "are in fact motivated by illegitimate notions of racial inferiority or simple racial politics."—from her own plurality opinion in Croson.

This decision comes in the midst of lots of attention to these preference programs. There is a movement in California to abolish preference and set aside programs. Gov. Pete Wilson recently did away with preferences in State employment by executive order and there is likely to be a ballot initiative next year. President Clinton has ordered a review of Federal preference policies, and congressional leaders, including the majority leader, have called for close examination of these programs.

Americans have no tolerance for racial discrimination, but they also have no patience for discrimination which is committed under the guise of making up lost opportunity for those who belong to certain groups. You can't discriminate against one group to benefit another. Justice Scalia said it best in his concurrence in the Adarand case,

> . . . [U]nder our Constitution there can be no such thing as either a debtor or creditor race. . . . In the eyes of the government, we are just one race here.

Mr. President, in the Foreign Operations Subcommittee of the Appropriations Committee, which I chair, we will have an opportunity to review at least one of these set-aside programs. It requires a percentage of certain categories of foreign aid to be managed by minority contractors. Under the Court's decision in the Adarand case, we will now examine the set-aside program under the strict scrutiny test. The administration will have to establish a compelling interest to justify the continuation of preference and set-aside programs. In this time of very scarce dollars, and especially scarce in the context of foreign aid, it's hard to imagine the administration's justification for anything other than the most efficient and economical use of our foreign aid dollars.

I look forward to the ramifications and implications of the Adarand case and the revision and even end to many of the Federal Government's preference programs and policies.

The PRESIDING OFFICER. The Senator from Montana.

FEDERAL AVIATION ADMINISTRATION REFORM

Mr. BURNS. Mr. President, yesterday my good friend, the distinguished Senator from Oklahoma, introduced a bill to reform the FAA. There is probably no institution in this town that needs reform more than it does. In my home State of Montana we take aviation, particularly general aviation, very seriously because we are a very large State but we are the 44th in population. We are the fourth largest State, 148,000 square miles. The Chair understands about that, coming from Wyoming, our good friend to the south. So you could say both of us have quite a lot in common. There is quite a lot of dirt between light bulbs in our part of the world and not many folks in between. So, for us having general aviation in a healthy mode and our ability to fly point to point is not a luxury, it is often a necessity in the West.

So we have a very strong, hard-working and well organized pilot community in Montana. I am proud of my strong relationship with the thousands of pilots in my State. Many of them are flying ranchers and that is the way they get their parts, that is the way they do a lot of business, a lot of their travel.

I have been watching the debate about reform of the Federal Aviation Administration and the Air Traffic Control system with some concern, and I share those concerns with my friend from Oklahoma. The pilots who talk to me tell of outdated equipment that their air traffic controllers are forced to use. I have heard the same concerns from air traffic controllers all over the country, as a matter of fact. They tell me about the concerns that the FAA does not get the necessary funds and it is absolutely hamstrung in some areas by layers and layers of red tape. They say the FAA is ripe for reform. After serving in this body now in my second term, after 6 years, I would have to agree with that.

But many of the proposals I have seen are only superficially attractive. The numbers just do not add up. The administration's ATC Corporation idea—there is no industry support for an entirely privatized ATC.

So today I am joining with Senator INHOFE in his introduction of legislation to provide some realistic, meaningful reform for the FAA. It will reestablish the FAA as an independent agency with an administrator who has a fixed term in office of 7 years and a management advisory committee made up of members of the private sector to advise the administrator on management policy, spending, and regulatory matters.

This measure will provide the FAA with major personnel, procurement and finance reforms that I think it needs. It will mandate that the FAA take action on safety-critical regulations in a more timely manner. This bill will give the FAA more flexibility in making corrections without risking its record of safety.

It is my hope this bill will be a starting point from which we can gain some consensus among this body, and in this Congress, and we hope that consensus will evolve rather quickly. I understand Senator McCAIN is also working on a proposal to reform FAA. He is the chairman of the Aviation Subcommittee on the Commerce Committee. His knowledge of not only flight but also this agency is unexcelled, and I hope he will welcome this bill and that it will be a valuable contribution to what he is trying to do. Maybe we can really get together and put reform on the fast track. We can work together. I think it can be supported by everyone in the aviation community. It is needed.

Also, we have to be very mindful that not just airlines use FAA. It is very

important we maintain it at a healthy level for general aviation because of the points I spoke about earlier on today.

With that, I support this reform as it starts down the track. We hope we can get a consensus and reform it before the snow flies this fall.

Mr. President, seeing no other Senators on the floor, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 440.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Mr. President, I might say to my colleague from Rhode Island, I had some remarks prepared, and intend to speak for awhile, but I wondered, if he wanted to start off, he can.

Mr. CHAFEE. No. Mr. President, I thank the distinguished Senator from Minnesota. I am here to listen to the persuasiveness of his argument. I will say that this bill is important. As we all know, unless we pass this legislation by the end of September of this year, our States will be deprived of some $6.5 billion of highway funds, which we need. So I think it is unfortunate we are involved in this filibuster, but that is obviously the choice of those on the other side. I am perfectly prepared to hear the remarks of the Senator from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Given the few remarks of my colleague from Rhode Island, it probably would be important for me to clarify the situation.

Mr. President, I agree that the underlying bill, this highway bill, is extremely important to the country. The debate is really not about the underlying bill. The debate is about Federal prevailing wage standards under the Davis-Bacon law, and an effort to repeal Davis-Bacon, at least in relation to the highway construction work that is done.

What is attached to this bill is an amendment to repeal the Davis-Bacon law in relation to highway construction work. That is what is unfortunate. So those of us who are taking on this issue in this debate are not doing it, if you will, Mr. President, of our own choosing. That is to say, we are more than willing to have a full-scale debate about the importance of the Davis-Bacon legislation first passed in 1931. We do not believe that this debate should be taking place right now. We do not think this amendment to repeal Davis-Bacon should be a part of this piece of legislation. That is really the debate. The debate is not about the underlying bill at all. My colleague from Rhode Island will certainly find me to be very supportive of much of his work on the underlying bill. But in a letter of May 2, I and other colleagues indicated that we intended to engage in extended debate on this bill if this Davis-Bacon repeal amendment was adopted, so no one should be surprised by our presence here today.

I would like to talk first about the Davis-Bacon piece of legislation, just to summarize it for those who are watching this debate, and then talk about what I consider to be the larger question, the larger issue that is before the Senate, and therefore before the country.

First, on Davis-Bacon, Mr. President, back in the early thirties, this piece of legislation was passed and the basic idea was as follows: Where the Federal Government is involved in construction contracts, we want to make sure that wages that are paid to those workers are consistent with the prevailing wage of the community. In other words, the Federal Government is the big player here, and it is kind of right out of Florence Reese's song "Which Side Are You On?" Either the Federal Government is involved on the side of the contractor in paying wages below the prevailing level of the community or the Federal Government—being a Government that cares not just about the largest multinational corporations in the world, not just about the people who have the financial wherewithal, but a Government that cares about wage earners, cares about working families, and says we will make sure that our involvement is to assure that the wages paid to working people—in this particular case we are talking about highway construction workers—is consistent with the prevailing wage.

Mr. President, I would just simply tell you that proposition is based upon a standard of fairness in which I think the vast majority of the people of the United States of America believe.

Second, Mr. President, the importance of Davis-Bacon, which is why this piece of legislation has been with us for well over a half a century, is that by making sure you have some kind of prevailing wage standard you also have higher quality labor and higher quality work that is done. And when it comes to the highways and to the bridges and to our physical infrastructure, it is pretty darned important to the people of Minnesota and Michigan and Rhode Island and Virginia and elsewhere that the highest quality work is done. That is part of how we measure benefit and how we measure cost.

So, Mr. President, what is at issue is not the underlying bill. What is at issue is that within this piece of legislation is this one provision which would repeal Davis-Bacon as it relates to highway construction work, which I understand is about 40 percent of the work covered by Davis-Bacon. This is no small issue. This is no small issue to working people; this is no small issue when it comes to wages; this is no small issue when it comes to fair working conditions; this is no small issue for the Senate; and it is no small issue for people in this country. I have to tell you, Mr. President, that the larger issue, what is really at stake I think can be shown rather graphically by this chart.

If you look at historical trends in real family income—and the source of this is the Bureau of Census, Department of Commerce —if you look at real family income, what you get between 1950 and 1978 is something like this. For the bottom 20 percent of people in our country, real family income in 1993 dollars went up 138 percent.

Now, in our country I think people say that is the way it should be. The bottom 20 percent, their family income goes up 138 percent. The second 20 percent goes up 98 percent. The middle 20 percent, family income goes up 106 percent. The fourth 20 percent —now we are getting toward the top—111 percent, and then the top 20 percent, real family income goes up 90 percent, between the years 1950 to 1978.

That is sort of the American dream, Mr. President. That is what people care about, that is real growth in family income. And during this period, we see a trend that is very consistent, with the kind of standard of fairness that people in the country believe in.

Now, Mr. President, we look at 1979 to 1993, and what we see is a country growing apart.

As a matter of fact, more recent reports that have come out have shown that we have the greatest gap in income in wealth than we have ever had since we started measuring these things.

So, Mr. President, we see that between 1979 and 1993, for the bottom 20 percent, real family income goes down by 17 percent; the second 20 percent real family income goes down by 8 percent; the middle 20 percent real family

income goes down by 3 percent; the fourth 20 percent real family income rises by 5 percent; and for the top 20 percent, real family income goes up by 18 percent.

So, Mr. President, what is really going on here is a debate about where the Federal Government fits in and what kind of public policy throughout the country is responsive to working families. This is the squeeze that people feel within the country, and I say to my colleague, and I say to people who are watching this debate, at the very time that real family income is going down, at the very time that the bottom 80 percent of the population feels this squeeze, what are we doing? Some are trying to overturn a piece of legislation that has served this country well and served working families well. We are now trying to bring down wages in our communities, and we have a Congress which, up to date, has been unwilling to even raise the minimum wage. So this debate is all about fairness. This debate is all about what matters to people in the country more than any other issue: a good job at a good wage.

Mr. SIMON. If my colleague will yield for just a series of questions. If we repeal Davis-Bacon, does that, in any way, depress the wages of that top 20 percent that has already gone up 18 percent?

Mr. WELLSTONE. Certainly not. If you look at average wages in the construction field, it is about $25,000-$30,000, or thereabouts.

Mr. SIMON. Then where, if we pass the repeal of Davis-Bacon, does it have its impact?

Mr. WELLSTONE. I say to my colleague from Illinois that if we repeal Davis-Bacon as it applies to highway construction, or even beyond that—which has everything in the world to do with making sure that we do not depress prevailing wages in our communities—what you are really going to see is a drop in incomes for the middle 20 percent, the second 20 percent, and the bottom 20 percent.

Mr. SIMON. So what we will be doing if we pass Davis-Bacon is depressing the wages of those who already are losing in our society.

Mr. WELLSTONE. That is precisely the point, I say to my colleague.

Mr. President, the most fundamental flaw of all with this provision in the bill is that it depresses the wages of the very families that are the most hard pressed in this country. I say to my colleague, we are not talking just about the poor, we are talking about middle-income working families, around $25,000, $30,000, a year.

Mr. SIMON. I thank my colleague.

Mr. WARNER. Mr. President, will my colleague yield for the purpose of a question?

Mr. WELLSTONE. I will be pleased to yield.

Mr. WARNER. The amendment of the Senator from Virginia, which is the current subject of discussion, relates only to the highway program. And in the Senator's presentation, he is sort of talking about all Davis-Bacon when, in fact, it is only roughly 38 percent of the program.

So I think it is important to be accurate here. We are talking about just that part of Davis-Bacon relating to the Federal Highway Program, are we not, I ask my colleague?

Mr. WELLSTONE. Mr. President, I say to my colleague from Virginia, I used the figure 40 percent earlier, 38 percent or 40 percent; that is correct. About 40 percent of Davis-Bacon contracts are highway related. When you consider all of the billions of dollars that we spend on highway construction, I think that's a lot. I mean, 40 percent of Davis-Bacon, 40 percent of prevailing wages in communities across our country, 40 percent that affects these families that are most hard pressed is not an insignificant percentage.

Mr. WARNER. Mr. President, I do not contest that point, but let us be accurate that we are talking about only the Federal Highway Program.

Mr. WELLSTONE. I say to my colleague, I have been accurate.

Mr. WARNER. Mr. President, I am not sure the Senator pointed out that this chart—it seems to me the Senator was talking to the entirety of Davis-Bacon.

Mr. WELLSTONE. I say to my colleague from Virginia, Mr. President, that before he came in, I first defined Davis-Bacon, I talked about the purpose of Davis-Bacon, the public interest accomplishments of Davis-Bacon, and I then went on and said this amendment dealt with highway construction as it applies to Davis-Bacon and gave the figure 40 percent.

What I will now say to my colleague is that we are talking about something larger than just the highway construction workers and we are talking about a larger question than just Davis-Bacon. What we are talking about is, if you look at the most recent years, an enormous squeeze on really the bottom 80 percent of the population. So that is really the issue here, and that is what I am now trying to pinpoint.

Mr. President, I thank my colleague from Virginia for his questions.

So, the reason I am on the floor with Senator KENNEDY from Massachusetts and Senator SIMON from Illinois is, A, Davis-Bacon passed in 1931. Why? To make sure that when the Federal Government is involved in these contracts, we are on the side of making sure that the wages that are paid to those workers are at least consistent with the prevailing wages of the community and we do not get involved or we are not on the side of employers who depress wages for people in the community.

B, we support the underlying bill, but this provision should not be a part of this bill. We ought to have a separate debate on Davis-Bacon because of the significance of this. When you are trying to overturn a piece of legislation that has been a part of the political and social landscape of this Nation for over 60 years and has been a part of fundamental economic justice and has been consistent with the idea that people ought to make decent wages on which they can support their families, you do not put it in as part of a highway bill. You deal with the whole legislation separately, and then you have that debate.

And then C, what I am now trying to do in this presentation is point out again, if I can ask for the first chart, what is really the larger context. This is what I think American politics is all about in many ways.

From the years 1950 to 1978, the vast majority of people in this country—and this is the American dream—saw a real increase in real family income, and from 1979 to 1993, we have seen a growing apart in this Nation. That is a fact. And for the life of me I do not know why in the world colleagues would be so anxious to repeal a law that is so consistent with economic justice, economic opportunity, fair wages and opportunities for working middle-income families in America.

Mr. President, people in the country feel an economic squeeze. People are worried about whether or not there are going to be good jobs. Let me just present some alternatives to what I think this effort is all about, and I certainly hope my colleagues will support us in blocking this effort, because this effort to repeal this provision of Davis-Bacon that applies to highway construction workers does not take us into the 21st century. In fact, this takes us back to the 19th century.

Let me present an alternative formulation. You say you want to have welfare reform, and we need to reform that system. We are going to have a debate on welfare reform, and hopefully not on something that is called welfare reform, but is really an effort to punish women and children.

Here is real welfare reform: A good education, good health care, and a good job. If we want to reduce poverty in America—say, for example, the poverty that exists 10 blocks from where we are right now in Washington, DC, or the poverty in Minnesota, Illinois, Massachusetts, Rhode Island, or Virginia, the answer is a good education, good health care, and a good job.

Mr. President, if you want to reduce violence in this Nation—and we all do—you hold people accountable that commit these crimes, no question about it. But, Mr. President, talk to any judge, police chief, or sheriff, and they will all tell you the same thing:

We also have to reduce violence by focusing on a good education, good health care, and a good job.

Mr. President, if you want to have a stable middle class, people need a good education, good health care and a good job. If you want to have a democracy—we have a democracy—that is why we love this country and why I love being in the U.S. Senate, you have to have men and women who can think on their own two feet and understand the world and the country and the community they live in. The only way that can happen is a good education and a good job.

Mr. President, this effort to repeal the part of Davis-Bacon that affects the highway program is mistaken. This takes us back to the 19th century, not forward into the 21st century. I simply contend that the future for our country is twofold. First, we need to understand that our real national security is to invest in the skills, intellect, and character of young people. The real national security is to make sure we focus on a good education for our citizens. The real national security is to make sure we focus on good jobs at decent wages.

This effort is mistaken. This effort turns the clock back, and that is why, in every way possible, those of us on the floor today intend to defeat this effort to repeal the provisions of Davis-Bacon.

I will yield for a question.

Mr. ABRAHAM. I would like to ask my colleague this on the chart indicating from 1979 to 1993. Can he say whether or not during that period of time the aggregate numbers he has there were reflective of a straight-line decrease in the share for the people in the lowest 20 percent and an increase for the people in the top 20 percent, or if there were fluctuations during that period, and if he is familiar with the year-by-year data during that timeframe?

Mr. WELLSTONE. I say to my colleague that I am not familiar with the year-to-year variation thereof. But I think, as a matter of fact, what happened in the United States, in the last decade and a half, is what's been called the deindustrialization of America. We have seen, in the United States of America, what Robert Kuttner and others have called a "disappearing middle class." We have seen in the United States an economy that is producing some jobs, but not the kind of jobs that families can count on, because they do not pay a decent wage or, I say to my colleague from Michigan, do not provide a decent fringe benefit.

So the point is that as you look at this period of time from 1979 to 1993, we are now in a period where the vast majority of families—really if you get right down to it, the bottom 80 percent—have been under an enormous squeeze.

Mr. ABRAHAM. I have seen this chart, of course, in our Budget Committee meetings and our Labor Committee meetings, and on the floor several times. I think it may have originated with Secretary Reich from the Department of Labor, who used this chart to argue that the economic policies over that last period, the period in question, 1979 to 1993, have been consistent policies. This chart is usually employed to argue that it has been the Republican policies that were harmful to certain segments of the economy, particularly certain income groups. But I have tried to look at this chart in terms of the policies that were in place during that timeframe. What I discovered was that there were some very significant changes during that timeframe. It begins in 1979. That is during a timeframe in which we had President Carter in office, and we had policies of higher taxes and more regulation. We had very high interest rates in this country and quite high inflation during that timeframe. Those policies were pretty much in effect, Mr. President, until about 1982, when after 1 year of the Reagan administration, the change in policies took place.

Now, between 1979 and 1982, you have a significant decline, a very significant decline in family income during those years. Then from 1982, I discover that you have a reversal of course, and I think we all recall that there was a substantial increase for the next 8 years or so in family income. It starts back down again around 1989, 1990. And, as the Senator noted, it has gone especially down in the last year or so. But I think that to use this chart to reflect or create the illusion that there has been a sort of straight-line decrease really does not capture the essence of what happened during this timeframe when, in fact, there was a sharp decline during the first 3 years of this and a significant incline for all groups, all quintiles on the chart, for about 8 years, and a decline over the last 3 years. So I am not sure that the 14-year chart really reflects what happened in terms of policy or in terms of family income.

Mr. WELLSTONE. Mr. President, I will be pleased to yield the floor in a while, but let me just say to my colleague, in the spirit of collegiality, because I like debating my colleague from Michigan because he is so thoughtful, and the country would be a lot better off with more thoughtful debate.

First, I did not actually talk about political parties. I did not talk about President Reagan or President Bush. I did not talk about political parties. And for the families——

Mr. ABRAHAM. I did not mean to suggest that. The chart has been presented under a number of circumstances.

Mr. WELLSTONE. I am trying to say it is kind of an academic point for the bottom 80 percent of the population, who really feel an economic squeeze as to whether or not, for a while, it was a little better and then much worse. The fact is that this is what has happened in the United States in the last few decades. And that's why the vast majority of people are under tremendous economic pressure.

The second point. There is an interesting correlation between what my colleague from Michigan talked about and the debate we are now having on the deficit, which is to say that my colleague is quite correct that we actually had a very deep recession in 1982. Those were not good years. And then we had a recovery, although it was a recovery supported by a politics and economics of illusion, because it was based on debt. That, of course, was the proposition that we could slash the revenue base, which we did with what was euphemistically called the Economic Recovery Act of 1981, and dramatically increase the Pentagon budget and other expenditures. And all of that would lead to high levels of productivity, high levels of great jobs, middle-class jobs. And in addition, if we wanted to go back to the speeches given then, it would lead to reducing the deficit and eliminating the debt.

That was a politics of illusion. A politics that prompted an explosion of the debt during that period from under a trillion, as I remember, when President Reagan took office, to where we are right now, well over $4 trillion.

Mr. President, what we have seen happen is the worst of both worlds. On the one hand, we have piled up record debt, and the interest on that debt robs us of our capacity to invest in ourselves. And, on the other hand, we have not been able to invest in the economy and in education in such a way that we have an economy that produces the kinds of jobs that people can count on, thus leading to a disappearing middle.

In that context, I say to my colleague—and I will yield for a question from the Senator from Illinois—it simply baffles me why Senators would want to eliminate a law that now provides wage earners in the construction industry—who are paid right around $25,000 or $30,000 a year, with assurance that they will get a decent wage.

Why are we now trying to depress people's wages? Why are we now trying to repeal a piece of legislation that has been so important to workplace fairness and fair wages? Why in the world are we trying to pass a piece of legislation that will depress wages? We can have this academic debate over and over again as to when it went up, down, or who is to blame. But that is the central question.

Mr. ABRAHAM. Mr. President, I will say that I think it is an academic debate, because the question about wage earners that we are talking about—and we are going to encounter this question

in the budget debate—is which policies cause wages and family income to go up, and which policies cause them to go down.

I submit policies of high tax and high regulation tend to cause these wage earner family incomes to go down. The concern I have using charts like these is that they do not necessarily reflect a consistent set of policies.

During the period that is involved there, we had two very traumatic shifts. It began in an era with a policy of higher taxes and low regulation, and wages went down. It shifted to a policy of lower taxes and less regulation, and family incomes went up dramatically, then shifted one last time to policies of higher taxes and higher regulation again, and they have begun to decline.

I think we need to examine this. My point today is to reflect the fact that there are changes within that timeframe that are reflected in changed policies that I think do affect workers and make these inquiries more than academic.

Mr. WELLSTONE. Mr. President, actually I think we interpret our history a little differently.

As a matter of fact, if we were to just take the period of the 1980's, and we were to take the Reagan and Bush administrations, what we saw—talking about real income going up—what we saw in this period, which the Senator views as such a heyday for wage earners, was a massive redistribution of income up the wage scale, leaving low- and moderate-income people behind.

This is what was called trickle down economics. It is simply not the case, that middle-income and working families found themselves benefiting from the decades of the 1980's. This was a decade of sharp income inequality, a decade with a rise in poverty, a decade of fewer jobs people can count on. We still feel the squeeze.

I cannot understand why in the world some of my colleagues now want to repeal a piece of legislation that at least makes sure that those people who work get decent wages, and the wages are not depressed for people in the communities.

Mr. SIMON. If I could just respond very briefly to my friend from Michigan.

First of all, I think we have to be very careful. We go through this litany that higher taxes have caused depressed wages. Very interesting. As late as 1986, the average American industrial wage per hour was the highest in the world.

Today, 13 nations have higher average wages per manufacturing hour than we do, and every one of them has higher taxes than we do. We have to be careful about these kinds of economic myths that are going on out there.

Now, there are some reasons. Frankly, both political parties share some guilt. One is the deficit. We just had the Concord Coalition economic study that said if it were not for the deficit in the last two decades, the average family income today would be $15,000 a year higher.

The University of Michigan economics professor made a study and said the average family income, if it were not for the deficit, would be 25 percent higher. I do not know whose figure is right, but they are huge figures.

Both parties share the blame on this. The Reagan tax cut, as Howard Baker said, was a riverboat gamble. And it was a gamble that did not pay off. It was tragic. Democrats voted for it. I was not one of them. But Democrats voted for it, as well as Republicans.

The 1986 tax bill, I think, has turned out to be a disaster. I am pleased to say I voted against that.

Both parties share guilt on this. Part of this has nothing to do with either political party. That is just the economic trend. We demand more and more skills. Part of the reason for those changes are the unskilled, their wages are going down; the skilled, their wages are going up.

That is the reason for Bob Reich's statement, "If you are well prepared, technology is your friend; if you are not well prepared, technology is your enemy."

There was, during the Reagan years, a Democratic Party, so both parties share blame. There was kind of euphoria because we were living on a credit card. It is fun living on a credit card. We spent more money than we took in. It went very, very well.

Now, we have to face up to these things. That is why education, as part of that three-part program that Senator WELLSTONE is talking about, is so important.

It all fits into this, because one of the trends in our country today is there is a shrinking middle class; not dramatic, but it is shrinking. There are few people moving up, and more people moving down.

If we repeal Davis-Bacon, that trend will accelerate. That is not good for this country. What we need is to build the middle class. I intend to speak on that a little more later on.

I think again we have to examine these economic statistics. Both parties have plenty of blame to share. We ought to be working together to try to rectify this.

Mr. ABRAHAM addressed the Chair.

Mr. WELLSTONE. Mr. President, I believe I have the floor. I want to respond to the Senator briefly, and will be pleased to yield to the Senator from Michigan for a question in a moment.

I wanted to say to my colleague from Illinois, what is puzzling about this effort to repeal Davis-Bacon, is that we now have reached a point where our official measurement of unemployment is becoming almost meaningless because it is so incomplete.

You go State after State, and you have a figure of, say, 3 or 4 percent unemployed. That does not say anything about what kinds of jobs and what kinds of wages. It does not measure those people who are discouraged workers. It does not measure those people who are underemployed.

The key point, I think, is that what we find in many of our States with an officially defined "low level" of unemployment is a shockingly high level of families, as much as 50 percent, have incomes of under $25,000 a year.

That is the squeeze people feel. Why in the world we would be trying to repeal a provision that tries to keep the prevailing wages in communities at a higher level as opposed to depressing wages is what confuses me, and that is what I am so opposed to.

I am ready to yield the floor, but I will be pleased to yield for one more question from the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will be brief. I agree with the comments of the Senator from Illinois with respect to the comments we all have made with respect to some of the budget problems that have happened. I would assign them a little differently maybe. There was a tendency to see, as was implied earlier, that somehow by reducing taxes we generated less revenue for Washington. I always like to remind the Senate, what we are talking about when we reduce taxes is letting people keep a little more of what they earn. But I also point out that during the 1980's, the percentage of gross domestic product that ended up being paid in taxes did not change. In fact, it remained as it has for literally decades, right around the 19-percent level. What did change, and where I think both parties have the responsibility in particular, is in terms of our spending practices. Obviously, what we did during that decade was spend more. We spent on everybody's priorities. We refused to say we have to set some priorities. So it did create the kind of increased deficits that were referred to.

I agree with the assessments that those deficits did hurt. I do not know whether it is 19 or 25 percent. One of those figures was from the University of Michigan, so I will tend to be more likely to agree with the ones from my home State, but that clearly was a burden both parties, I think, were responsible for.

Mr. SIMON. Will my colleague yield for just 30 seconds?

Mr. WELLSTONE. I will be pleased to yield for more than 30 seconds.

Mr. SIMON. Mr. President, I think one of the reasons people resent taxes so much is they do not see the results. Two nations spend a disproportionately high percentage of their taxation on two things. There is only one nation that spends more among the modern nations, and that nation is Israel, on

interest and on defense. No other nation come close to us in this. These are things that do not directly benefit the average person in Michigan, or the average person in Minnesota, or the average person in Illinois or Rhode Island.

I think one of the reasons people are so disheartened about government is they say: Next year we are going to spend $370 billion on interest, 12 times as much on interest as on education, 22 times as much on interest as on foreign aid, twice as much on interest as on our poverty programs.

On defense we are going to spend $270 billion, more than the next eight countries together.

We have to get ahold of our fiscal problems. We have to get ahold of our defense spending. Then I think people, if they see they are going to get out of their tax money education and health care and jobs and things like that, I think they are going to be more willing to spend it.

I thank my colleague for yielding.

Mr. WELLSTONE. Mr. President, I will finish up, too. I just would like to make two final points. I would like to say to the Senator from Illinois that I would add another reason as to why people have a fair amount of healthy indignation about taxes. Part of it is they want to make sure what they pay for works. But, if I could say this to my colleague from Illinois, there is another reason why people have a tremendous amount of skepticism about taxes. That is, ordinary citizens have a sneaking suspicion that they end up paying, but that there are a whole lot of other people who do not pay their fair share. That is called tax fairness. I make it clear, as I look at these proposals to reduce the deficit, including the President's proposal, the President's proposal is less harsh but we can do much better when the reconciliation bill comes out. Corporate welfare, deductions and loopholes and tax giveaways for energy companies and pharmaceutical companies—these are folks who have enormous clout here. They ought to be asked to tighten their belts too. I can tell you right now that has not so far been on the table in any real way in any of the proposals. I intend to make sure it is.

Second, I say to my colleague, he is absolutely right about some of the large military contractors. It is one thing to have a strong defense. It is another thing to be spending money on weaponry that is obsolete, wasteful, has nothing to do with a strong defense at all. Why in the world is that so sacred? It has a lot to do with who has power. Why are the people we are asking to tighten their belts also the people who have little economic or political clout? Why are we making the cuts in some of these areas but then leaving other areas untouched?

Finally, I say to my colleague, when it comes to Medicare and Medicaid, you cannot do it without health care reform. But I have not heard that yet. I would like to see the administration push harder on it. I will. You have to have universal coverage and systemwide cost containment. If that means you have to put a limit on insurance company premiums to cost of living times percentage of increase in population, you would save huge amounts of money. It is much fairer. But when it comes to those people and those interests we seem to not be willing to ask them to be a part of this national sacrifice.

So, I do not disagree with my colleague about the importance of deficit reduction and getting to the point where we balance the budget. But I would like for it to be done on the basis of some standard of fairness, not based upon the path of least political resistance.

Which takes me back full circle to my remarks about Davis-Bacon. This effort to repeal Davis-Bacon, which is what this is all about, in a bill we all think is important, is an effort to do nothing less than to depress the wages of middle-income and working families in America. It should be defeated. It should be identified for what it is and it should be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I would point out to my colleagues, because I know Senator WARNER is a chief architect of this, I have great respect for Senator WARNER. If I were to give an award of courage for the last 2 years in the U.S. Senate to any single Senator, it would be an award of courage to Senator WARNER for how he has conducted himself in a very difficult situation in the State of Virginia. I greatly respect what he has done. He has handled himself with class.

But even the best of Senators can be wrong once in awhile. I believe Senator WARNER has erred in moving to repeal Davis-Bacon, in terms of highway construction. It is interesting that the National Alliance for Fair Contracting has come up with highway construction costs in low-wage States versus high-wage States. Listen to this. Total costs per mile on highway construction—and I assume this is State and interstate highways rather than local roads—total cost per mile in the low-wage States, $1,141,000. Total costs of highway construction per mile in high-wage States, $1,017,000 per mile.

The reason, in part anyway—and I have not looked at these statistics in detail. I do not know how they were arrived at. But one of the things that every study shows is that if you pay people well they are more productive workers. Davis-Bacon does not only apply to union workers, but the Harvard studies and others also show that union workers are more likely to be satisfied and more likely to be highly productive.

My hope is that we would not repeal Davis-Bacon. I think the reality is that if you repeal Davis-Bacon you do depress the wages of people who are struggling, people who are in the middle class or people who are trying to move up to the middle class.

When you see somebody out holding a flag because there is highway construction, that man or woman is not paid an awful lot of money; paid really probably above the minimum wage but not a great deal above the minimum wage. To depress that person's wage, which is what we would do if we pass this bill, I do not think is a direction the American people want us to go. We ought to be talking about lifting the wages of people. We ought to be talking about raising the minimum wage, not depressing wages. Yet, that is what we are really asked to do in the legislation that is before us.

Does Davis-Bacon need to be modified? There is no question that it should be modified. I had an amendment that Senator KENNEDY was a cosponsor of in the Labor and Human Resources Committee which applied to Davis-Bacon across the board, not simply to highway construction, which Senator WARNER says is about 38 percent of the application of Davis-Bacon. It would raise the threshold for coverage from $2,000 to $100,000. It would raise the threshold for repair work or alteration compared to new construction to $50,000. The current act, which is sometimes called the Copeland Act, is an—incidentally, Congressman Bacon, who was a cosponsor of Davis-Bacon, was a Republican Member of the House—but the Copeland Act currently requires weekly submission of payroll by contractors. We change that. So we reduce paperwork. And on contracts between $50,000 and $100,000 they would not be required to submit payrolls at all, simply a statement that they are complying with the law. And for the contracts over $100,000, instead of submitting a weekly payroll, they could submit a monthly payroll.

I think those kinds of changes are the changes that we need. I think they make sense. I hear reports that Senator HATFIELD may be coming up with a modification, something like the one that I offered in committee, and I hope that he does. I hope that somehow we move to a more sensible answer than simply repealing the Davis-Bacon legislation. Again, I see nothing to be gained for the country in highway construction costs, and in terms of what we are doing for our country to lift our people by repealing Davis-Bacon.

When people say, "Well, if you pay less, should not we have to pay less for highways?" The answer comes in productivity or it comes in profits. It is interesting to me. I was contacted as I

walked into this body today by someone speaking in behalf of highway contractors who did not want to have Davis-Bacon repealed. I am not saying that he speaks in behalf of all highway contractors. But I was surprised to have someone contact me in behalf of highway contractors.

Labor costs per mile, according to the study in low-wage States, $216,000; labor costs per mile in high-wage States—my colleagues from Michigan and Rhode Island will be interested in this—in high-wage States costs per mile of labor costs are $241,000. Let me just repeat that because I know my colleagues from Michigan and Rhode Island would be persuaded by what I have to say on this now. The study shows in low-wage States the labor costs per mile are $216,000, in high-wage States the labor costs per mile are $241,000, and yet the total cost per mile, wages, everything—$1.141 million in a low-wage State, $1.17 million in a high-wage State.

(Mr. KYL assumed the chair)

Mr. SIMON. Mr. President, let me also digress for just a moment to say to the Presiding Officer, and to the Senator from Michigan, the only good thing about the Republicans taking over the Senate is Republicans have to preside and Democrats do not have to preside anymore. So I welcome the Republicans presiding up there.

But again, I say to my friends from Rhode Island, Arizona, and Michigan, and elsewhere, the evidence is just overwhelming that all we are going to do is depress wages. We are not going to reduce costs in highway construction if we repeal Davis-Bacon. The statistics show that.

I do not know why we should want to pass legislation that depresses wages for people in this country. You are talking about frequently very low-wage wages at the present time. Senator KENNEDY had a chart yesterday showing Davis-Bacon wages for carpenters in Tennessee, $6 an hour. That is not high wages. Some of you spend that much per hour for a babysitter.

Mr. CHAFEE. I wonder if the Senator from Illinois would like to engage in a discussion on this point?

Mr. SIMON. I would be pleased to. I am sure at the end of the discussion the Senator from Rhode Island will agree that we should not repeal Davis-Bacon.

Mr. CHAFEE. That is a leap that I am not quite prepared to agree to.

Let me just say this: We have a philosophic difference here. The philosophic difference is as follows: The Republicans are saying let competition work, let the marketplace take effect just like it is in 85 percent of construction. What the Democrats are saying is no, no, no—that we are going to give a special privilege, a fixed wage, as it were, to those who are working on Government jobs; namely, in this case, highway construction. What they are saying is that these wages are not going to be fixed by the free market or by what the employer wishes to pay or what the workers are prepared to accept. They are going to be guided solely by what is known as the prevailing wage. We all know that the prevailing wage is the union wage. That is a fact. I think you have great difficulty showing many sections of the country where the so-called prevailing wage under Davis-Bacon is not the union wage.

So what the Democrats are saying is this is the way we want to do business. We want to say that only those companies that have had a history of paying the union wage, that are big enough to handle all the complexities involved with the recordkeeping, with the forms, with the compliance with Davis-Bacon, will be able to bid on these jobs. The little fellow who is out there and has done well, in let us, say home construction or in sidewalk paving, or driveway paving, he cannot bid on a paving job for the U.S. Government or for the Highway Administration or for the State highways where there is Federal money contributed. He is out. That is a fact.

Davis-Bacon is a protective device for two things: For union wages, and union employees, union members, and for the big construction companies. It is no surprise that the Senator from Illinois is quoting some construction company saying we want to keep Davis-Bacon. Of course they do. And it is probably one of the biggest construction companies because they can keep everybody else out. The little fellow who comes in at a lower price, at a better bid, he is out.

To me that is a very, very strange way of doing business. It is saying that competition is not going to prevail. That is really what Davis-Bacon says. You cannot have competition except under these limited rules where you are going to pay the prevailing wage.

I listened carefully to the distinguished Senator from Massachusetts yesterday who had a very vigorous speech. As a matter of fact, all speeches the Senator from Massachusetts gives are vigorous speeches, with the volume turned up on occasion.

His point is that you are going to drive everybody else into the poorhouse. They are depressing wages, this wicked business of competition. That is like saying all the companies, the workers that work on the 85 percent of the other construction in the United States not covered by Davis-Bacon. What are we talking about? We are talking about building a building, building a warehouse, building housing, building apartment houses. That is not covered by Davis-Bacon unless the Government in some fashion has contributed, as the Senator knows. That is the rules that guide when Davis-Bacon applies.

The idea is that everybody that is doing construction in these other nongovernment jobs is just in rags, has been beaten down by the competitive system. That is nonsense. We all know that is nonsense. Those who are good, if you are a good worker and have the skills and can produce, you get the job and you get the pay. And to say that everybody is working at a minimum wage, a carpenter or a latheman, an electrician, a plumber, whatever it is, is working at some scroungy minimum wage because he does not have Davis-Bacon to protect him is total nonsense. I am sorry that the suggestion has been made. We can argue whether we want to have the Government getting into setting these wages, as in effect we are doing. That is fine. But to suggest that everybody is poverty stricken if Davis-Bacon should be eliminated is just not so.

Mr. SIMON. If I may reclaim my time and respond to my friend from Rhode Island, who on most things is very rational and reasonable, he has strayed on this one. I remember way back when taking a course in logic at Dana College, a small liberal arts college in Nebraska, and one of the things you set up is a series. There is an animal that has four legs. A horse has four legs; therefore, that animal is a horse. Well, it turns out that animal is a cat and not a horse, but you start off with some premises that are not accurate.

Do we want to have the free system? Yes, we want the free system. On that I agree with him. When he says the prevailing wage is the union wage, then the Senator from Rhode Island is off base. Only 11.8 percent of the nongovernmental employees in this Nation are union workers. The Senator from Massachusetts is here and I am sure will bear me out on this. Of the wages that are considered for prevailing wages, only—and if I may have the attention of my colleague from Rhode Island—of the wages that are considered for determining prevailing wages, only 29 percent are union workers. Of the rest, 48 percent are nonunion and then some mixed situations.

What Davis-Bacon says is go in and find out what the average wage is in Jones County, RI, or whatever the county is in Illinois or Arizona and do not let the Federal Government be the source for depressing wages for the workers of our country.

I think that is sound. That is what Davis-Bacon is all about. And then let businesses that pay the prevailing wage compete. Let the free market system work. Do not let it work by depressing people who are really struggling for a living.

I hope we will do the sensible thing and not repeal Davis-Bacon.

I see the presence of the senior Senator from Massachusetts, and I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, I want to commend my colleagues and friends

who spoke earlier today about the issue that is before the Senate. It is described as a repealing of the Davis-Bacon Act but only in regard to the highway system.

It has been pointed out that represents 40 percent of all the Davis-Bacon protection. So it will have a very substantial impact on the construction workers of this country, depending upon what will be the will of the Senate on this particular issue.

As we have heard, even in the early parts of the debate by our good friend from Virginia, what he is basically talking about is taking approximately a billion dollars and getting more construction out of that billion dollars. Translated: That is taking more than a billion dollars during the life of this program out of the pockets of the men and women who work in the construction industry—that is basically what is being talked about here—depressing the wages of workers in the construction industry.

Yesterday, I took a few moments to point out what those workers were earning across the country. We are talking about men and women in the construction trade who are earning $26,000, $27,000 a year. Mr. President, $26,000 or $27,000 a year is hardly enough to pay a mortgage and put bread on the table and provide for the education and clothing of their kids and look to the future, plus being in an industry which is the second most dangerous industry, outside of the mining industry, in this country.

I reviewed what the workers were getting in different parts of the country, and we saw in those charts across the country, whether they were in heavy industry or in the residential area, what individuals were making. Some made $9,000, $10,000, $15,000 a year, going up even into the larger figures of up to $42,000 a year.

We saw that what we are talking about is their income and the assault on their income. That is basically what is the issue here. I have listened to the argument made that we are trying to jimmy the whole debate process on this thing in favor of denying competition. What we are saying is let us rule out the question of a competition to drive wages down when we are investing Federal taxpayers' money. That is what Davis-Bacon does.

If the companies and corporations are able to compete, showing better management, better skills, better administration, they can do it and win the contracts, but we are saying here that we are not going to permit driving wages down. We want the taxpayers, the middle-income families, to benefit from the opportunity to have real competition, not on driving wages down in this country at this time, but having competition on the other measures. That is what this debate is really all about.

I went through some figures yesterday about construction income. If you are a carpenter in Tennessee, you are talking about $9,000 a year under Davis-Bacon. If you are a carpenter in Providence, RI, it is $23,000. Mr. President, $23,000 does not go a long way up in New England when you are paying for home heating oil, paying the mortgage, and putting food on the table. It does not go a very long way, and if you repeal Davis-Bacon, you are putting at risk even this income.

Mr. CHAFEE. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield to the Senator, but I want to be able to make the case with regard to Davis-Bacon and some other comments about the context of this whole debate. I plan to be here for some time, and I will be more than glad to respond to questions on the various studies that we have had and some of those that we are going to get into.

In my State, carpenters working on residential construction make $28,000 a year; in Rhode Island, it is $23,000. It is hard to make ends meet if you are working 1,500 hours a year. That happens to be the fact.

Let me just go back and tell you what will happen if this amendment strikes Davis-Bacon—to give a little example. We are fortunate in this public policy issue to have seen what happens in States where they have repealed Davis-Bacon. So often we debate these issues and we do not really have good information. We have what we think, what I think, what those on the other side might think, or whatever individual Members think. We have some studies. But very interestingly, on the repeal of Davis-Bacon, we have some very important information that is directly related to what happens in terms of wages and in terms of the impact of the repeal of Davis-Bacon, and that is a study that was done in the State of Utah.

In February 1995, four researchers at the University of Utah—this is out in Utah. We are not talking about some college or university in some other part of the country, we are talking about a University of Utah study of the economic and social consequences that actually resulted when nine States that had prevailing wages repealed them. That is the issue here.

Under the proposal of the Senator from Rhode Island, he would effectively repeal Davis-Bacon on construction.

Now we have the example of what happened to nine States, according to the University of Utah. Unlike the CBO reports, or anyone's theoretical speculation about the benefits of repeal, the Utah study provides real world evidence about what happens when contractors are allowed to pay less than the prevailing wage. The nine States are: Utah, Arizona, Kansas, Idaho, New Hampshire, Alabama, Colorado, Florida, and Louisiana, which repealed their Davis-Bacon laws between 1979 and 1988.

The research should convince any Senator that repeal is not in the best interest of construction workers, the industry, or the Government.

First of all, repeal led to lower wages for all construction workers. The average earnings for construction workers in the nine repeal States fell from $24,000 before the repeals to $22,000 after.

That should not be very difficult for people to figure out. This proposal in the highway bill is to drive down those wages of working men and women. I do not know what it is about our Republican friends over there, or what they have against working families, but they are right out there now trying to say to those that are working 1,500 hours a year in the second most dangerous industry that we are going to drive your wages down $2,000 more. We ought to be debating how we are going to raise the minimum wage. We ought to be trying to honor work, saying work pays, and encouraging people.

Now, this is what happened in these States. In the nine repeal States, their incomes went from $24,000 before to $22,000 afterward. The analysis shows that because of the repeal in those States, the wages amounted to $1,477 less per worker every year since the State repeal. This is the obvious and expected result of allowing contractors to pay less than the prevailing wage. So that is what the result was. That should not be any surprise. You have those supporting the repeal, who have indicated they are going to take that money and use it in construction at the cost of income for working families that are making $27,000. We are not talking about the $100,000, $150,000 or about the million dollar workers that are skimming on that; we are talking about working men and women earning in the range of $24,000.

Now, this is the second one. Slightly increased construction employment. In the repeal States, a 1.7-percent increase in construction employment that would not have occurred if not for the repeal. But construction employees as a whole were harmed because their overall wages fell by 5 percent—much more than their employment increased.

Third, as wages dropped, so did State revenues. That is interesting. We have not heard much talk about what the impact is going to be in terms of the revenues, in terms of, in this instance, the Federal Government. We have not had that economic analysis. And we understand why. That is because the Environment and Public Works Committee does not deal with this issue. They are just picking up some cliches, bumper sticker solutions. We all know what Davis-Bacon is about, and we have debated that. We are just going to repeal. We hear that all of the time.

Well, I hope they are able to tell us with this repeal what the impact is going to be in terms of the economy. As the wages drop, so do State revenues. Utah lost $3 to $5 million in sales tax and income tax revenues.

Fourth, repeal led to an increase in construction cost overruns. In Utah, cost overruns on the construction of State roads tripled after the repeal. Very interesting. The cost overruns escalated dramatically after contracts were awarded without the Davis-Bacon protections, because contractors bid low and got the job and then had to be bailed out. The amount of cost overruns tripled in the 10 years after repeal compared with the 10 years before.

Fifth, repeal led to a less skilled labor force. Union and nonunion apprenticeship rates fell 40 percent, whereas States that did not repeal the prevailing rate did not lose ground. The best apprenticeship programs that we have in this country are in the construction industry, which are a reflection of those in the construction industry working together in the development of these skills. They are the best that we have in this country. And what happens is when these individuals go through these training programs and work, their results in terms of performance are better. That is pretty logical. One of the attendant results of cutting back on Davis-Bacon is the significant reduction in participation in apprenticeship programs.

So we have the cost overruns, we have a less skilled work force, and sixth, we found out that minorities were hurt disproportionately. Their share of apprenticeships fell from 20 percent to 12 percent of apprenticeships in the repeal States. Minority opportunities to learn new skills and advance in the trades were doubly restricted. The apprenticeship pie got smaller, and their piece of the pie got smaller.

I am waiting for the argument that says if you repeal Davis-Bacon, it is going to offer new opportunities for minorities and women. Maybe we will have that argument later in the day. But it is not so. That is why none of the groups representing minorities and women support repeal. All they have to do is look at what happened in the various States.

I see my friend and colleague from Rhode Island leaving. I wanted to talk for a few moments, and I will be glad to yield. I do not want to be disrespectful.

Mr. WARNER. Mr. President, I will be here with the Senator.

Mr. KENNEDY. I thank the Senator. I wanted to just review this study and then get back into this. We have found now that the minorities were hurt disproportionately.

Seven. The injury rates rose. Construction work, which was already dangerous, became considerably more dangerous after repeal. Injury rates rose 15 percent, even after controlling for national trends in construction safety, and other factors, such as unemployment. So there is no good reason to believe that these grim consequences would not be replicated on a bigger scale if the Federal Davis-Bacon Act were repealed.

In terms of injury rates, for example, a 15-percent nationwide increase would mean 30,000 more serious injuries a year, more than 670,000 additional lost work days, and direct workers' compensation costs of $300 million, which would be passed on to the Federal Government in increased construction costs.

Collectively, for all construction workers, the research estimates a loss of almost $5 billion a year in construction earnings, which would result in a loss to the Federal Government of roughly $1 billion a year in income taxes. Clearly, these losses dwarf any benefits the Government might derive from cutting wages on workers on Federal construction projects, based on a repeal of Davis-Bacon.

So, Mr. President, this is what we are faced with. As I just mentioned, we not only have the studies, we have the results of what happened in States where they repealed their State Davis-Bacon. What we found is a significant reduction in workers' salaries, about $2,000, from $24,000 down to $22,000.

If you are interested in depressing the wages of hard-working men and women in the construction trade, your vote is to repeal Davis-Bacon. If that is what you want to do—say to American workers in the construction area, men and women averaging $27,000 a year, you are doing too well in America, even though your real purchasing power has declined over the period of the last 10 years, even though you are working harder, that $27,000 is too much for someone who wants to work in the second most dangerous industry, we are going to take back $1,500 or $2,000 from you—then go ahead and support the Republican position.

If you want to say that the lost revenues the Federal Government is going to see—and the best estimate from the Utah study is lost revenues of a billion a year—are not much and that our economy is in such good shape that we can say we are going to deny that billion dollars, we do not need that billion dollars either in the deficit, or to try and invest in the education of the sons and daughters or the children or the parents.

Just go ahead and support that program right over there that repeals Davis-Bacon. If anyone is not concerned about the increase in the injury rate that the Utah study has pointed out, the 15 percent, if anyone is not concerned about it and you think you have the right position, repeal Davis-Bacon, and the case goes on, Mr. President.

I think, quite frankly, those that just believe that this is a nice little way, somehow, to try to find a magical $1 billion out there and will somehow mean the taxpayers will be better protected, better be able to consider the realities we have seen.

I think when they do, they will realize that this particular measure to repeal Davis-Bacon will have a terrible impact on these families. It is basically wrong.

What I want to point out, Mr. President, now, is just where these working families are, what we have seen in the States that have repealed the Davis-Bacon Act. In those nine States, we have seen decline in real income for those working families. And we have seen in the charts brought out here earlier what has been happening to the working families over the period of these past years.

My good friends from Wisconsin and from Illinois pointed out what has happened from 1950 to 1970. What we found out from 1950 to 1970, when the Nation was growing and expanding, from 1950 to 1978, when we were going up and growing together, we were all growing together. The bottom 20 percent was growing; the second 20 percent, almost 100 percent; the middle 20 percent was growing; the fourth and the top was growing. All groups were growing just about together, and the bottom group was growing the most.

That is what was happening from 1950 to 1978. We heard our good friend from Michigan talking about sometimes we had good growth policy and not good growth policy. Therefore, we ought to be more particular.

He was pointing out that what was happening in 1980 was not really so good to look at because we were still coming out of the Carter high-interest rates and increasing unemployment. I am familiar with that period because I differed with the economic policies at that time, as well.

If we look now, and I am sorry my friend from Michigan is not here, but if we look now to what has happened from 1983 to 1989, now we have the new federalism. We have not heard much recently about the new federalism. Remember, in the 1980's, we were hearing about federalism, tax cuts, budget cuts, increased military spending. That was the new federalism.

We have the same economic program now, but the new federalism has somehow disappeared. I do not know why we are not using those words. I think basically the reason they are not using those words is it sends a message to middle-income families of what has happened to them over the period of these last years.

Taking 1983 to 1989, that will be more in tune with what happened during the Reagan and Bush period. This is what happened. Remember the other figures I just discussed? We were all growing together. And now take the top 1 percent; their wealth is 61 percent. The

next 19 percent is 37 percent. The bottom 80 percent is 1.2 percent.

Remember the other chart had virtually the same, a little disparity, and the greatest growth was taking place at the end. In 1979 to 1992, who got the growth? This chart shows shares of average household income growth, the Bureau of Census figures.

Here we see the top 25. And we can take the red line, adding it, to equal 100 percent. We do not have to have charts like this. Talk to any family, talk to any worker in this country, and they will say the same thing. They will say the only way family incomes stayed competitive is that women entered the work force during the period of the 1980's, and they were just able to hold on to their family income. Although the real wages were going down, they were working harder, and they were just able to stay above the waterline. Without that additional kind of work, we have seen what has happened. Family incomes took a beating. Now we are asked out here on the floor of the U.S. Senate to accelerate that, repeal Davis-Bacon and drive those working families down even further in their wealth.

That is what they are asking us to do. The proponents of repeal say take that $1 billion out of the pockets of working people and put it into construction. Said another way, that is, take the $1,500 to $2,000 out of the pockets of these working families here in construction, and put it over somewhere into the distribution of the higher income brackets. That is what is happening.

Now, Mr. President, this is what is happening on this particular measure on Davis-Bacon. If we juxtapose this position, because we are talking about what is happening to working families —that is what this issue is really all about, what is happening to working families in this country—we have made the case. We are opposed.

We have competition. We ought to have the competition. It ought to be based upon management skills, efficiency, ability to buy cheaper materials, the ways of being able to do business. But not as a result of depressing workers' wages. That is the basic tenet of Davis-Bacon.

Just to restate what the obvious was in the other charts, I wish we were out here debating the increase in the minimum wage. That is what we ought to be doing. That is what working families are really concerned about: Making work pay.

It used to be that the minimum wage was adjusted periodically, in the 1960's, 1970's, and 1980's, under Republican as well as Democratic administrations. President Reagan increased the minimum wage on two different occasions. George Bush increased it in 1989. Why? Why?

They said, "Because anyone who works in the United States 40 hours a week, 52 weeks a year, ought to have sufficient income to not be in poverty, to put enough food on the table, pay their mortgage, and raise their children."

That has been true since the 1930's, until now, Mr. President. Until now. Until now, when we find out what has been happening in terms of the minimum wage and its impact on taking families out of poverty.

Go back—and this is, again, a response to some of the points raised by my good friend from Wisconsin—and look at the particular year. This is the percent of the poverty line, what a person has to get up to in order to be free of poverty. This is for the minimum wage for American workers. We are almost up there during the 1960's and 1970's, and even 1980's. And here it is. President Bush signed the increase to bring it back up, and it went right back down again. This is what is happening for men and women who are working in our economy, trying to make ends meet.

For those that advocate the repeal of Davis-Bacon, at least they would have much more credibility, much more credibility, if they said, "Look, this is really a construction issue. We are happy to be for working families. We are for the increase in the minimum wage." I daresay, you will not find five votes difference between those who want to repeal the minimum wage and those who want to repeal Davis-Bacon. It is the same group, virtually, the same Senators who want to drive construction workers down and refuse to give working families any increase in the minimum wage, although Republicans and Democrats over a long period of time have been willing to do it.

Why do they not say, "Look, Senator, you are wrong on the construction law. It is too bureaucratic, too much paperwork. I am for the minimum wage increase, and I want workers to get it, but this is not appropriate in terms of the construction industry." There is silence on it.

The Republican leaders in the House of Representatives said that only over their dead bodies would we increase the minimum wage. They are going to have an opportunity to lie down in front of that train, because we are going to make sure that this body will vote on it. We are going to make sure you will vote on it and vote on it and vote on it.

Men and women back in your home States are going to know whether you really honor work, whether you think work pays, or whether you are turning your back on working families. That is what has been happening on the minimum wage.

I am always told—"We cannot do the increase in the minimum wage, Senator KENNEDY"—and am always given a variety of reasons why. But let us look at the facts. I am not going to review the New Jersey studies today that show that the last time we had an increase in the minimum wage, the State of New Jersey had an increase in employment. But I will just take a moment of the Senate's time to show what has happened the last seven times we have seen an increase in the minimum wage.

In 1949 we went from 40 cents an hour to 75 cents, the change in the inflation rate reached a high of 1 percent. In 1955, the rate was increased from 75 cents to a dollar, and inflation reached a high of 3.6 percent.

From 1961 to 1963, the minimum wage was increased from $1 to $1.25, and inflation increased only 0.3 percent; not 3 percent, but only 0.3 percent. In 1967 and 1968, the minimum wage was increased from $1.25 to $1.60, and inflation remained stable, and did not increase at all.

From 1974 to 1976, the minimum wage was increased from $1.60 to $2.30, and inflation rate actually decreased—decreased—from 11 percent to 6.5 percent. From 1978 through 1981, the minimum wage increased from $2.30 to $3.35, and inflation actually increased and decreased intermittently. Then, from 1990 to 1991, the minimum wage increased from $3.35 to $4.25, and inflation decreased from 5.4 to 4.2 percent.

In effect, increases in the minimum wage had virtually no impact on the rate of inflation.

Let us look at the economy and the impact of an increase in the minimum wage on unemployment. If you look at the facts, you cannot make the case that an increase in the minimum wage has had an adverse effect on employment. You find that it has not had that impact.

Let us look back at the increases in the minimum wage since 1949. The first time the minimum wage was increased, unemployment decreased from 5.9 to 5.3 percent. Unemployment actually went down.

In 1955, the minimum wage was increased from 75 cents to a dollar, and unemployment decreased again from 4.4 to 4.1 percent. Again, unemployment went down.

From 1961 to 1963, when the minimum wage went from $1.00 to $1.25, unemployment decreased from 6.7 to 5.5 percent.

These facts show that there has been virtually no impact on either inflation or unemployment. And nonetheless, we have this blind opposition from the other side to any increase in the minimum wage.

So, what you are saying out here, Senators, is not just, "Oh, this is a little highway bill. We have to get it by the fall." What you are doing is a continuing, ongoing assault on the middle-income families of America. We have seen the massive switch in terms of income and wealth in this country, from the stability from the 1950's to the early 1970's to the enormous dichotomy

in the 1980's and 1990's where wealth for the wealthiest individuals has gone up, and 80 percent of these workers, construction workers, are being asked to sacrifice at least $1,500 a year. And at the same time when the Republicans say absolutely no to any kind of increase in the minimum wage.

President Clinton's proposal on the minimum wage increase, if it passed today to bring it to $5.15 would just bring it right back up here where President Bush was. But the answer is, "No. No, we are not going to do that. No, we cannot afford in this country to do it. No, it is going to cause unemployment and inflation"—in spite of the facts and the history that show it is not.

So you cannot get away from this question: What is it we are talking about here this afternoon and what will we be voting on on Monday? It is real income. It is really an attack, an assault on working families for the privileged, taking the savings of the various cuts and giving them to the wealthiest individuals. It is perpetuating that. That is what is happening around here. That is what is at risk at this place.

Who are these families we are talking about here, who are going to be adversely impacted? What is going to be the impact on them? First of all, not only do we have, as I mentioned, the assault on the workers themselves, which means you have the assault on all those in construction and the denial of income to the 12 million who would be bumped up if they had some increase in the minimum wage. But what else is happening? What else is happening? We are saying to those construction workers: You care about your parents? You love your parents? They had some good Medicare, they had some degree of security—we are going to cut their Medicare programs by hundreds of billions of dollars over the period of the next 7 years. We will raise the out-of-pocket expenses, if the cuts the Republicans have suggested were evenly divided between beneficiaries and providers, $6,400 in the outyears. In the 7th year it is $6,400.

So, not only are we squeezing you on the Davis-Bacon, not only are we squeezing you by refusing to give you any increase in the minimum wage, but you better start putting some more of those scarce resources away because you are going to have to pay more out of your pocket to make sure that your parents, who are under Medicare, are going to be able to live.

And what about their children? What about the children of those working families, those construction workers? If they go to the fine schools and colleges up in Rhode Island, of Senator CHAFEE, or our other good friends from Virginia or Vermont or Massachusetts, what you are saying is if you are going to be able to qualify for any of those Stafford loans, you are going to have to pay a third more, a third more of indebtedness because of the cuts in terms of the education programs. Over the 7-year period, those families will lose more than $1.2 billion just from my State of Massachusetts for those scholarships. For the Stafford loans over the 7 years under the Republican budget that passed through here—$1.2 billion will be taken out of the pockets of the sons and daughters of working Americans—to go where? To continue their education; indebtedness of government transferred onto the indebtedness of those children. That will lead to a reduction in terms of the college opportunities for these kids.

And who benefits from all this? You are cutting back on the wages of working families, you are denying an increase in the minimum wage, you are saying their parents are going to have to pay more for Medicare, you are saying if their children are going to school, they are going to pay more out of pocket.

Then look at the bottom line, at what happens next. The $350 billion that you get in savings goes to the wealthiest individuals of this country.

Let us not kid ourselves, that is what this whole debate is effectively about. It is coming in baloney slices but this is the end result of it. You are doing all this for the tax cuts that have just been reiterated by the Republicans in the House of Representatives this past week when they reaffirmed their commitment—because they evidently were getting somewhat jittery about where the Senate Republicans were going to be on it—they reiterated the $350 billion tax cut for the wealthiest individuals.

So that is all a part of this. And I have not even mentioned the cuts that were proposed in terms of the day care proposals and the support for working mothers. They will be lucky if they are able to find day care for $6,000 a year in my State of Massachusetts—very lucky. You take the percent of income that working mothers pay for day care and you wonder why they are not out there on the job rolls instead of on the welfare rolls. We are talking about increasing the minimum wage to try to get people off welfare, make work pay, and it is extraordinary to me, extraordinary to me for the millions of Americans who would make more by being on welfare—millions of Americans make more by being on welfare; they get the health care in terms of the Medicaid, some of them even get limited amounts of day care help, they get other kinds of help and assistance in terms of fuel assistance and other kinds of benefits.

If you give an increase in the minimum wage, do you know what is going to happen? Those people are going to have more resources, make more money, and they will not be eligible for these Federal programs and we will get savings at the Federal level because we will be paying people a livable wage.

I would think those people who want to diminish Government programs would say, Why should the Federal Government continue to subsidize the workers for companies and corporations? Because that is what you are doing. You are paying them a lower minimum wage, and then they are eligible for the safety net. Who pays for the safety net? The workers do. The employer does not. It is a subsidy for them. We talk a great deal about how we are going to make our American people understand the importance of work, and then we deny them the very wherewithal to make work pay. That is part of this whole point.

Mr. WARNER. Mr. President, I would like to ask the Senator a question.

Mr. KENNEDY. I will yield in just 2 more minutes.

Finally, Mr. President, I hear in this debate that we have to try to get our house in order, too. Part of our proposal is to make sure that whatever we pass here in the Congress is going to be applicable to people across this country and also apply to us. I believe that it should. I support those programs. We passed them this year. Congress could have passed them last year. I believe so. You remember all those speeches. I even heard some yesterday in our Labor and Human Resources Committee on a different subject saying: Whatever we do, we want to make sure that, if it is going to happen outside the Senate and Congress, it ought to be applied to us. I say amen to it.

But how interesting it is for those new Members who come to the U.S. Senate and sign that little blue sheet that gives them the Federal employees' health insurance program, which is the best health insurance program in the country; effectively, 11 million Federal employees have it, and every one of us has it. The most recent information I have is that there is not a Member of the U.S. Senate who has rejected it.

Where are all those voices that say, "Look, we have it. Why not make it applicable to the American people? We have it." Is there not a flip side to the coin of all those speeches that we had to listen to day after day after day and which we agreed on—it passed overwhelmingly—which said we are going to make the laws which apply outside applicable to the inside? Amen. But how silent they are now. We have it for all those new Members, let alone older Members that get that Federal employees' health insurance, the premium of which is $101 for me with the Federal Government picking up the rest per month, and it gives me the best in terms of health care.

How silent we are in this debate about making that available to these working families that are having a tough enough time, who see the depletion of the value of their dollar. They

are working harder and are paying more and more out for health care. We are shortchanging the children in terms of education. We are shortchanging the parents in the cuts in Medicare. We are denying them a decent kind of income, depressing those wages, refusing to increase it, and they are paying more and more out of their pockets for health care while we in the U.S. Senate have just made sure we are covered.

Mr. President, all of that really is wrapped in together because you are talking about income for families. We faced some of those measures early in this year when we had the budget cuts. We had the debates on education and on children's programs, and on other women's health care programs. That was a part of it. We will have another debate on reconciliation. We had debates in the budget with regard to the Medicare cuts. That was a part of it.

But the bottom line is that we are talking about the families of American workers. We are talking about their parents, we are talking about their kids, we are talking about their small children, their babies, and we are talking about their ability in this great country of ours to be full participants in the economic hopes, dreams, and economic justice of our Nation.

I daresay that all of that is what we are basically talking about when we are talking about the repeal of the Davis-Bacon Act.

I will be glad to yield for a question.

I will yield briefly for a question, and then I will yield the floor.

Mr. WARNER. Mr. President, for those following this debate who wish to be informed of what will occur for the balance of today and on Monday, I will make a brief announcement.

But to refocus the procedural as well as the substantive issue, procedurally this bill has been brought up, the national highway bill, and on it is a Davis-Bacon amendment. The Senator from Massachusetts is perfectly within his rights to discuss a broad range of issues because at the present time, it is my understanding he objects to further consideration of the bill, which is within his rights under the rules of the Senate.

My concern is that when you say that this amendment, that is, the Davis-Bacon amendment, takes wages and deprives workers of the ability to receive wages and to work, I ask the Senator if in fact what would occur here is simply that you take the highway trust fund, which is allocating money to the States, and the amendment would simply say that no longer would the States be required to take a percentage of those funds and apply it to the Davis-Bacon regulations; those funds would be expended on additional highways, providing additional work, and in a sense the same workers would get, relatively speaking, the same amount of money, but the people of that State will get additional work performed—more highways, better bridges. So it translates into a work product to be received by all the residents of the State. And the same workers end up, over a longer period of time, with the same amount in their pockets.

Is not that the case?

Mr. KENNEDY. I say to the Senator, no. That is absolutely not the case. I do not know where the Senator was earlier when I outlined the University of Utah study that analyzed the nine States that repealed their Davis-Bacon laws, which is effectively what you are doing with the construction industry. What you saw in those States is that there was a 1.7-percent increase in employment, but the total income for those workers in all of those States declined 5 percent. That amounted to between $1,500 and $1,700 per worker per year; the cost overruns went up three times over what they had been; the injury rates increased significantly; the total revenues to the States declined; and the total revenues, I think, to the Federal Government declined. The bottom line, I will just say, the most important part of that Utah study, is that the real income for all of these workers declined.

Just finally, what we are saying is we want the competition but not the depressed wages. That I think is a basic difference.

Mr. WARNER. Mr. President, the Senator can certainly bring up all the studies he wishes. But the practical dollar and cents is, take the State of Virginia. We anticipate we get $150 million. Part of it is allocation. All of that has to go into highway construction or matters related to transportation. So it is not as if this money is going to be lost. It is going to the States, and simply this amendment translates those dollars into more road construction, bridges, whatever it may be—safety, more construction. And the same workers eventually get the same amount of money.

So I do not wish to conclude this debate today on the theory that this amendment reaches in and robs the people of the opportunity to work, or of their wages, or that the people in the States are deprived of the benefits that they are entitled to with the payment of their gas taxes.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The leader will subsequently inform the Senate, but I expect the Senate to reconvene about 12 noon on Monday, with morning business until 1 o'clock. And there is currently set a cloture vote for 3 p.m. Monday afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object—of course, I shall not—I know the distinguished Senator from New Hampshire is on the floor and wishes to speak. He has already mentioned that. I know our side has been speaking for some time.

I wonder if we might know the order of the 10-minute order. Will the distinguished senior Senator from Virginia be willing to amend that to ask that the Senator from New Hampshire be recognized first in the order of those speaking as in morning business, and then the Senator from Vermont be recognized following that?

Mr. WARNER. Mr. President, I am perfectly willing to do that. I think the Chair should be addressed by the Senator from New Hampshire first.

Mr. SMITH. Reserving the right to object, I would like to have 20 minutes, if that would be agreeable to the Senator from Vermont.

Mr. LEAHY. And the Senator from Vermont be recognized, say, at 1:22.

Mr. WARNER. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is it the Senator's request that we proceed to morning business with a limitation of 10 minutes, except that the Senator from New Hampshire have the opportunity to speak for 20 minutes; and what about the Senator from Vermont?

Mr. LEAHY. Also 20 minutes.

The PRESIDING OFFICER. Also 20 minutes. Is that the request?

Mr. WARNER. Mr. President, that is the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Chair.

MEASURE READ FOR THE FIRST TIME—S. 939

Mr. SMITH. I send a bill to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill by title.

The bill clerk read as follows:

A bill (S. 939) to amend title 18, United States Code, to ban partial-birth abortions.

Mr. SMITH. Mr. President, I ask the bill be read for a second time.

Mr. LEAHY. Mr. President, I will have to object.

The PRESIDING OFFICER. Did the Senator make an objection?

Mr. LEAHY. The Senator from Vermont objects to the second reading—obviously not to the first reading, but I object to the second reading.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, on behalf of myself and the Senator from Texas [Mr. GRAMM], I rise today to introduce the Partial-Birth Abortion Ban Act of 1995. This bill is the companion legislation to a measure that was recently introduced in the House of Represenatives by Congressman CHARLES CANADY of Florida. Congressman CANADY is the chairman of the House Judiciary Committee's Subcommittee on the Constitution which held a hearing on the bill yesterday.

Mr. President, partial-birth abortions are first performed at 19 to 20 weeks of gestation—and often much later. To give my colleagues a clear understanding of how well developed an unborn child is that late in pregnancy, I have here an anatomically correct medical model of an unborn child at 20 weeks' gestation. It is unlikely that the cameras will pick it all up, but this is the actual size of a 20-week child, and the bodily features are there—nose, eyes, lips, fingers, toes—almost perfectly formed so that anyone could see that this is a child.

I want to point out to my colleagues that this is the smallest that this child could be under this procedure, which begins at 5 months or 20 weeks. So that this child is aborted in this procedure minimally at this size and much larger as the child grows in the womb.

Now, I have brought some photographs to the floor that show perhaps a little more clearly premature babies of the very same age of many of those babies who are the victims of these partial-birth abortions.

This photograph here—this is an AP photograph, by the way—is of tiny Miss Faith Materowski. Little Faith Materowski was born at 23 weeks of gestation, approximately this size, weighing in at 1 pound and 3 ounces. This photograph was taken about a month after she was born. The good news is that little Faith Materowski survived, and she survived because her mother chose to have her receive medical attention. She did not choose to have an abortion.

In photograph No. 2, we see a little lady named Melissa Mauer. She was born at 24 weeks of gestation, weighing only 14 ounces, Mr. President—14 ounces—less than a pound. She is shown in the picture about 8 days after her birth, at which point she was breathing on her own in an incubator.

Unfortunately, Melissa died after briefly struggling for life after 3 months.

In photograph No. 3—this photograph was in the Miami Herald—we see a healthy little Miss Kenya King, who was born about 22 weeks into gestation, so is approximately the size of this model that I am holding. She weighed only 18 ounces at birth. She is shown here 4 months later, home at last with her parents.

Now, with a series of illustrations, in a moment I am going to try to demonstrate to you what is done to children like these and like this. This procedure is done to children—not fetuses or some inanimate object—children, Mr. President.

Now, as we put the pictures up, keep in mind that Dr. Martin Haskell, who by his own admission performed over 700 of these procedures—they are called partial-birth abortions—as of 1993, he told the American Medical News he had performed 700 of these. That is the official newspaper of the AMA. So the illustrations and descriptions that I am about to present are technical and from a technical point of view would be found or could be found in one of those journals.

In the first illustration, the doctor—excuse me, the abortionist—it is interesting that I made a slip there, saying doctor, because were this to be some type of a miscarriage or premature birth, the doctor would be assisting the birth of this child, because the mother wanted the child. But in this case, another decision has been made without the child's consent, of course, and the abortionist reaches in with forceps, using the ultrasound aid, and grabs the child with the forceps by the foot or leg, and then in the next picture he turns that child with the forceps so that he can pull the child out through the birth canal by the feet.

So you can see this being the birth canal, the child—this is a child, like this, and like those three children that we saw in those photographs.

With this child now, the forceps are around the legs and the child now is being pulled from the birth canal. In the next illustration, the abortionist delivers the entire body except for the head of the child. So we now have the abortionist pulling the child all the way out from the uterus with the exception of the head which the doctors tell me is approximately 85 to 90 percent of the child.

Now, the fourth illustration—this is pretty rough, Mr. President. I have seen a lot in my life. I am 54 years old, and I have seen some pretty rough things. But I cannot imagine, in a country as great as this why anyone could sanction—whether you be pro-choice or pro-life—how anyone could sanction what I am about to show you happens.

If the head of this child comes through the uterus, they must try to keep it alive. So the abortionist has to be certain that the head does not come through the uterus. So he stops the baby from coming through the uterus at the head, and takes a pair of scissors, as you can see—I am going to try to demonstrate it here with this little model, which would be just like this, superimposed upon that picture—he takes the scissors and places them into the back of the head, into the cranium, and opens those scissors, once he sticks them in like that, to open a gap in the child's head. After that procedure is done, they insert a catheter into the back of the neck, the back of the cranium, and literally suck the brains out of that child, and as you can see there, the baby is hanging limp, now dead.

That is called partial-birth abortion.

We are really talking about inches here, are we not? What is a birth? Ninety percent out of the uterus, is that a birth? One hundred percent out of the uterus? Is that what we are going to say is a birth?

So a couple of inches and this child can live, but because it is prevented from fully coming out of the uterus by the abortionist and he then places the scissors to the back of the head, opens up an incision and inserts the catheter into the brain to suck the brains out, because that decision is made by someone other than the child, that child is denied life.

Mr. President, by the 19th or 20th week of gestation, when this unspeakably brutal method of abortion is used, the child is clearly capable and able to feel what is happening. This is a living human being.

According to neurologists, premature babies born at this stage may be more sensitive to painful stimulation than others. We had testimony yesterday at a press conference that I attended with a neurologist who indicated that. He does surgery on babies all the time, and he indicated point blank that that child would suffer pain in that procedure.

I think that most of my colleagues, and certainly most if not all Americans, would be absolutely appalled, sickened, and angered at such a brutal act committed against another human being. I know I had that feeling. I did not know that this procedure existed, Mr. President, until a couple of weeks ago, and I have been for 11 years an advocate of the pro-life cause, but I never knew this. I never knew this happened, and doctors who are gynecologists have told me that they did not know it either.

I just ask my colleagues a very simple question: If you had a dog or a cat or a pet that you needed to put to sleep, would you do it that way? Would you do it that way? Would you insert a pair of scissors into the back of the head of your family pet and suck the brains out to put it to sleep, Mr. President? Would anybody do that? This is the United States of America, the greatest country in the world, that says under the Constitution that we have an obligation to protect life. This is happening in America, probably right now as I am speaking. We would not do it to an animal, not a pet, and we do it to our children.

Under the Supreme Court Roe versus Wade decision, this partial-birth abortion procedure that I just described is legal in all 50 States. So anyone listening out there who says, "That doesn't

happen in my State," it does. Somewhere in your State it is happening probably right now. Indeed, addressing the controversy over the partial-birth abortion method, the National Abortion Federation has written to its membership stating—and here is the document, here is what they say: "Don't apologize: This is a legal abortion procedure." And they are right, it is legal.

But I am going to tell you something, Mr. President, if I have anything to do with it, it is not going to be legal very much longer. This is a sickening, disgusting act that should never be tolerated, not 1 day longer, not 1 minute longer.

My good friend—and he is a good friend—the Speaker of the House of Representatives, NEWT GINGRICH, has told audiences all over America for the past couple of months that America cannot survive with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS and 18-year-olds receiving diplomas that they cannot read, and he is right. And I am going to add one more to it. America cannot survive when some of its doctors turn from being healers to stabbing innocent babies to death when they enter the birth canal. America is not going to survive doing that either.

Dr. Martin Haskell has claimed responsibility, proudly, for 700 of these partial-birth procedures as of 1993. Pro-choice, pro-life, I do not care what your position is. How can you tolerate this? How could you possibly condone this act? James McMahon, who was profiled in the January 1990 article in the L.A. Times makes late-term abortions his speciality—late-term abortions his speciality.

In that article, Dr. McMahon coldly claims credit for having developed the partial-birth method which he calls "intrauterine cranial decompression." Nice way of saying murdering a child that is three-quarters of the way out of a birth canal. "I want to deal with the head last," Dr. McMahon comments icily, "because that's the biggest problem."

In the United States of America, a doctor who took an oath to save lives is killing a child. That is not killing a child? Somebody stand up and tell me on the floor of the U.S. Senate that that is not killing a child. Have the guts to come down here and stand up—I will yield to you—and tell me that is not killing a child.

According to the American Medical News, Dr. McMahon does abortions through all 40 weeks of pregnancy, but he says he will not do an elective procedure after 26 weeks—26 weeks. At 26 weeks, many babies are capable of living independent of the mother; 40 weeks is a full-term pregnancy. That is nice of him.

Mr. President, this grotesque and brutal partial-birth abortion procedure that I have described on the floor of the Senate can be and must be—must be—outlawed. Simply stated, the legislation that Senator GRAMM and I have introduced today will do just that, it will amend title 8 of the United States Code and provide that "Whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both."

Not the woman—the abortionist. Our bill defines "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Thus, the bill would ban not only the brain-suction, partial-birth abortion that I described, but any other abortion that involves the partial delivery of the child before he or she is killed.

The bill specifically prohibits the prosecution of a woman upon whom a partial-birth abortion is performed. The bill is aimed at the abortionist. It is aimed at the brutality of this act. In addition, the bill provides a life-of-the-mother exception.

Mr. President, I am confident that no matter how one feels about this very controversial issue of abortion, that reasonable people, caring people in this country are going to step up and say, "This is wrong, this is wrong, and we are going to stop it."

I am going to fight to the last day that this Congress is in session to get this bill voted on in the U.S. Senate, and I am going to stand up here again and again. I welcome my colleagues who want to come forth and defend this. I cannot wait to engage in the debate. Today I am introducing the bill, but there will be a day tomorrow or the next day when I am looking forward to debating them. I want to hear what their rationale is for this procedure. I just want to hear their defense of it. Ultimately, I think, if we can get the bill through, the Supreme Court will find the bill to be constitutional. I think it stands the test of constitutionality. Even in Roe versus Wade, that decision recognized that a newborn child is a person. Is that a newborn child—90 percent birth?

I am confident that the court will find that the Congress has the power to protect unborn children, who have started their journey through the birth canal, before being brutally killed, before they travel those last few inches. That is all we are talking about, Mr. President—a few inches. That is the margin between life and death. Inches. Inches.

Do you know that in this procedure if an abortionist was distracted and that child came through the birth canal, the child would have to survive. They could not do this procedure because it is out of the birth canal. That is the tragic irony of all this. That is why they do it. That is why they do it, Mr. President, because there is nothing more embarrassing to the abortionist than having the aborted baby live. That has happened. I talked to a woman who is 18 years old who survived it, so I know it happens. A beautiful young lady she is, and she is contributing to America.

Of these 700 that Dr. Haskell killed, how many Presidents are in that number? How many doctors who might find a cure for cancer? How many inventors? Who knows. We will never know, will we? They are gone—to the scissors.

Sticking scissors. Take a pair of scissors when you go home tonight, and stick them into your hands a little bit, until you can just feel the nip of it. Or perhaps why do you not try doing it in the back of the neck and see how it feels, see if it hurts.

I am going to see that this bill gets on the desk of President Clinton if it is the last thing I do before we leave this Congress. I hope, Mr. President, if you are out their listening, that you will sign this bill and you will stop this. I know how you feel about abortion, but I want to know how you feel about this. I hope you will sign this bill, because this is an outrage. It is unbecoming of this country to even think about it, and to even have to be here on the floor of the U.S. Senate and admit that this is happening in this country.

So I am looking forward to the debate, as I say. I hope my colleagues who support this will be down on the floor and debating it here in front of all America—this cruel, horrible act against another human being, a precious little baby that is defenseless. We had a doctor yesterday, a gynecologist, who explained all of this, how it all works and how you turn the baby so carefully to remove it from the uterus as it is being born, and you are so careful with it, you take care of it and protect it. But not in this case. It is just a baby, an innocent baby. Surely, we have more important things to do in the United States of America than this. How could any doctor who took an oath ever perform those, and then brag about it?

Mr. President, I think I have made my point. It has, frankly, been a very difficult speech to get through. It is quite emotional for me, and I know how the occupant of the chair, the Senator from Minnesota, feels about this issue. It is difficult to get through these remarks. I do not do it to offend people or to be overly graphic. But it is important that we understand that this is happening, and we must use every public access that we have to stop it.

So there will be another time, Mr. President, sooner rather than later, when we are going to debate this again right here. I will be here. Thank you.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. How much time is reserved under the previous order for the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont has 20 minutes.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 940 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NORMALIZING RELATIONS WITH VIETNAM

Mr. LEAHY. Mr. President, there are press reports that the administration is considering finally normalizing relations with Vietnam. I know that even after a quarter century this is an emotional and difficult issue, especially for the families of our POW/MIA's. But I believe strongly that it is time to take this step. The record is clear that closer relations will contribute to resolving the remaining discrepancy cases, and we have many other interests in Southeast Asia that will be furthered by closer relations with our former enemy.

The Vietnam war was a tragedy for both the United States and for Vietnam. More than 58,000 American soldiers and at least 2 million Vietnamese lost their lives. Countless others were injured. At least 60,000 Vietnamese are missing a leg or an arm, mostly from landmines. The war produced bitterness on both sides that poisoned relations between our countries for years.

But it is time to put that period behind us. Vietnam is slowly moving away from its Communist past. It has taken aggressive steps to promote private investment and permit a market economy to develop. It has invited representatives of human rights groups to discuss their concerns. The Vietnamese Government is even requiring its senior officials to study English as a way of accelerating its adoption of American-style practices.

There is no question that Vietnam still has a long way to go. We need to continue to challenge Vietnamese officials about reports of torture, arrests of dissidents, arbitrary detentions, political trials, and abuse of prisoners in forced labor camps. We need to press them to eliminate Vietnam's black-market trade in endangered species. And there are other issues.

But we need to recognize that the situation has changed. The United States shut the door to Vietnam after the war because its Government was engaging in practices abhorrent to Americans. There are still problems, but 25 years later almost half of Vietnam's citizens had not even been born by the war's end. The best way to encourage the Vietnamese Government to maintain progress toward openness and free markets is to expand dialog and contact, not refuse it.

Obtaining the fullest possible accounting of our POW's/MIA's is essential. I have provided funding in the foreign operations appropriations bill to help locate the remains of our POW/MIA's. But there is no longer any question that the Vietnamese Government is cooperating fully in this effort. They are working closely with our liaison office to continue the search for remains. Maintaining obstacles to full cooperation between our two Governments at this point will hinder, not reinforce progress, toward completion of this effort.

Mr. President, the cold war is over. We have no Soviet Union to hold in check any longer, and the largest remaining Communist power, China, which has a worse human rights record than Vietnam, has been granted MFN status.

It is time we recognized that times have changed in Vietnam, and in our own country, and we should move forward together. I urge the President to delay no longer in resuming full diplomatic relations with Vietnam.

The PRESIDING OFFICER. The Senator from Utah is recognized.

SALT LAKE CITY 2002 WINTER OLYMPICS

Mr. BENNETT. Mr. President, the Members of this body have had experience in Utah with our winter sports facilities, as my predecessor, Jake Garn, invited Senators to come to Utah and enjoy the Senators' Ski Cup.

It is now my happy duty and privilege to announce to all of the Members of the Senate that the winter sports facilities of Utah have now attracted more than even the U.S. Senate. Just a few minutes ago, the International Olympic Committee announced that Salt Lake City, UT, will be the site of the Winter Olympics in the year 2002. This is a demonstration of the superior facilities that are available in Utah. We think it is well deserved.

I want to pay tribute here on the floor to the thousands, if not tens of thousands and even hundreds of thousands, of Utahns who have gathered together to support the Olympic bid. We lost it for the 1998 Olympics by one vote. We have learned here in this body how elections can be decided by one vote. There are some who suggested that the awarding of the Summer Olympics to Atlanta in 1996 hurt our bid, as the International Committee felt they did not want to have Winter and Summer Olympics back-to-back in the same country. Be that as it may, the disappointment of losing in 1998 has now been washed away in the excitement of winning in the year 2002.

We have a slogan in Utah that has been prepared for the Olympics. It is emblazoned on the banners as you come into our city. It is in the airports. It is all over the State. It is: "The world is welcome here." We are delighted to be able to announce that the world that has been welcome in Utah is now coming to Utah. We are looking for the most exciting Winter Olympics in history in the State of Utah in just a few short years.

We were so excited I had to come over to share this news with the Members of the Senate. I thank the Chair and the Members for the opportunity to express this. It is a great day for the people of our State and, frankly, for the people of our Nation as well. This is the first time the Winter Olympics have come back to America since Lake Placid in 1980. I think that is a long enough wait. We are delighted to be able to say, as I said, the world is welcome in Utah. And the world is coming to Utah.

WINTER OLYMPICS IN UTAH

Mr. WARNER. Mr. President, may I be among the first to congratulate the people of Utah and, indeed, their Senator, who is here today. I shared with him the joy in his heart when I happened to hear him speak a few moments ago. Having had the pleasure of visiting his State on a number of occasions, it will be a marvelous place to host the world. Now, only the weather remains a question. You usually have a very constant weather pattern during that period of the year.

Mr. BENNETT. We do, Mr. President. Winter snows are not unknown in Utah. We hope in 2002 they do not desert us.

The Senator from Virginia is very generous in his remarks. He has been to the Senators' Ski Cup and, indeed, has an award named after him for his activity there.

Mr. WARNER. That is true.

Mr. BENNETT. We hope he not only comes to celebrate with us in 2002, but if I may, Mr. President, I hope he comes as a Senator in 2002, having been safely reelected between now and then.

Mr. WARNER. Mr. President, I thank my dear colleague. I would only say the quality and the quantity of the snow in your State, I think, is almost unmatched anywhere in the world, and will be there to greet the Olympians.

Momentarily I will address the Senate with respect to the calendar on Monday.

At this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VITIATION OF CLOTURE VOTE

Mr. WARNER. Mr. President, I ask unanimous consent that the cloture vote scheduled for 3 p.m. Monday be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

Mr. WARNER. I now ask unanimous consent that the Senate proceed to S. 440, the highway bill.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Highway System Designation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. National Highway System designation.
Sec. 102. Eligible projects for the National Highway System.
Sec. 103. Transferability of apportionments.
Sec. 104. Design criteria for the National Highway System.
Sec. 105. Applicability of transportation conformity requirements.
Sec. 106. Use of recycled paving material.
Sec. 107. Inapplicability of Davis-Bacon Act.
Sec. 108. Limitation on advance construction.
Sec. 109. Preventive maintenance.
Sec. 110. Eligibility of bond and other debt instrument financing for reimbursement as construction expenses.
Sec. 111. Federal share for highways, bridges, and tunnels.
Sec. 112. Streamlining for transportation enhancement projects.
Sec. 113. Non-Federal share for certain toll bridge projects.
Sec. 114. Congestion mitigation and air quality improvement program.
Sec. 115. Repeal of national maximum speed limit.
Sec. 116. Federal share for bicycle transportation facilities and pedestrian walkways.
Sec. 117. Repeal of restrictions on toll facilities.
Sec. 118. Suspension of management systems.
Sec. 119. Intelligent vehicle-highway systems.
Sec. 120. Donations of funds, materials, or services for federally assisted activities.
Sec. 121. Metric conversion of traffic control signs.
Sec. 122. Identification of high priority corridors.
Sec. 123. Revision of authority for innovative project in Florida.
Sec. 124. Revision of authority for priority intermodal project in California.
Sec. 125. National recreational trails funding program.
Sec. 126. Intermodal facility in New York.
Sec. 127. Clarification of eligibility.
Sec. 128. Bristol, Rhode Island, street marking.
Sec. 129. Public use of rest areas.
Sec. 130. Collection of tolls to finance certain environmental projects in Florida.
Sec. 131. Hours of service of drivers of ground water well drilling rigs.

TITLE II—NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Purposes.
Sec. 204. Definitions.
Sec. 205. Establishment of Authority.
Sec. 206. Government of Authority.
Sec. 207. Ownership of Bridge.
Sec. 208. Capital improvements and construction.
Sec. 209. Additional powers and responsibilities of Authority.
Sec. 210. Funding.
Sec. 211. Availability of prior authorizations.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System (as of the date of enactment of this Act) as submitted by the Secretary of Transportation pursuant to this section is designated as the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a route segment in existence on the date of the request and any connection to the route segment;

if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in the subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System.".

SEC. 102. ELIGIBLE PROJECTS FOR THE NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 103(i) of title 23, United States Code, is amended—

(1) by striking paragraph (8) and inserting the following:

"(8) Capital and operating costs for traffic monitoring, management, and control facilities and programs."; and

(2) by adding at the end the following:

"(14) Construction, reconstruction, resurfacing, restoration, and rehabilitation of, and operational improvements for, public highways connecting the National Highway System to—

"(A) ports, airports, and rail, truck, and other intermodal freight transportation facilities; and

"(B) public transportation facilities.

"(15) Construction of, and operational improvements for, the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California. The Federal share of the cost of the construction and improvements shall be determined in accordance with section 120(b).".

(b) DEFINITION.—Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "startup costs for traffic management and control" and inserting the following:

"The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control activities, such as integrated traffic control systems, incident management programs, and traffic control centers.".

SEC. 103. TRANSFERABILITY OF APPORTIONMENTS.

The third sentence of section 104(g) of title 23, United States Code, is amended by striking "40 percent" and inserting "60 percent".

SEC. 104. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.

Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

"(1) adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

"(2) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (1) and to conform to the particular needs of each locality.";

(2) by striking subsection (c) and inserting the following:

"(c) DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.—

"(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) shall take into account, in addition to the criteria described in subsection (a)—

"(A) the constructed and natural environment of the area;

"(B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

"(C) as appropriate, access for other modes of transportation.

"(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State highway agencies, shall develop criteria to implement paragraph (1). In developing the criteria, the Secretary shall consider the results of the committee process of the American Association of State Highway and Transportation Officials as adopted and published in 'A Policy on Geometric Design of Highways and Streets', after adequate opportunity for input by interested parties."; and

(3) by striking subsection (q) and inserting the following:

"(q) ENVIRONMENTAL, SCENIC, AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

"(1) allow for the preservation of environmental, scenic, or historic values;

"(2) ensure safe use of the facility; and

"(3) comply with subsection (a).".

SEC. 105. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking "plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended." and inserting the following: "plan for—

"(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

"(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).".

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

"(5) APPLICABILITY.—This subsection shall apply only with respect to—

"(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

"(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.".

SEC. 106. USE OF RECYCLED PAVING MATERIAL.

(a) IN GENERAL.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 109 note) is amended—

(1) by striking subsection (d) and inserting the following:

"(d) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

"(1) CRUMB RUBBER MODIFIER RESEARCH.—Not later than 180 days after the date of enactment of the National Highway System Designation Act of 1995, the Administrator of the Federal Highway Administration shall develop testing procedures and conduct research to develop performance grade classifications, in accordance with the strategic highway research program carried out under section 307(d) of title 23, United States Code, for crumb rubber modifier binders. The testing procedures and performance grade classifications should be developed in consultation with representatives of the crumb rubber modifier industry and other interested parties (including the asphalt paving industry) with experience in the development of the procedures and classifications.

"(2) CRUMB RUBBER MODIFIER PROGRAM DEVELOPMENT.—

"(A) IN GENERAL.—The Administrator of the Federal Highway Administration shall make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements. Each State may receive not more than $500,000 under this paragraph.

"(B) USE OF GRANT FUNDS.—Grant funds made available to States under this paragraph may be used—

"(i) to develop mix designs for crumb rubber modified asphalt pavements;

"(ii) for the placement and evaluation of crumb rubber modified asphalt pavement field tests; and

"(iii) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available."; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) the term 'asphalt pavement containing recycled rubber' means any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications; and".

(b) FUNDING.—Section 307(e)(13) of title 23, United States Code, is amended by inserting after the second sentence the following: "Of the amounts authorized to be expended under this paragraph, $500,000 shall be expended in fiscal year 1996 to carry out section 1038(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 109 note) and $10,000,000 shall be expended in each of fiscal years 1996 and 1997 to carry out section 1038(d)(2) of the Act.".

SEC. 107. INAPPLICABILITY OF DAVIS-BACON ACT.

Section 113 of title 23, United States Code, is amended to read as follows:

"§113. Prevailing rate of wage

"The Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly known as the 'Davis-Bacon Act') (40 U.S.C. 276a et seq.), shall not apply with respect to any project carried out or assisted under any chapter of this title.".

SEC. 108. LIMITATION ON ADVANCE CONSTRUCTION.

Section 115(d) of title 23, United States Code, is amended to read as follows:

"(d) REQUIREMENT OF INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.—The Secretary may not approve an application under this section unless the project is included in the transportation improvement program of the State developed under section 135(f).".

SEC. 109. PREVENTIVE MAINTENANCE.

Section 116 of title 23, United States Code, is amended by adding at the end the following:

"(d) PREVENTIVE MAINTENANCE.—A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the life of a Federal-aid highway.".

SEC. 110. ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES.

(a) IN GENERAL.—Section 122 of title 23, United States Code, is amended to read as follows:

"SEC. 122. PAYMENTS TO STATES FOR BOND AND OTHER DEBT INSTRUMENT FINANCING.

"(a) DEFINITION OF ELIGIBLE DEBT FINANCING INSTRUMENT.—In this section, the term 'eligible debt financing instrument' means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State, the proceeds of which are used for an eligible Federal-aid project under this title.

"(b) FEDERAL REIMBURSEMENT.—Subject to subsections (c) and (d), the Secretary may reimburse a State for expenses and costs incurred by the State or a political subdivision of the State, for—

"(1) interest payments under an eligible debt financing instrument;

"(2) the retirement of principal of an eligible debt financing instrument;

"(3) the cost of the issuance of an eligible debt financing instrument;

"(4) the cost of insurance for an eligible debt financing instrument; and

"(5) any other cost incidental to the sale of an eligible debt financing instrument (as determined by the Secretary).

"(c) CONDITIONS ON PAYMENT.—The Secretary may reimburse a State under subsection (b) with respect to a project funded by an eligible debt financing instrument after the State has complied with this title to the extent and in the manner that would be required if payment were to be made under section 121.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project payable under this section shall not exceed the pro-rata basis of payment authorized in section 120.

"(e) STATUTORY CONSTRUCTION.—Notwithstanding any other law, the eligibility of an eligible debt financing instrument for reimbursement under subsection (a) shall not—

"(1) constitute a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest on the eligible debt financing instrument; or

"(2) create any right of a third party against the United States for payment under the eligible debt financing instrument.".

(b) DEFINITION OF CONSTRUCTION.—The first sentence of the undesignated paragraph defining "construction" of section 101(a) of title 23, United States Code, is amended by inserting "bond costs and other costs relating to the issuance of bonds or other debt instrument financing in accordance with section 122," after "highway, including".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 122 and inserting the following:

"122. Payments to States for bond and other debt instrument financing.".

SEC. 111. FEDERAL SHARE FOR HIGHWAYS, BRIDGES, AND TUNNELS.

Section 129(a) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

"(5) LIMITATION ON FEDERAL SHARE.—The Federal share payable for an activity described in paragraph (1) shall be a percentage determined by the State, but not to exceed 80 percent.".

SEC. 112. STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS.

Section 133(e) of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "(3) PAYMENTS.—The" and inserting the following:

"(3) PAYMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—

"(i) IN GENERAL.—The Secretary may advance funds to the State for transportation enhancement activities funded from the allocation required by subsection (d)(2) for a fiscal year if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities.

"(ii) LIMITATION ON AMOUNTS.—Amounts advanced under this subparagraph shall be limited to such amounts as are necessary to make prompt payments for project costs.

"(iii) EFFECT ON OTHER REQUIREMENTS.—This subparagraph shall not exempt a State from other requirements of this title relating to the surface transportation program."; and

(2) by adding at the end the following:

"(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

"(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection (d)(2).

"(B) NATIONWIDE PROGRAMMATIC AGREEMENT.—The Administrator of the Federal Highway Administration, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection (d)(2), in accordance with—

"(i) section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

"(ii) the regulations of the Advisory Council on Historic Preservation.".

SEC. 113. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: "Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.".

SEC. 114. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting "for areas in the State that were designated as nonattainment areas under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d))" after "may obligate funds"; and

(B) in paragraph (1)(A)—

(i) by striking "contribute to the" and inserting the following: "contribute to—

"(i) the"; and

(ii) by adding at the end the following:

"(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or".

(2) APPORTIONMENT.—Section 104(b)(2) of title 23, United States Code, is amended—

(A) in the second sentence, by striking "is a nonattainment area (as defined in the Clean Air Act) for ozone" and inserting "was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1995"; and

(B) in the third sentence—

(i) by striking "is also" and inserting "was also"; and

(ii) by inserting "during any part of fiscal year 1995" after "monoxide".

(b) REMOVAL OF CERTAIN FUNDING LIMITATIONS.—Section 149(b)(1)(A) of title 23, United States Code, is amended by striking "(other than clauses (xii) and (xvi) of such section), that the project or program" and inserting ", that the publicly sponsored project or program".

SEC. 115. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154.

(2) Section 141 of title 23, United States Code, is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(C) in subsection (b) (as so redesignated), by striking "subsection (b)" each place it appears and inserting "subsection (a)".

(3) Section 123(c)(3) of the Federal-Aid Highway Act of 1978 (Public Law 95–599; 23 U.S.C. 141 note) is amended by striking "section 141(b)" and inserting "section 141(a)".

(4) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

(5) Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 154 note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(6) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

(7) Section 410(i)(3) of title 23, United States Code, is amended to read as follows:

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

SEC. 116. FEDERAL SHARE FOR BICYCLE TRANSPORTATION FACILITIES AND PEDESTRIAN WALKWAYS.

Section 217(f) of title 23, United States Code, is amended by striking "80 percent" and inserting "determined in accordance with section 120(b)".

SEC. 117. REPEAL OF RESTRICTIONS ON TOLL FACILITIES.

(a) IN GENERAL.—Section 301 of title 23, United States Code, is repealed.

(b) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Section 129(a)(1) of title 23, United States Code, is amended to read as follows:

"(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Subject to the other provisions of this section, the Secretary shall permit Federal participation in Federal-aid projects involving toll highways, bridges, and tunnels on the same basis and in the same manner as in the construction of free highways under this chapter.".

(c) CONFORMING AMENDMENTS.—

(1) Section 129 of title 23, United States Code, is amended—

(A) in subsection (b), by striking "Notwithstanding the provisions of section 301 of this title, the" and inserting "The"; and

(B) in subsection (c), by striking "Notwithstanding section 301 of this title, the" and inserting "The".

(2) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 301.

SEC. 118. SUSPENSION OF MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) STATE ELECTION.—A State may, at the option of the State, elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election."; and

(2) in subsection (f)—

(A) by striking "(f) ANNUAL REPORT.—Not" and inserting the following:

"(f) REPORTS.—

"(1) ANNUAL REPORTS.—Not"; and

(B) by adding at the end the following:

"(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Secretary, in consultation with States, shall transmit to Congress a report on the management systems required under this section that makes recommendations as to whether, to what extent, and how the management systems should be implemented.".

SEC. 119. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) IMPROVED COLLABORATION IN INTELLIGENT VEHICLE-HIGHWAY SYSTEMS RESEARCH AND DEVELOPMENT.—Section 6054 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 307 note) is amended by adding at the end the following:

"(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.".

(b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR INTELLIGENT VEHICLE-HIGHWAY SYSTEMS PROJECTS.—Section 6058 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 307 note) is amended by adding at the end the following:

"(f) OBLIGATION OF FUNDS.—

"(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) after the date of enactment of this subsection, and other funds made available after that date to carry out specific intelligent vehicle-highway systems projects, shall be obligated not later than the last day of the fiscal year following the fiscal year with respect to which the funds are made available.

"(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other activity with respect to which funds may be made available under subsection (a) or (b).".

SEC. 120. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED ACTIVITIES.

Section 323 of title 23, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with an activity eligible for Federal assistance under this title. In the case of such an activity with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the activity by the State highway agency shall be credited against the State share.".

SEC. 121. METRIC CONVERSION OF TRAFFIC CONTROL SIGNS.

Notwithstanding section 3(2) of the Metric Conversion Act of 1975 (15 U.S.C. 205b(2)) or any other law, no State shall be required to—

(1) erect any highway sign that establishes any speed limit, distance, or other measurement using the metric system; or

(2) modify any highway sign that establishes any speed limit, distance, or other measurement so that the sign uses the metric system.

SEC. 122. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240; 105 Stat. 2032) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5)(A) I–73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, and Detroit, Michigan.

"(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

"(I) United States Route 220 from the Virginia-North Carolina border to I–581 south of Roanoke;

"(II) I–581 to I–81 in the vicinity of Roanoke;

"(III) I–81 to the proposed highway to demonstrate intelligent vehicle-highway systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

"(IV) United States Route 460 to the West Virginia State line.

"(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

"(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

"(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

"(iii) In the State of North Carolina, the Corridor shall generally follow—

"(I) in the case of I–73—

"(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

"(bb) State Route 68 to I–40;

"(cc) I–40 to United States Route 220 in Greensboro;

"(dd) United States Route 220 to United States Route 74 near Rockingham;

"(ee) United States Route 74 to United States Route 76 near Whiteville;

"(ff) United States Route 74/76 to United States Route 17 near Calabash; and

"(gg) United States Route 17 to the South Carolina State line; and

"(II) in the case of I–74—

"(aa) I–77 from Bluefield, West Virginia, to the junction of I–77 and the United States Route 52 connector in Surry County, North Carolina;

"(bb) the I–77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

"(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina; and

"(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

"(iv) Each route segment referred to in clause (i), (ii), or (iii) that is not a part of the Interstate System shall be designated as a route included in the Interstate System, at such time as the Secretary determines that the route segment—

"(I) meets Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

"(II) meets the criteria for designation pursuant to section 139 of title 23, United States Code, except that the determination shall be made without regard to whether the route segment is a logical addition or connection to the Interstate System."; and

(2) by adding at the end the following:

"(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

"(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.".

SEC. 123. REVISION OF AUTHORITY FOR INNOVATIVE PROJECT IN FLORIDA.

Item 196 of the table in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2058) is amended—

(1) by striking "Orlando,"; and

(2) by striking "Land & right-of-way acquisition & guideway construction for magnetic limitation project" and inserting "1 or more regionally significant, intercity ground transportation projects".

SEC. 124. REVISION OF AUTHORITY FOR PRIORITY INTERMODAL PROJECT IN CALIFORNIA.

Item 31 of the table in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2062) is amended by striking "To improve ground access from Sepulveda Blvd. to Los Angeles, California" and inserting the following: "For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000".

SEC. 125. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) CONTRACT AUTHORITY.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following:

"(g) CONTRACT AUTHORITY.—Funds authorized to be appropriated under this section shall be available for obligation in the manner as if the funds were apportioned under title 23, United States Code, except that the Federal share of any project under this section shall be determined in accordance with this section and shall not be subject to any limitation on obligation applicable generally to the Federal-aid highway program.

"(h) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be 50 percent.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is amended—

(A) by striking subsection (c) and inserting the following:

"(c) STATE ELIGIBILITY.—A State shall be eligible to receive moneys under this part if—

"(1) the Governor of the State has designated the State agency responsible for administering allocations under this section;

"(2) the State proposes to obligate and ultimately obligates any allocations received in accordance with subsection (e); and

"(3) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists in the State.";

(B) in subsection (d), by striking paragraph (3);

(C) in subsection (e)—

(i) in paragraphs (3)(A), (5)(B), and (8)(B), by striking "(c)(2)(A) of this section" and inserting "(c)(3)"; and

(ii) in paragraph (5)(A)(i), by striking "(g)(5)" and inserting "(i)(5)"; and

(D) in subsection (i) (as redesignated by subsection (a)(1)), by striking paragraph (1) and inserting the following:

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State (as defined in section 101 of title 23, United States Code) that meets the requirements of subsection (c).".

(2) Section 104 of title 23, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following:

"(h) NATIONAL RECREATIONAL TRAILS FUNDING.—The Secretary shall expend, from administrative funds deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997.".

(3) Section 9511(c) of the Trust Fund Code of 1981 is amended by striking ", as provided in appropriation Acts,".

SEC. 126. INTERMODAL FACILITY IN NEW YORK.

(a) IN GENERAL.—The Secretary of Transportation shall make grants to the National Railroad Passenger Corporation for—

(1) engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center; and

(2) necessary improvements to and redevelopment of Pennsylvania Station and associated service buildings in New York, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $69,500,000 for fiscal years following fiscal year 1995, to remain available until expended.

SEC. 127. CLARIFICATION OF ELIGIBILITY.

The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Davisville, Rhode Island, that are necessary to support the rail movement of freight shall be eligible for funding under sections 103(e)(4), 104(b), and 144 of title 23, United States Code.

SEC. 128. BRISTOL, RHODE ISLAND, STREET MARKING.

Notwithstanding any other law, a red, white, and blue center line in the Main Street of Bristol, Rhode Island, shall be deemed to comply with the requirements of section 3B–1 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 129. PUBLIC USE OF REST AREAS.

Notwithstanding section 111 of title 23, United States Code, or any project agreement under the section, the Secretary of Transportation shall permit the conversion of any safety rest area adjacent to Interstate Route 95 within the State of Rhode Island that was closed as of May 1, 1995, to use as a motor vehicle emissions testing facility. At the option of the State, vehicles shall be permitted to gain access to and from any such testing facility directly from Interstate Route 95.

SEC. 130. COLLECTION OF TOLLS TO FINANCE CERTAIN ENVIRONMENTAL PROJECTS IN FLORIDA.

Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary of Transportation shall modify the agreement entered into with the transportation department of the State and described in section 129(a)(3) of the title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

SEC. 131. HOURS OF SERVICE OF DRIVERS OF GROUND WATER WELL DRILLING RIGS.

(a) DEFINITIONS.—In this section:

(1) 8 CONSECUTIVE DAYS.—The term "8 consecutive days" means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term "24-hour period" means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term "ground water well drilling rig" means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(b) GENERAL RULE.—In the case of a driver of a commercial motor vehicle subject to regulations prescribed by the Secretary of Transportation under sections 31136 and 31502 of title 49, United States Code, who is used primarily in the transportation and operation of a ground water well drilling rig, for the purpose of the regulations, any period of 8 consecutive days may end with the beginning of an off-duty period of 24 or more consecutive hours.

(c) REPORT.—The Secretary of Transportation shall monitor the commercial motor vehicle safety performance of drivers of ground water well drilling rigs. If the Secretary determines that public safety has been adversely affected by the general rule established by subsection (b), the Secretary shall report to Congress on the determination.

TITLE II—NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY

SEC. 201. SHORT TITLE.

This title may be cited as the "National Capital Region Interstate Transportation Authority Act of 1995".

SEC. 202. FINDINGS.

Congress finds that—

(1) traffic congestion imposes serious economic burdens on the metropolitan Washington, D.C., area, costing each commuter an estimated $1,000 per year;

(2) the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70 percent between 1990 and 2020;

(3) the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion;

(4) the Bridge serves as a vital link in the Interstate System and in the Northeast corridor;

(5) identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area;

(6) the Bridge is—

(A) the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System;

(B) the only segment of the Capital Beltway with only 6 lanes; and

(C) the only segment of the Capital Beltway with a remaining expected life of less than 10 years;

(7) the Bridge is the only part of the Interstate System owned by the Federal Government;

(8)(A) the Bridge was constructed by the Federal Government;

(B) prior to the date of enactment of this Act, the Federal Government has contributed 100 percent of the cost of building and rehabilitating the Bridge; and

(C) the Federal Government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and reconstruction of the Bridge;

(9) the Woodrow Wilson Bridge Coordination Committee, established by the Federal Highway Administration and comprised of representatives of Federal, State, and local governments, is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws;

(10) the transfer of ownership of the Bridge to a regional entity under the terms and conditions described in this title would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge;

(11) any material change to the Bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

(12) a commission of congressional, State, and local officials and transportation representatives has recommended to the Secretary of Transportation that the Bridge be transferred to an independent authority to be established by the Capital Region jurisdictions.

SEC. 203. PURPOSES.

The purposes of this title are—

(1) to grant consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to establish the National Capital Region Interstate Transportation Authority; and

(2) to authorize the transfer of ownership of the Bridge to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River.

SEC. 204. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term "Authority" means the National Capital Region Interstate Transportation Authority authorized by this title and by similar enactment by each of the Capital Region jurisdictions.

(2) AUTHORITY FACILITY.—The term "Authority facility" means—

(A) the Bridge (as in existence on the date of enactment of this Act);

(B) any southern Capital Beltway crossing of the Potomac River constructed in the vicinity of the Bridge after the date of enactment of this Act; or

(C) any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, franchise, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility necessary or desirable in connection with or incidental to a facility described in subparagraph (A) or (B).

(3) BOARD.—The term "Board" means the board of directors of the Authority established under section 206.

(4) BRIDGE.—The term "Bridge" means the Woodrow Wilson Memorial Bridge across the Potomac River.

(5) CAPITAL REGION JURISDICTION.—The term "Capital Region jurisdiction" means—

(A) the Commonwealth of Virginia;

(B) the State of Maryland; or

(C) the District of Columbia.

(6) INTERSTATE SYSTEM.—The term "Interstate System" means the Dwight D. Eisenhower National System of Interstate and Defense Highways designated under section 103(e) of title 23, United States Code.

(7) NATIONAL CAPITAL REGION.—The term "National Capital Region" means the region consisting of the metropolitan areas of—

(A)(i) the cities of Alexandria, Fairfax, and Falls Church, Virginia; and

(ii) the counties of Arlington and Fairfax, Virginia, and the political subdivisions of the Commonwealth of Virginia located in the counties;

(B) the counties of Montgomery and Prince Georges, Maryland, and the political subdivisions of the State of Maryland located in the counties; and

(C) the District of Columbia.

(8) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 205. ESTABLISHMENT OF AUTHORITY.

(a) CONSENT TO AGREEMENT.—Congress grants consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into an interstate agreement or compact to establish the National Capital Region Interstate Transportation Authority in accordance with this title.

(b) ESTABLISHMENT OF AUTHORITY.—

(1) IN GENERAL.—On execution of the interstate agreement or compact described in subsection (a), the Authority shall be considered to be established.

(2) GENERAL POWERS.—The Authority shall be a body corporate and politic, independent of all other bodies and jurisdictions, having the powers and jurisdiction described in this title and such additional powers as are conferred on the Authority by the Capital Region jurisdictions, to the extent that the additional powers are consistent with this title.

SEC. 206. GOVERNMENT OF AUTHORITY.

(a) IN GENERAL.—The Authority shall be governed in accordance with this section and with the terms of any interstate agreement or compact relating to the Authority that is consistent with this title.

(b) BOARD.—The Authority shall be governed by a board of directors consisting of 12 members appointed by the Capital Region jurisdictions and 1 member appointed by the Secretary.

(c) QUALIFICATIONS.—One member of the Board shall have an appropriate background in finance, construction lending, or infrastructure policy.

(d) CHAIRPERSON.—The chairperson of the Board shall be elected biennially by the members of the Board.

(e) SECRETARY AND TREASURER.—The Board may—

(1) biennially elect a secretary and a treasurer, or a secretary-treasurer, without regard to whether the individual is a member of the Board; and

(2) prescribe the powers and duties of the secretary and treasurer, or the secretary-treasurer.

(f) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Board shall serve for a 6-year term, and shall continue to serve until the successor of the member has been appointed in accordance with this subsection.

(2) INITIAL APPOINTMENTS.—

(A) BY CAPITAL REGION JURISDICTIONS.—Members initially appointed to the Board by a Capital Region jurisdiction shall be appointed for the following terms:

(i) 1 member shall be appointed for a 6-year term.

(ii) 1 member shall be appointed for a 4-year term.

(iii) 2 members shall each be appointed for a 2-year term.

(B) BY SECRETARY.—The member of the Board appointed by the Secretary shall be appointed for a 6-year term.

(3) FAILURE TO APPOINT.—The failure of a Capital Region jurisdiction to appoint 1 or more members of the Board, as provided in this subsection, shall not impair the establishment of the Authority if the condition of the establishment described in section 205(b)(1) has been met.

(4) VACANCIES.—Subject to paragraph (5), a person appointed to fill a vacancy on the Board shall serve for the unexpired term.

(5) REAPPOINTMENTS.—A member of the Board shall be eligible for reappointment for 1 additional term.

(6) PERSONAL LIABILITY OF MEMBERS.—A member of the Board, including any nonvoting member, shall not be personally liable for—

(A) any action taken in the capacity of the member as a member of the Board; or

(B) any note, bond, or other financial obligation of the Authority.

(7) QUORUM.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of carrying out the business of the Authority, 7 members of the Board shall constitute a quorum.

(B) APPROVAL OF BOND ISSUES AND BUDGET.—Eight affirmative votes of the members of the Board shall be required to approve bond issues and the annual budget of the Authority.

(8) COMPENSATION.—A member of the Board shall serve without compensation and shall reside within a Capital Region jurisdiction.

(9) EXPENSES.—A member of the Board shall be entitled to reimbursement for the expenses of the member incurred in attending a meeting of the Board or while otherwise engaged in carrying out the duties of the Board.

SEC. 207. OWNERSHIP OF BRIDGE.

(a) CONVEYANCE BY SECRETARY.—

(1) IN GENERAL.—After the Capital Region jurisdictions enter into the agreement described in subsection (c), the Secretary shall convey all right, title, and interest of the Department of Transportation in and to the Bridge to the Authority. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge, and all duties and responsibilities associated with the Bridge.

(2) INTERIM RESPONSIBILITIES.—Until such time as a new crossing of the Potomac River described in section 208 is constructed and operational, the conveyance under paragraph (1) shall in no way—

(A) relieve the Capital Region jurisdictions of the sole and exclusive responsibility to maintain and operate the Bridge; or

(B) relieve the Secretary of the responsibility to rehabilitate the Bridge or to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other requirements applicable with respect to the Bridge.

(b) CONVEYANCE BY THE SECRETARY OF THE INTERIOR.—At the same time as the conveyance of the Bridge by the Secretary under subsection (a), the Secretary of the Interior shall transfer to the Authority all right, title, and interest of the Department of the Interior in and to such land under or adjacent to the Bridge as is necessary to carry out section 208. Upon conveyance by the Secretary of the Interior, the Authority shall accept the right, title, and interest in and to the land.

(c) AGREEMENT.—The agreement referred to in subsection (a) is an agreement among the Secretary, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia as to the Federal share of the cost of the activities carried out under section 208.

SEC. 208. CAPITAL IMPROVEMENTS AND CONSTRUCTION.

The Authority shall take such action as is necessary to address the need of the National Capital Region for an enhanced southern Capital Beltway crossing of the Potomac River that serves the traffic corridor of the Bridge (as in existence on the date of enactment of this Act), in accordance with the recommendations in the final environmental impact statement prepared by the Secretary. The Authority shall have the sole responsibility for the ownership, construction, operation, and maintenance of a new crossing of the Potomac River.

SEC. 209. ADDITIONAL POWERS AND RESPONSIBILITIES OF AUTHORITY.

In addition to the powers and responsibilities of the Authority under the other provisions of this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, the Authority shall have all powers necessary and appropriate to carry out the duties of the Authority, including the power—

(1) to adopt and amend any bylaw that is necessary for the regulation of the affairs of the Authority and the conduct of the business of the Authority;

(2) to adopt and amend any regulation that is necessary to carry out the powers of the Authority;

(3) subject to section 207(a)(2), to plan, establish, finance, operate, develop, construct, enlarge, maintain, equip, or protect the Bridge or a new crossing of the Potomac River described in section 208;

(4) to employ, in the discretion of the Authority, a consulting engineer, attorney, accountant, construction or financial expert, superintendent, or manager, or such other employee or agent as is necessary, and to fix the compensation and benefits of the employee or agent, except that—

(A) an employee of the Authority shall not engage in an activity described in section 7116(b)(7) of title 5, United States Code, with respect to the Authority; and

(B) an employment agreement entered into by the Authority shall contain an explicit prohibition against an activity described in subparagraph (A) with respect to the Authority by an employee covered by the agreement;

(5) to—

(A) acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange; and

(B) exercise such powers of eminent domain in the Capital Region jurisdictions as are conferred on the Authority by the Capital Region jurisdictions, in the exercise of the powers and the performance of the duties of the Authority;

(6) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Authority by the Federal Government or by any other public or private entity or individual;

(7) to borrow money on a short-term basis and issue notes of the Authority for the borrowing payable on such terms and conditions as the Board considers advisable, and to issue bonds in the discretion of the Authority for any purpose consistent with this title, which notes and bonds—

(A) shall not constitute a debt of the United States, a Capital Region jurisdiction, or any political subdivision of the United States or a Capital Region jurisdiction;

(B) may be secured solely by the general revenues of the Authority, or solely by the income and revenues of the Bridge or a new crossing of the Potomac River described in section 208; and

(C) shall be exempt as to principal and interest from all taxation (except estate and gift taxes) by the United States;

(8) to fix, revise, charge, and collect any reasonable toll or other charge;

(9) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Authority or the proper operation of the Bridge or a new crossing of the Potomac River described in section 208;

(10) to make any payment necessary to reimburse a local political subdivision having jurisdiction over an area where the Bridge or a new crossing of the Potomac River is situated for any extraordinary law enforcement cost incurred by the subdivision in connection with the Authority facility;

(11) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(A) financing, constructing, maintaining, improving, or operating the Bridge or a new crossing of the Potomac River described in section 208; or

(B) fostering development of a new transportation technology;

(12) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of the Bridge or a new crossing of the Potomac River described in section 208;

(13) to adopt an official seal and alter the seal, as the Board considers appropriate;

(14) to appoint 1 or more advisory committees;

(15) to sue and be sued in the name of the Authority; and

(16) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Authority under this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the Washington, District of Columbia, metropolitan area under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

SEC. 210. FUNDING.

(a) SET-ASIDE.—Section 104 of title 23, United States Code (as amended by section 125(b)(2)(A)), is further amended—

(1) in the first sentence of subsection (b), by striking "subsection (f) of this section" and inserting "subsections (f) and (i)";

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting before subsection (j) the following:

"(i) WOODROW WILSON MEMORIAL BRIDGE.—Before making an apportionment of funds under subsection (b), the Secretary shall set aside $17,550,000 for fiscal year 1996 and $80,050,000 for fiscal year 1997 for the rehabilitation of the Woodrow Wilson Memorial Bridge and for the planning, preliminary design, engineering, and acquisition of a right-of-way for, and construction of, a new crossing of the Potomac River.".

(b) APPLICABILITY OF TITLE 23.—Funds made available under this section shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code, except that—

(1) the Federal share of the cost of any project funded under this section shall be 100 percent; and

(2) the funds made available under this section shall remain available until expended.

(c) STUDY.—Not later than May 31, 1997, the Secretary, in consultation with each of the Capital Region jurisdictions, shall prepare and submit to Congress a report identifying the necessary Federal share of the cost of the activities to be carried out under section 208.

(d) DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1002(e)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 104 note) is amended by inserting before the period at the end the following: "and the National Capital Region Interstate Transportation Authority Act of 1995".

(e) REMOVAL OF ISTEA AUTHORIZATION FOR BRIDGE REHABILITATION.—Section 1069 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2009) is amended by striking subsection (i).

SEC. 211. AVAILABILITY OF PRIOR AUTHORIZATIONS.

In addition to the funds made available under section 210, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2009 and 2028) (as in effect prior to

the amendment made by section 210(e)) shall continue to be available after the conveyance of the Bridge to the Authority under section 207(a), in accordance with the terms under which the funds were made available under the Act.

Mr. WARNER. Mr. President, I now ask unanimous consent that the committee substitute be modified to delete section 107 of the bill. That is the section which contains the amendment of the Senator from Virginia, the Davis-Bacon amendment.

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

Mr. WARNER. I further ask unanimous consent that during the Senate's consideration of S. 440 no Davis-Bacon related amendments be in order.

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

Mr. WARNER. Mr. President, I recommended this action after consultation with the managers of the bill and the chairmen of the respective committees and the leadership of the Senate, because I am very anxious that consideration of the National Highway System bill be moved forward expeditiously.

The Senate will have further opportunity to consider issues related to Davis-Bacon on other pieces of legislation, most notably S. 141, a bill reported from the Labor and Human Resources Committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB):

S. 934. A bill to authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Environment and Public Works.

S. 935. A bill to amend the Food Security Act of 1985 to require the Secretary to establish a program to promote the development of riparian forest buffers in conservation priority areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 936. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB):

S. 937. A bill to reauthorize the National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 938. A bill to provide for ballast water management to prevent aquatic nonindigenous species from being introduced and spread into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. GRAMM):

S. 939. A bill to amend title 18, United States Code, to ban partial-birth abortions; read the first time.

By Mr. LEAHY (for himself, Mr. BRADLEY, Mr. GRAHAM, Mr. DASCHLE, Mr. SIMON, Mr. INOUYE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mrs. KASSEBAUM, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. SIMPSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BRYAN, Mr. MOYNIHAN, Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, and Mr. CAMPBELL):

S. 940. A bill to support proposals to implement the United States goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 941. A bill to provide for the termination of the status of the College Construction Loan Insurance Association ("the Corporation") as a Government Sponsored Enterprise, to require the Secretary of Education to divest himself of the Corporation's stock, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. DOMENICI, Mr. WARNER, Mrs. HUTCHISON, Mr. BURNS, Mr. FRIST, and Mr. COVERDELL):

S. 942. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes; to the Committee on Small Business.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB):

S. 934. A bill to authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Environment and Public Works.

S. 935. A bill to amend the Food Security Act of 1985 to require the Secretary to establish a program to promote the development of riparian forest buffers in conservation priority areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ROBB):

S. 938. A bill to provide for ballast water management to prevent aquatic nonindigenous species from being introduced and spread into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CHESAPEAKE BAY LEGISLATION

Mr. SARBANES.

Mr. President, today, I am introducing, along with a number of my colleagues, a package of five bills directed to continuing and enhancing the efforts to clean up the Chesapeake Bay. Joining me in sponsoring elements of this package are my distinguished colleague from Maryland, Senator MIKULSKI, and my two distinguished Virginia colleagues, Senators WARNER and ROBB.

Mr. President, the Chesapeake Bay is the largest estuary in the United States and the key to the ecological and economic health of the mid-Atlantic region. The bay, in fact, is one of the world's great natural resources. We tend to take it for granted, since it is right here at hand, so to speak, and I know many Members of this body have enjoyed the Chesapeake Bay. The bay provides thousands of jobs for the people in this region. It is a world-class fishery that produces a significant portion of the country's fin fish and shellfish catch. It is a major commercial waterway and shipping center for the region and for much of the eastern United States. And it is an unparalleled recreational center for almost 10 million people.

The Chesapeake Bay also provides vital habitat for living resources. Over 2,700 plant and animal species live in the bay. It provides a major resting area for migratory birds and waterfowl along the Atlantic flyway, including many endangered and threatened species.

I could go on and on about this dimension of the bay, but most people are aware of it. Certainly, our Nation's scientists are aware of it and have consistently regarded the protection and

the enhancement of the quality of the Chesapeake Bay as an extremely important national objective.

It is a treasured asset for those of us in Maryland—in fact, for all those who live around the bay in the other States, our neighboring State of Virginia, and the States to the north of us. Much of the water that comes into the bay comes from the Susquehanna River which originates in New York State.

The Chesapeake Bay is a defining element in Maryland history and a key to the quality of Maryland life throughout our history.

When the bay began to experience serious unprecedented declines in water quality and living resources in recent decades, the people in my State suffered as well. We lost thousands of jobs in the fishing industry. We lost much of the wilderness that defined the watershed.

We began to appreciate for the first time the profound impact that human activity could have on the Chesapeake Bay ecosystem.

Untreated sewage, deforestation, toxic chemicals, farm runoff, and increased development resulted in a degradation of water quality and a destruction of wildlife and its habitat.

Now, fortunately, over the last two decades we have also come to understand that humans can have a positive influence on the environment, and that we can, if we choose, assist nature to repair much of the damage which has been done.

We now treat sewage before it enters our waters. We ban toxic chemicals that were killing the wildlife, we have initiated programs to reduce nonpoint source pollution, and we have taken aggressive steps to restore depleted fisheries.

The States of Maryland, Virginia, and Pennsylvania deserve much of the credit for undertaking many of the actions that have put the bay and its watershed on the road to recovery.

All three States have had major cleanup programs. They have made significant commitments in terms of resources. It is an important priority item on the agendas of the bay States. Successive administrations—Governors have been strongly committed, State legislatures, the public. There are a number of private organizations—the Chesapeake Bay Foundation, for example—which do extraordinarily good work in this area.

But there has been an involvement of the Federal Government as well in helping to bring about the recent successes. It has been an essential and critical involvement.

Without the Federal Clean Water Act, the Federal ban on DDT, and EPA's watershed-wide coordination of Chesapeake Bay restoration and cleanup activities, we would not have been able to bring about the concerted effort, the real partnership, that is succeeding in improving the water quality of the bay and is succeeding in bringing back many of the fish and wildlife species that were on their way to simply being a memory.

So there has been an important role that has been played by the National Government in serving as a catalyst to bring together the State and local effort and the private sector effort. An extraordinary partnership has been built that is much greater than the sum of its parts.

There is a dynamic element that has resulted, as a consequence, that has enabled us to gain a significant momentum in raising the quality of the Chesapeake Bay to the benefit of everyone.

The Chesapeake Bay is getting cleaner, but we cannot afford to be complacent. There are tremendous stresses imposed upon the bay. This is a fast-growing area of the country, with increased population. The commercial stresses intensify.

So we need to address the continuing needs of the bay restoration effort. The hard work, investment, and commitment, at all levels, which has brought gains over the last two decades, must not be allowed to relax.

The measures I am introducing today are designed to build upon our National Government's past role in the Chesapeake Bay program, the highly successful Federal-State-local partnership to which I made reference, that so ably coordinates and directs efforts to restore the bay.

The proposed legislation reauthorizes the bay program and expands the responsibilities of the Federal agencies with a stake in the future of the bay so as to address continuing trouble spots in the watershed.

Difficulties identified by the Chesapeake Bay community include loss of wetlands and forests, soil erosion, toxics, nuisance species, and shellfish disease.

Let me just outline briefly how these various measures seek to accomplish this. First among this package of five bills is legislation that carries forward and enhances the role of the Environmental Protection Agency as the lead Federal agency committed to cleaning up the bay. It establishes a mechanism for interagency coordination and cooperation in the Chesapeake Bay restoration efforts.

The proposal also calls on EPA to initiate new programs to conduct watershed-wide research, programs to restore essential habitat, and programs to reduce toxics in the watershed.

Another bill in this package directs the Coast Guard to develop guidelines for ships entering U.S. waters, to limit the opportunity for the introduction of potentially harmful nonindigenous species through ballast water releases.

In other words, the bay is a ship artery. It is a commercial waterway. The Port of Baltimore is one of our Nation's leading ports. Ships coming into the Chesapeake Bay often release ballast water. The concern is that in the course of doing so they will release into the bay species that are nonindigenous to the bay. In other words, species that had been taken on elsewhere in the world and then would be released into the bay to its detriment.

In fact, this legislation builds on the program undertaken in the Great Lakes where nonindigenous species, such as the zebra mussel, are already causing millions of dollars in damage. We want to avoid such a situation developing in the Chesapeake Bay, and this provision giving the Coast Guard a role to play with respect to the release of ballast water is important in that regard.

Third, the package of legislation continues NOAA's role as the Federal agency responsible for providing key marine research in the Chesapeake Bay. It directs NOAA to continue to undertake research on and to develop solutions for the diseases that have ravaged oyster fisheries throughout the United States and, in particular, in the Chesapeake Bay. We have been very hard hit by these diseases that have virtually decimated the oyster industry. NOAA is the agency to carry forward this key marine research.

Fourth, the package of legislation calls on the Army Corps of Engineers to provide assistance to State and local governments in the design and construction of water-related infrastructure, and to assist in developing resource protection projects.

Let me just give an example of the projects I am talking about. The beneficial use of dredge material which offers a win-win situation. We have to dredge the bay channels for shipping purposes. There is a problem with the disposal of the spoil from that dredging. We now realize that if we move it to eroding islands, we can rebuild the islands. In other words, you have a disposal site so that you dispose of it in a way that is beneficial to the environment by renewing habitat.

We also are interested in the corps addressing sediment and erosion control questions, the protection of eroding shoreline, and the protection of essential public works such as waste water treatment and water supply facilities.

The final piece of legislation in this package directs the U.S. Department of Agriculture, acting through the Natural Resources Conservation Service and through the Forest Service, to encourage the planting of streamside forests in the Chesapeake Bay watershed and in other conservation priority areas. In other words, we encourage the planting of forest buffers, which then help to limit the pollution of water resources by reducing the entry of nonpoint pollutants into streams, and by stabilizing stream banks.

It is a very important and worthwhile program. By planting these buffer zones of trees we are able to stabilize the stream bank, and also filter out pollutants which otherwise would go into the bodies of water.

Mr. President, it is the hope of the cosponsors that most of these measures will ultimately be incorporated into larger pieces of legislation that are due to be reauthorized or considered this year. However, if such legislation is not considered or should become stalled in the legislative process—the larger legislation covers a whole range of issues—it is our intention to try to move forward with this legislation separately.

The Chesapeake Bay cleanup effort has been a major bipartisan undertaking in this body. It has consistently, over the years, been strongly supported by virtually all Members of the Senate. I strongly urge my colleagues to join with us in supporting this legislation and contributing to the improvement and the enhancement of one of our Nation's most valuable and treasured natural resources.

Mr. President, I ask unanimous consent that the text of these bills and a section-by-section analysis of the bills be printed in the RECORD.

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

S. 934

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

SECTION 1. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Army (referred to in this section as the "Secretary") shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of a project carried out under an agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and departments and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for the period consisting of fiscal years 1996 through 1998, to remain available until expended.

S. 935

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 "Riparian Forest Pilot Program Establishment Act".

SEC. 2. RIPARIAN FOREST PILOT PROGRAM.

Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) RIPARIAN FOREST PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program to promote the development of riparian forest buffers in conservation priority areas designated under subsection (f) by entering into contracts to assist owners and operators of lands described in paragraph (2) to improve water quality and living resources in the conservation priority areas.

"(2) ELIGIBLE LANDS.—Notwithstanding subsection (b), the Secretary may include in the program established under this subsection any cropland or pasture land that, when converted to a riparian forest buffer consisting of trees, shrubs, or other vegetation, will—

"(A)(i) intercept surface runoff, wastewater, and subsurface flows from upland sources for the purpose of removing or buffering the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants, prior to entry into surface waters or ground water recharge areas; or

"(ii) accomplish specific objectives for terrestrial or aquatic habitat identified by the Secretary; and

"(B) meet specifications for size, vegetation, and tree species established by the Natural Resources Conservation Service and the Forest Service, in cooperation with appropriate State agencies.

"(3) DURATION, MODIFICATION, AND EXTENSION OF CONTRACTS.—Notwithstanding subsection (e), during calendar years 1996 through 2000, the Secretary may, in carrying out the program established under this subsection—

"(A) enter into contracts of not more than 20 years;

"(B) with the consent of the owner or operator, modify a contract entered into under this subchapter prior to the date of enactment of this paragraph to include land that meets the eligibility criteria of paragraph (2); and

"(C) extend a contract entered into or modified under this subchapter with respect to land that meets the eligibility criteria of paragraph (2) for a period of not more than 20 years.

"(4) PRIORITY FOR ENROLLMENT OF ELIGIBLE LANDS.—In enrolling lands under the program established under this subchapter, the Secretary shall—

"(A) give priority to land that meets the eligibility criteria of paragraph (2); and

"(B) to the extent practicable, ensure that at least 20 percent of enrolled lands in conservation priority areas designated under subsection (f) meets the eligibility criteria of paragraph (2).

"(5) TECHNICAL ASSISTANCE.—Through the Natural Resources Conservation Service and the Forest Service, in cooperation with States that contain conservation priority areas designated under subsection (f), the Secretary shall provide technical assistance for the design, establishment, and maintenance of riparian forest buffers.

"(6) COST-SHARE ASSISTANCE.—Notwithstanding any other provision of this title, the Secretary may pay not more than 100

percent of the cost of the design, establishment, and short-term maintenance of riparian forest buffers consisting of trees, shrubs, or other vegetation under the program established under this subchapter.

"(7) SELECTIVE HARVEST.—Notwithstanding any other provision of this title, an owner or operator participating in the program established under this subsection, with the prior approval of the Secretary, may selectively harvest mature timber if the harvest would not prevent accomplishment of the objectives of this subchapter.".

S. 936

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 "Chesapeake Bay Restoration Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) in recent years, the productivity and water quality of the Chesapeake Bay and the tributaries of the Bay have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of growth and development of population in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government, State governments, the District of Columbia and the governments of political subdivisions of the States with jurisdiction over the Chesapeake Bay watershed have committed to a comprehensive and cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national model for the management of estuaries; and

(5) there is a need to expand Federal support for research, monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are to—

(1) expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay; and

(2) achieve the goals embodied in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"CHESAPEAKE BAY

"SEC. 117. (a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Governor of the State of Maryland, the Governor of the Commonwealth of Pennsylvania, the Governor of the Commonwealth of Virginia, the Mayor of the District of Columbia, the chairman of the tri-State Chesapeake Bay Commission, and the Administrator, on behalf of the executive branch of the Federal Government.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, and data collection activities that support the Chesapeake Bay Program;

"(B) making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay Program;

"(C) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement that participate in the Chesapeake Bay Program in developing and implementing specific action plans to carry out the responsibilities of the authorities under the Chesapeake Bay Agreement;

"(D) assisting the Administrator in coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(3) INTERAGENCY COOPERATION AND COORDINATION.—

"(A) IN GENERAL.—There is established a Chesapeake Bay Federal Agencies Committee (referred to in this paragraph as the 'Committee'). The purposes of the Committee shall be to—

"(i) facilitate collaboration, cooperation, and coordination among Federal agencies and programs of Federal agencies in support of the restoration of the Chesapeake Bay;

"(ii) ensure the integration of Federal activities relating to the restoration of the Chesapeake Bay with State and local restoration activities, and the restoration activities of nongovernmental entities; and

"(iii) provide a framework for activities that effectively focus the expertise and resources of Federal agencies on problems identified by the Committee in such manner as to produce demonstrable environmental results and demonstrable improvements in programs of Federal agencies.

"(B) DUTIES OF THE COMMITTEE.—The Committee shall share information, set priorities, and develop and implement plans, programs, and projects for collaborative activities to carry out the following duties:

"(i) Reviewing all Federal research, monitoring, regulatory, planning, educational, financial, and technical assistance, and other programs that the Committee determines to be appropriate, that relate to the maintenance, restoration, preservation, or enhancement of the environmental quality and natural resources of the Chesapeake Bay.

"(ii) Reviewing each Federal program administered by the head of each participating Federal agency that may influence or contribute to point and nonpoint source pollution and establishing a means for the mitigation of any potential impacts of the pollution.

"(iii) Developing and implementing an annual and long-range work program that specifies the responsibilities of each Federal agency in meeting commitments and goals of the Chesapeake Bay Agreement.

"(iv) Assessing priority needs and making recommendations to the Chesapeake Executive Council for improved environmental and living resources management of the Chesapeake Bay ecosystem.

"(C) APPOINTMENT OF MEMBERS.—The members of the Committee shall be appointed as follows:

"(i) At least 1 member who is an employee of the Environmental Protection Agency shall be appointed by the Administrator.

"(ii) At least 1 member who is an employee of the National Oceanic and Atmospheric Administration of the Department of Commerce shall be appointed by the Secretary of Commerce.

"(iii) At least 3 members shall be appointed by the Secretary of the Interior, of whom—

"(I) 1 member shall be an employee of the United States Fish and Wildlife Service;

"(II) 1 member shall be an employee of the National Park Service; and

"(III) 1 member shall be an employee of the United States Geological Survey.

"(iv) At least 4 members shall be appointed by the Secretary of Agriculture, of whom—

"(I) 1 member shall be an employee of the Natural Resources Conservation Service;

"(II) 1 member shall be an employee of the Forest Service;

"(III) 1 member shall be an employee of the Consolidated Farm Service Agency; and

"(IV) 1 member shall be an employee of the Cooperative State Research, Education, and Extension Service.

"(v) At least 3 members shall be appointed by the Secretary of Defense, of whom—

"(I) at least 2 members shall be employees of the Department of the Army, of whom 1 member shall be an employee of the Army Corps of Engineers; and

"(II) 1 member shall be an employee of the Department of the Navy.

"(vi) At least 1 member who is an employee of the Federal Highway Administration shall be appointed by the Secretary of Transportation.

"(vii) At least 1 member who is an employee of the Coast Guard shall be appointed by the head of the department in which the Coast Guard is operating.

"(viii) At least 1 member shall be appointed by the Secretary of Housing and Urban Development.

"(ix) At least 1 member shall be appointed by Board of Regents of the Smithsonian Institution.

"(D) CHAIRPERSON.—The Committee shall, at the initial meeting of the Committee, and biennially thereafter, select a Chairperson from among the members of the Committee.

"(E) PROCEDURES.—The Committee may establish such rules and procedures (including rules and procedures relating to the internal structure and function of the Committee) as the Committee determines to be necessary to best fulfill the responsibilities of the Committee.

"(F) MEETINGS.—The initial meeting of the Committee shall be not later than 60 days after the date of enactment of this subparagraph. Subsequent meetings shall be held on a regular basis at the call of the Chairperson.

"(c) REPORTS.—The Committee shall prepare and submit to the President a report to be submitted to Congress that identifies—

"(1) the activities that have been carried out or are being undertaken to carry out the responsibilities of the Federal agency under this section or that are otherwise required under the Chesapeake Bay Program;

"(2) planned activities to carry out the responsibilities referred to in paragraph (1); and

"(3) the resources provided by the Federal agency to meet the responsibilities of the agency under this section and under the Chesapeake Bay Program.

"(d) INTERSTATE DEVELOPMENT PLAN GRANTS.—

"(1) AUTHORITY.—The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (referred to in this subsection as the 'plan'), make a grant for the purpose of implementing the management mechanisms contained in the plan if the State has, within 1 year after the date of enactment of the Chesapeake Bay Restoration Act of 1995, approved and committed to implement all or substantially all aspects of the plan. The grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

"(2) SUBMISSION OF PROPOSAL.—A State or combination of States may apply for the benefits provided under this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan, which shall include—

"(A) a description of proposed abatement actions that the State or combination of States commits to take within a specified time period to reduce pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year.

If the Administrator finds that the proposal is consistent with the plan and the national policies set forth in section 101(a), the Administrator shall approve the proposal.

"(3) FEDERAL SHARE.—For any fiscal year, the amount of grants made under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms contained in the plan during the fiscal year and shall be made on the condition that non-Federal sources provide the remainder of the cost of implementing the management mechanisms contained in the plan during the fiscal year.

"(4) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any 1 fiscal year an amount equal to 10 percent of the annual Federal grant made to a State under this subsection.

"(e) COMPLIANCE BY FEDERAL FACILITIES.—

"(1) ASSESSMENT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the head of each Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall perform an assessment of the facility for the purpose of ensuring consistency and compliance with the commitments, goals, and objectives of the Chesapeake Bay Program and the enforceable requirements of this Act.

"(2) CONTENTS OF ASSESSMENTS.—The assessment referred to in paragraph (1) shall identify any then existing or potential impact on the water quality or living resources of the Chesapeake Bay (or both) by the facility, including any potential land-use impacts of activities related to new development, man-made obstructions to fish passage, shoreline erosion, and ground water and storm water runoff.

"(3) STATE PLANS AND PROGRAMS.—To the maximum extent practicable, the head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure conformance with any applicable State plan or program to protect environmentally sensitive areas in the Chesapeake Bay watershed.

"(4) REPORT REQUIREMENTS.—As part of each report required under subsection (c)(3), the head of each Federal agency shall include a detailed plan, funding mechanism, and schedule for ensuring compliance with this Act and addressing or mitigating the impacts referred to in paragraph (2).

"(f) HABITAT RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Administrator, in cooperation with the heads of other appropriate Federal agencies, agencies of States, and political subdivisions of States, shall establish a habitat restoration program in the Chesapeake Bay watershed. The purpose of the program shall be to develop and demonstrate cost-effective techniques for restoring or enhancing wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) CRITERIA FOR IDENTIFICATION OF AREAS FOR HABITAT RESTORATION.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Chesapeake Executive Council, shall develop criteria to identify areas for habitat restoration, including—

"(A) unique, significant, or representative habitat types;

"(B) areas that are subject to, or threatened by, habitat loss or habitat degradation (or both) attributable to human or natural causes; and

"(C) areas inhabited by endangered, threatened, or rare species, neotropical migratory birds, or species that have a unique function within the Chesapeake Bay ecosystem.

"(3) PLAN.—Not later than 2 years after the date of enactment of this subsection, the Administrator, in consultation with the Chesapeake Executive Council, shall develop a plan for the restoration of wetlands, contiguous riparian forests, and other habitats within the Chesapeake Bay watershed.

"(4) DUTIES OF THE ADMINISTRATOR.—In carrying out the demonstration program under this subsection, the Administrator, in consultation with the Chesapeake Executive Council, shall—

"(A) identify opportunities for the restoration of major habitat resources in the Chesapeake Bay watershed;

"(B) characterize the importance of the habitat resources identified pursuant to subparagraph (A) to the health and functioning of the Chesapeake Bay ecosystem;

"(C) conduct a prerestoration characterization assessment of each habitat resource identified pursuant to subparagraph (A) to evaluate with respect to the habitat resource—

"(i) the potential effectiveness of a restoration effort;

"(ii) enhancement options; and

"(iii) the cost-effectiveness of each effort or option referred to in clauses (i) and (ii);

"(D) consider the degree to which restored and enhanced habitats may—

"(i) mitigate the effects of nutrient loading caused by nonpoint source pollution from developed areas and agricultural activities;

"(ii) reduce erosion and mitigate flood damage; and

"(iii) assist in the protection or recovery of living resources;

"(E) ensure coordination with all then existing management, regulatory, and incentive programs;

"(F) implement habitat restoration projects on a demonstration basis, including submerged aquatic vegetation plantings, breakwaters, forest buffer strips, and artificial wetlands;

"(G) monitor and evaluate the effectiveness of the demonstration projects;

"(H) establish and maintain a central clearinghouse to facilitate access to information related to habitat of the Chesapeake Bay watershed, including information relating to habitat location, type, acreage, function, condition and status, and restoration and design techniques and trends related to the information; and

"(I) develop and carry out educational programs (including training programs), research programs, and programs for technical assistance to assist in the efforts of State and local governments and private citizens related to habitat restoration and enhancement.

"(5) ASSISTANCE.—

"(A) IN GENERAL.—In carrying out the demonstration program under this subsection, the Administrator is authorized to provide, in cooperation with the Chesapeake Executive Council, technical assistance and financial assistance in the form of a grant to any State government, interstate entity, local government, or any other public or nonprofit private agency that submits an approved application.

"(B) FEDERAL SHARE OF GRANTS.—The Federal share of the amount of any grant awarded under this subsection shall be—

"(i) with respect to a project conducted by the grant recipient on land owned or leased by the Federal Government, 100 percent of the cost of the activities that are the subject of the grant; and

"(ii) with respect to a project conducted by the grant recipient on land that is not owned or leased by the Federal Government, 75 percent of the cost of the activities that are the subject of the grant.

"(C) FEDERAL SHARE OF PROJECTS.—The Federal share of any project conducted by the Administrator under this subsection shall be—

"(i) with respect to a project conducted on land owned or leased by the Federal Government, 100 percent of the cost of the activities that are the subject of the project; and

"(ii) with respect to a project conducted on land that is not owned or leased by the Federal Government, 75 percent of the cost of the activities that are the subject of the project.

"(6) HABITAT PROTECTION AND RESTORATION PROGRESS ASSESSMENT.—Not later than 3

years after the date of enactment of this subsection, and biennially thereafter, the Administrator shall submit a report to Congress concerning the results of the demonstration projects conducted under the habitat restoration demonstration program described in paragraph (1). The report shall also include a summary of scientific information concerning habitat restoration and protection in existence at the time of preparation of the report, and a description of methods, procedures, and processes to assist State and local governments and other interested entities in carrying out projects for the protection and restoration of habitat that the Administrator determines to be appropriate.

"(g) BASINWIDE TOXICS REDUCTION.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Chesapeake Executive Council, shall develop a comprehensive basinwide toxics reduction strategy (referred to in this subsection as the 'Strategy'). The Strategy shall, with respect to inputs of toxic pollutants to the Chesapeake Bay and the tributaries of the Bay, establish basinwide reduction objectives and describe actions that are necessary to achieve a multijurisdictional approach to the reduction of the inputs.

"(2) RESEARCH AND MONITORING.—The Administrator shall undertake such research and monitoring activities as the Administrator determines to be necessary for the improvement of the understanding of intermedia transfers of toxic pollutants and the ultimate fate of the pollutants within the Chesapeake Bay ecosystem.

"(3) ELEMENTS OF STRATEGY.—The Strategy shall include a process to assist signatory jurisdictions with—

"(A) improving the identification of the sources and transport mechanisms of toxic pollutant loadings to the Chesapeake Bay and the tributaries of the Bay from point and nonpoint sources; and

"(B) the periodic integration, in a consistent format and manner, of the information obtained pursuant to subparagraph (A) into a toxics loading inventory for the Chesapeake Bay.

"(4) DEADLINE FOR COMPLETION OF STRATEGY.—The Strategy shall be completed not later than 2 years after the date of enactment of this subsection.

"(5) FEDERAL ASSISTANCE.—The Administrator, in cooperation with the Chesapeake Executive Council, shall provide such financial and technical assistance as the Administrator determines to be necessary to—

"(A) by not later than 1 year after the date of enactment of this subsection, develop a process to assist signatory jurisdictions—

"(i) with improving the identification of the sources and transport mechanisms of toxic pollutant loadings to the Chesapeake Bay and the tributaries of the Bay from point and nonpoint sources; and

"(ii) with the periodic integration, in a consistent format and manner, of the information obtained pursuant to clause (i) into a toxics loading inventory for the Chesapeake Bay maintained pursuant to the Chesapeake Bay Program (referred to in this subsection as the 'Chesapeake Bay Program Toxics Loading Inventory'); and

"(B) by not later than 2 years after the date of enactment of this subsection, commence the implementation of toxics reduction, pollution prevention, and management actions designed to achieve the toxics reduction goals of the Chesapeake Bay Agreement.

"(6) ACTIONS.—The toxics reduction, pollution prevention, and management actions referred to in paragraph (5)(B) shall—

"(A) be based upon the findings and recommendations of a reevaluation of the Strategy; and

"(B) include targeted demonstration projects designed to reduce the level of toxic pollutant loadings from major sources identified in the Chesapeake Bay Program Toxics Loading Inventory.

"(h) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator, in cooperation with the Chesapeake Executive Council, the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration), the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), and the heads of such other Federal agencies as the Administrator determines to be appropriate, shall implement a coordinated research, monitoring, and data collection program to—

"(A) assess the status of, and trends in, the environmental quality and living resources of the major tributaries, rivers, and streams within the Chesapeake Bay watershed; and

"(B) assist in the development of management plans for the waters referred to in subparagraph (A).

"(2) CONTENTS OF PROGRAM.—The program referred to in paragraph (1) shall include—

"(A) a comprehensive inventory of water quality and living resource data for waters within the Chesapeake Bay watershed;

"(B) an assessment of major issues and problems concerning water quality in the Chesapeake Bay watershed, including the extent to which the waters provide for the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife;

"(C) a program to identify sources of water pollution within the Chesapeake Bay watershed, including a system of accounting for sources of nutrients, and the movement of nutrients, pollutants, and sediments through the Chesapeake Bay watershed; and

"(D) the development of a coordinated Chesapeake Bay watershed land-use database that incorporates resource inventories and analyses for the evaluation of the effects of different land-use patterns on hydrological cycles, water quality, living resources, and other environmental features as an aid to making sound land-use management decisions.

"(3) MANAGEMENT STRATEGIES.—In a manner consistent with each applicable deadline established by the Chesapeake Executive Council, the Administrator, in consultation with the Chesapeake Executive Council, shall assist each signatory jurisdiction of the Chesapeake Bay Council in the development and implementation of a management strategy for each of the major tributaries of the Chesapeake Bay, designed for the achievement of—

"(A) a reduction, in a manner consistent with the terms of the Chesapeake Bay Agreement, in the quantity of nitrogen and phosphorous entering the main stem Chesapeake Bay; and

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay.

"(4) ASSISTANCE.—

"(A) IN GENERAL.—The Administrator, in consultation with the Chesapeake Executive Council, is authorized to provide technical and financial assistance to any State government, interstate entity, local government, or any other public or nonprofit private agency, institution, or organization in the Chesapeake Bay watershed to—

"(i) support the research, monitoring, and data collection program under this subsection;

"(ii) develop and implement cooperative tributary basin strategies that address the water quality and living resource needs; and

"(iii) encourage and coordinate locally based public and private watershed protection and restoration efforts that aid in the development and implementation of programs that complement the tributary basin strategies developed by the Chesapeake Executive Council.

"(B) GRANTS.—

"(i) IN GENERAL.—In providing financial assistance pursuant to subparagraph (A), the Administrator may carry out a grant program. Under the grant program, the Administrator may award a grant to any person (including the government of a State) who submits an application that is approved by the Administrator.

"(ii) FEDERAL SHARE.—A grant awarded under this subsection for a fiscal year shall not exceed an amount equal to 75 percent of the total annual cost of carrying out the activities that are the subject of the grant, and be awarded on the condition that the non-Federal share of the costs of the activities referred to in clause (i) is paid from non-Federal sources.

"(iii) WATERSHED PROTECTION AND RESTORATION.—As part of the grant program authorized under this paragraph, the Administrator may award a grant to a signatory jurisdiction to implement a program referred to in subparagraph (A)(iii).

"(C) PRIORITIZATION.—In carrying out the technical and financial assistance program under this subsection, the Administrator shall give priority to proposals that facilitate the participation of local governments and entities of the private sector in efforts to improve water quality and the productivity of living resources of rivers and streams in the Chesapeake Bay watershed.

"(D) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Administrator shall ensure that assistance made available under this subsection—

"(i) is consistent with the requirements of other Federal financial assistance programs;

"(ii) is provided in coordination with the programs referred to in subparagraph (A); and

"(iii) furthers the objectives of the Chesapeake Bay Program.

"(i) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than January 1, 1997, the Administrator, in cooperation with the Chesapeake Bay Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) evaluate the implementation of the Chesapeake Bay Agreement, including activities of the Federal Government and State and local governments;

"(2) determine whether Federal environmental programs and other activities adequately address the priority needs identified in the Chesapeake Bay Agreement;

"(3) assess the priority needs required by the Chesapeake Bay Program management strategies and how the priorities are being met; and

"(4) make recommendations for the improved management of the Chesapeake Bay Program.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Environmental Protection Agency to carry out this section $30,000,000 for each of fiscal years 1996 through 2001.".

S. 937

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

SECTION 1. AUTHORIZATIONS OF APPROPRIATIONS.

Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended—

(1) by striking subsection (e) and inserting the following new subsection:

"(e) CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.—

"(1) OPERATION OF CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.—Of the sums authorized under subsection (a), to operate the Chesapeake Bay Estuarine Resources Office established under section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d), there are authorized to be appropriated—

"(A) $2,500,000 for each of fiscal years 1996 and 1997; and

"(B) $3,000,000 for each of fiscal years 1998 through 2000.

"(2) FUNDING FOR OYSTER DISEASE INVESTIGATIONS.—Of the sums authorized under subsection (a), to fund a program of investigations of oyster disease described in subsection (f), there are authorized to be appropriated $3,000,000 for each of fiscal years 1996 through 2000.

"(3) ADMINISTRATIVE EXPENSES.—Not more than 20 percent of the amounts authorized to be appropriated under this subsection may be used for administrative expenses of the Chesapeake Bay Estuarine Resources Office."; and

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

"(f) OYSTER DISEASE INVESTIGATIONS.—The Chesapeake Bay Estuarine Resources Office established under section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) shall conduct a program of investigations to—

"(1) improve the understanding of the etiology of the diseases of the eastern oyster (Crassostrea virginica); and

"(2) provide new scientific and management tools to counteract the consequences of diseases of oysters in the coastal waters of the United States, with particular emphasis on diseases of oysters in the Chesapeake Bay.".

SEC. 2. AUTHORITIES OF THE DIRECTOR OF THE CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.

Section 307(a) of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d(a)) is amended—

(1) in paragraph (1), by inserting "and operate" after "establish"; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) To carry out this section, the Director may—

"(A) appoint such additional personnel as may be necessary; and

"(B) transfer funds to another Federal department or agency or provide financial assistance to a department or agency of a State or political subdivision thereof or a nonprofit organization for conducting research, assessment, monitoring, data management, or outreach activities.".

S. 938

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Chesapeake Bay Ballast Water Management Act of 1995".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—Section 1101 (16 U.S.C. 4711) is amended—

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

"SEC. 1101. AQUATIC NUISANCE SPECIES CONTROL PROGRAM.";

(2) by striking subsection (a) and inserting the following new subsection:

"(a) GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Ballast Water Management Act of 1995, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the waters of the United States that result from the release of ballast water.

"(2) CONTENTS OF GUIDELINES.—The guidelines issued under this subsection shall—

"(A) ensure that, to the maximum extent practicable, ballast water containing aquatic nuisance species is not discharged into the waters of the United States;

"(B) take into consideration—

"(i) variations in the ecological conditions of coastal waters of the United States; and

"(ii) different vessel operating conditions;

"(C) not jeopardize the safety of—

"(i) any vessel; or

"(ii) the crew and passengers of any vessel;

"(D) provide for reporting by vessels concerning ballast water practices; and

"(E) be based on the best scientific information available.";

(3) in subsection (b)—

(A) by striking the paragraph (3) added by section 302(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4839); and

(B) in the paragraph (3) added by section 4002 of the Oceans Act of 1992 (106 Stat. 5068)—

(i) by striking "issue" and inserting "promulgate"; and

(ii) by adding at the end the following: "Subject to the requirements of this subsection, the Secretary shall, on a periodic basis, promulgate such revised regulations as are necessary to ensure the prevention of the introduction and spread of aquatic nuisance species into the Hudson River.";

(4) in subsection (c)—

(A) by striking "subsection (b)" and inserting "this subsection"; and

(B) by striking "(c) CIVIL PENALTIES.—" and inserting the following:

"(4) CIVIL PENALTIES.—";

(5) in subsection (d)—

(A) by striking "subsection (b)" and inserting "this subsection"; and

(B) by striking "(d) CRIMINAL PENALTIES.—" and inserting the following:

"(5) CRIMINAL PENALTIES.—";

(6) in subsection (e), by striking "(e) CONSULTATION WITH CANADA.—" and inserting the following:

"(6) CONSULTATION WITH CANADA.—";

(7) in subsection (b), by striking "(b) AUTHORITY OF SECRETARY.—(1)" and inserting the following:

"(d) GREAT LAKES.—

"(1) IN GENERAL.—";

(8) in subsection (d) (as redesignated by paragraph (7) of this subsection)—

(A) in paragraph (1)—

(i) by striking "issue" and inserting "promulgate"; and

(ii) by adding at the end the following: "Subject to the requirements of this subsection, the Secretary shall, on a periodic basis, promulgate such revised regulations as are necessary to ensure the prevention of the introduction and spread of aquatic nuisance species into the Great Lakes.";

(B) in paragraph (2)—

(i) by striking "(2) The regulations issued under this subsection shall—" and inserting the following:

"(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated under this subsection shall—";

(ii) by indenting subparagraphs (A) through (I) appropriately; and

(iii) in subparagraph (A), by striking "require" and inserting "cover"; and

(C) in paragraph (6) (as redesignated by paragraph (6) of this subsection), by striking "the guidelines and regulations" and inserting "the regulations promulgated under this subsection"; and

(9) by inserting after subsection (a) the following new subsections:

"(b) EDUCATION AND TECHNICAL ASSISTANCE.—At the same time as the Secretary issues voluntary guidelines under subsection (a), the Secretary shall implement multilingual (as defined and determined by the Secretary) education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection. To the extent practicable, in carrying out the programs implemented under this subsection, the Secretary shall arrange to use the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, port administrations, and ship pilots associations.

"(c) REPORT TO CONGRESS.—Not later than 3 years after the issuance of guidelines under subsection (a), the Secretary shall submit to the Congress a report concerning—

"(1) the effectiveness of the voluntary guidelines; and

"(2) the need for a mandatory program to prevent the spread of aquatic nuisance species through the exchange of ballast water.".

(b) BALLAST WATER CONTROL STUDIES.—

(1) HEADING.—The heading of section 1102 (16 U.S.C. 4712) is amended to read as follows:

"SEC. 1102. BALLAST WATER CONTROL STUDIES.".

(2) ADDITIONAL STUDIES.—Section 1102(a) (16 U.S.C. 4712(a)) is amended by adding at the end the following new paragraphs:

"(4) BALLAST RELEASE PRACTICES.—

"(A) INITIAL STUDY.—Not later than the date of issuance of the guidelines required under section 1101(a), the Secretary shall conduct a study to determine trends in ballast water releases in the Chesapeake Bay and other waters of the United States that the Secretary determines to—

"(i) be highly susceptible to invasion from aquatic nuisance species; and

"(ii) require further study.

"(B) FOLLOWUP STUDY.—Not later than 2 years after the date of issuance of the guidelines required under section 1101(a), the Secretary shall conduct a followup study of the

ballast water releases described in subparagraph (A) to determine the extent of compliance with the guidelines and the effectiveness of the guidelines in reducing the introduction and spread of aquatic nuisance species.

"(5) AQUATIC NUISANCE INVASIONS.—

"(A) INITIAL STUDY.—Not later than the date of issuance of the guidelines required under section 1101(a), the Task Force shall conduct a study to examine the attributes and patterns of invasions of aquatic nuisance species that occur as a result of ballast water releases in the Chesapeake Bay and other waters of the United States that the Task Force determines to—

"(i) be highly susceptible to invasion from aquatic nuisance species; and

"(ii) require further study.

"(B) FOLLOWUP STUDY.—Not later than 2 years after the date of issuance of the guidelines required under section 1101(a), the Task Force shall conduct a followup study of the attributes and patterns described in subparagraph (A) to determine the effectiveness of the guidelines in reducing the introduction and spread of aquatic nuisance species.".

(c) NAVAL BALLAST WATER PROGRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding at the end the following new section:

"SEC. 1103. NAVAL BALLAST WATER PROGRAM.

"Subject to operational conditions, the Chief of Naval Operations of the Department of the Navy, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for the seagoing fleet of the Navy to limit the risk of invasion by nonindigenous species resulting from releases of ballast water.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(a) (16 U.S.C. 4741(a)) is amended to read as follows:

"(a) PREVENTION OF UNINTENTIONAL INTRODUCTIONS.—There are authorized to be appropriated to develop and implement the provisions of subtitle B—

"(1) $500,000 to the department in which the Coast Guard is operating, for the period beginning with fiscal year 1996 and ending with fiscal year 2000, to be used by the Secretary to carry out the study under section 1102(a)(4);

"(2) $2,000,000 to the Task Force, for the period beginning with fiscal year 1996 and ending with fiscal year 2000, to be used by the Director and the Under Secretary (as cochairpersons of the Task Force) to carry out the study under section 1102(a)(5); and

"(3) $1,250,000 to the department in which the Coast Guard is operating, for each of fiscal years 1996 through 2000, to be used by the Secretary for the development and implementation of the guidelines issued under section 1101(a) and the implementation and enforcement of the regulations promulgated under section 1101(d).".

CHESAPEAKE BAY RESTORATION ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill as the "Chesapeake Bay Restoration Act of 1995."

SECTION 2. FINDINGS AND PURPOSE

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SECTION 3. CHESAPEAKE BAY

Definitions

Defines the terms, "Chesapeake Bay Agreement," "Chesapeake Bay Program," "Chesapeake Bay Watershed," "Chesapeake Executive Council," and "Signatory Jurisdiction.

Continuation of Chesapeake Bay Program

Provides authority for EPA to lead and coordinate federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Program Office.

Directs the Chesapeake Bay Program Office to provide support and coordinate federal, state and local efforts in developing strategies and action plans and conducting system-wide monitoring and assessment to improve the water quality and living resources of the Bay.

Establishes a "Chesapeake Bay Federal Agencies Committee" to facilitate collaboration, cooperation and coordination among the agencies and programs of the federal government in support of the restoration of Chesapeake Bay.

Directs the committee to provide to the Congress a report on the activities being undertaken and planned and the resources being provided to assist in the Bay restoration effort.

Interstate development plan grants

Directs the Administrator to continue to make grants to states affected by the interstate management plan developed under the Chesapeake Bay Program if the state has approved and committed to implement the plan.

Federal facilities compliance

Requires each department, agency or instrumentality of the United States which owns or operates facilities within the Bay watershed to perform an annual assessment of their facilities to ensure consistency and compliance with the commitments, goals and objectives of the Bay program. Also requires the agencies to develop a detailed plan, funding mechanism and schedule for addressing or mitigating any potential impacts.

Habitat Restoration and Enhancement Demonstration Program

Establishes a habitat restoration and enhancement demonstration program to develop, demonstrate and showcase various low-cost techniques for restoring or enhancing wetlands, forest riparian zones and other types of habitat associated with the Chesapeake Bay and its tributaries.

Directs the Administrator, in cooperation with the Chesapeake Executive Council, to develop a plan for the protection and conservation of wetlands, contiguous riparian forests and other habitats within the Bay watershed, within two years from the date of enactment of the act.

Establishes a central clearinghouse to facilitate access to information about Bay watershed habitat locations, types, acreages, status and trends and restoration and design techniques.

Directs the Administrator to publish and disseminate on a periodic basis a habitat protection and restoration report describing methods, procedures and processes to guide State and local efforts in the protection and restoration of various types of habitat.

Basinwide toxics reduction

Authorizes EPA to assist the States in the implementation of specific actions to reduce toxics use and risks throughout the Bay watershed. Directs the Administrator to assist the States in improving data collection on the sources of toxic pollutants entering the Bay and integrating this information into the Chesapeake Bay Program Toxics Loading Inventory. Also directs the Administrator to begin implementing toxics reduction, pollution prevention and management actions, including targeted demonstration projects, to achieve the toxics reduction goals of the Bay Agreement.

Chesapeake Bay Watershed, Tributary and River Basin Program

Authorizes a comprehensive research, monitoring and data collection program to assess the status and trends in the environmental quality and living resources of the major tributaries, rivers and streams within the Chesapeake Bay watershed and to assist in the development of management plans for such waters. Directs the establishment of a system for accounting for sources of nutrients, and the movements of nutrients, pollutants and sediments through the watershed.

Provides for development of a coordinated Chesapeake Bay watershed land-use database, incorporating resource inventories and analyses, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system.

Encourages local and private sector participation in efforts to protect and restore the rivers and streams in the Bay watershed by establishing a technical assistance and small grants program.

Study of Chesapeake Bay Protection Program

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program.

Authorizations

Authorizes $30 million for each of fiscal years 1996 through 2001 to be appropriated to the EPA to carry out the act.

CHESAPEAKE BAY BALLAST WATER MANAGEMENT ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill as the "Ballast Management Act of 1995."

SECTION 2. AMENDMENT TO NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT

Amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 by adding the following provisions:

Ballast water guidelines

Directs the Secretary of Transportation, acting through the Coast Guard, to develop and publicize voluntary ballast water management guidelines for vessels entering U.S. waters, and to create a reporting mechanism to assess participation.

Not later than three years after the issuance of the voluntary guidelines, the Secretary must submit a report to Congress on the effectiveness of the guidelines and the need for a mandatory program to prevent the spread of aquatic nuisance species through ballast water.

Great Lakes Program

Continues in effect the existing regulatory program established by the Aquatic Nuisance Species Prevention and Control Act, as amended, for the Great Lakes and Hudson River.

Research

Directs the Secretary and the Aquatic Nuisance Species Task Force to undertake research to establish recent trends in ballast

water releases and to examine the attributes and patterns of ballast-mediated invasions in the Chesapeake Bay and other U.S. waters.

These studies are to be conducted both prior to and two years following the issuance of voluntary guidelines so that the extent of compliance with the guidelines and the effectiveness of the guidelines in reducing the introduction and spread of aquatic nuisance species may be determined.

Naval Program

Directs the Chief of Naval Operations to implement a ballast water management program for the seagoing fleet of the Navy.

Authorizations

Authorizes a total of $2.5 million to the Coast Guard and the Aquatic Nuisance Species Task Force for the conduct of research required by the act.

Authorizes $1.25 million to the Coast Guard for each of fiscal years 1996 through 2000 for the development and implementation of voluntary guidelines and the implementation and enforcement of regulations in the Great Lakes and Hudson River.

CHESAPEAKE BAY ESTUARINE RESOURCES ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. AUTHORIZATION OF APPROPRIATIONS

Reauthorizes the National Oceanic and Atmospheric Administration's Chesapeake Bay Estuarine Resources Office through the year 2000.

Authorizes $3,000,000 for each fiscal year through 2000 for investigations to improve understanding of oyster diseases and provide new scientific and management tools to counteract the consequences of oyster disease.

SECTION 2. AUTHORITIES OF THE DIRECTOR

Clarifies the authority of the Office Director to establish that the Office may provide financial assistance to federal, state, and local governments as well as non-profit organizations for the conduct of activities necessary to carry out the act, including research, monitoring and data management.

CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PILOT PROGRAM—SECTION-BY-SECTION ANALYSIS

SECTION 1. PROGRAM

Instructs the Secretary of the Army to provide assistance to non-federal interests in the form of design and construction assistance for water-related infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary. Such projects include sediment and erosion control, protection of essential public works such as wastewater treatment facilities, use of dredge material for beneficial purposes such as habitat restoration, and other projects that enhance the living resources of the estuary.

Only publicly owned and operated projects qualify for assistance. The Federal share of the cost of each such projects shall be 75%.

Directs the Secretary to establish at least one project in each of the states of Maryland, Virginia and Pennsylvania.

Authorizes $30,000,000 to carry out this section for fiscal years 1996 through 1998, which amount shall remain available, without regard to fiscal year, until expended.

RIPARIAN FOREST BUFFER PILOT PROGRAM ESTABLISHMENT ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the Act as the "Riparian Forest Pilot Program Establishment Act."

SECTION 2. RIPARIAN FOREST PILOT PROGRAM

In general

Amends the Food Security Act Conservation Reserve Program by directing the Secretary of Agriculture to establish a program to promote the development of riparian forest buffers in designated conservation priority areas for the purpose of improving water quality and living resources in such areas.

Eligible lands

Authorizes the Secretary to include in the program crop or pasture land that, when converted to a forest buffer, will intercept the flow of pollutants into surface or ground water or accomplish specific objectives for terrestrial and aquatic habitat identified by the Secretary.

Duration, modification and extension of contracts

Authorizes the Secretary to (1) enter into new contracts with land owners or operators for the lease of eligible lands for a period of up to 20 years, (2) modify existing contracts to meet the program eligibility criteria, and (3) extend the duration of existing or modified contracts meeting eligibility criteria for a period of 20 years.

Duty of Secretary

Directs the Secretary, in enrolling lands under the Conservation Reserve Program, to give priority to those lands that meet the criteria for the riparian buffer program, and to ensure, to the extent practicable, that at least 20% of enrolled lands in designated conservation priority areas meet the eligibility criteria.

Technical assistance

Directs the Secretary, acting through the Natural Resources Conservation Service and the Forest Service, to provide technical assistance for the design, establishment and maintenance of forest buffers.

Cost share assistance

Authorizes the Secretary to pay 100 percent of the cost for the design, establishment and short-term maintenance of riparian buffers.

Selective harvest

Permits program participants to selectively harvest mature timber with the approval of the Secretary, provided such harvest does not defeat the purposes of the riparian forest program.

By Mr. LEAHY (for himself, Mr. BRADLEY, Mr. GRAHAM, Mr. DASCHLE, Mr. SIMON, Mr. INOUYE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mrs. KASSEBAUM, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. SIMPSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BRYAN, Mr. MOYNIHAN, Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, and Mr. CAMPBELL):

S. 940. A bill to support proposals to implement the U.S. goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes; to the Committee on Foreign Relations.

THE 1995 LANDMINE USE MORATORIUM ACT

Mr. LEAHY. Mr. President, earlier today, I spoke of a worldwide scourge of landmines and the use of antipersonnel landmines. I noted that there have been few times in history when the nations of the world joined together to outlaw the use of a weapon of war.

It was done with chemical and biological weapons, because it was understood that once they were unleashed, they could not be controlled. They maim or kill whoever comes in contact with them, and they do that whether it is civilians or combatants. In fact, if they are in the hands of terrorists, they could wreak havoc on whole societies. We had a terrifying glimpse of that in Japan a few months ago.

Now, while chemical weapons are relatively easy to produce, the political cost of using them is enormous. There is worldwide revulsion if they are used, and any perpetrator is branded a war criminal, a pariah, and ostracized by the entire world community. And so we ban them.

We did the same with dum dum bullets, which expand on contact with the human body and cause horrific injuries. They have been outlawed for a century.

I mention this because every weapon may have some military utility, as do chemical weapons and dum dum bullets. Some have been repudiated as inhumane and a violation of the laws of war.

That is what Civil War General Sherman said about landmines over a century ago. Sherman was no humanitarian, but he condemned landmines as "a violation of civilized warfare." It was in the Civil War that landmines—actually live artillery shells, were first concealed beneath the surface of roads, in houses, even concealed in flour barrels, where they maimed and killed soldiers and civilians alike. But even though Sherman and others condemned them, they have been used ever since in steadily increasing numbers.

Today, vast areas of many countries have become deathtraps from millions of unexploded landmines. The State Department estimates that there are 80 to 110 million of these tiny explosives in 62 countries, each one waiting to explode from the pressure of a footstep.

To give you an idea, Mr. President, this is a landmine in my hand. I am sure my colleagues know it is a deactivated landmine, but this is a landmine. It is tiny and costs $3 or $4 to produce. It is all rubber or plastic except for one tiny piece of metal about the size of a thumbtack. So it is nearly undetectable. If this had been real, in

just touching it like this, my arm would be gone and most of my face would be gone. If you step on it, your leg is gone. If you are a child, you are probably killed. Children are killed daily on these. In fact, every day, it is estimated that 70 people are maimed or killed by landmines. That is one person every 22 minutes. That is 26,000 people every year. Most of them are not combatants. They are civilians going about their daily lives—bringing their animals to a field, collecting wood, or they are getting water, or going to market, or they are going to business. They are like Ken Rutherford, a humanitarian worker from Colorado, working with others in Africa.

He hit a landmine. As he described it in his very painful and very graphic testimony before the Senate, he sat there holding his foot in his hand, trying to figure out how he could put it back on. Of course, he never did. And there was surgery after surgery. We watched him walk painfully to the table where he testified before the Senate.

These pictures, Mr. President, behind me, tell a gruesome story. But, in a way, these are the lucky ones—lucky because they survived, but unlucky that they are in a country where they will face a lifetime of hardship.

There are tens of thousands of people like them. Many others die, just from a lack of blood or from shock, before they can reach a hospital. In many of these countries the hospitals are overwhelmed.

I do not have the slightest doubt, Mr. President, that any Member of the Senate, Republican or Democrat, could not see what I have seen without feeling as passionately as I do. Young children with their legs blown off at the knees, mothers with an arm or leg missing, hospital rows filled with rows of amputees. I have visited these hospitals.

My wife, a registered nurse, has visited these hospitals. We know what they are like. Tim Rieser, from my staff, has traveled to all parts of the world to see what landmines have done.

Senators JOHNSTON and SPECTER, Senators SIMPSON and NICKLES saw firsthand what mines can do when they visited a center for amputees in Vietnam. Most people have not been to Vietnam, Afghanistan, Cambodia, Bosnia, Angola, or Mozambique where mines have been a fact of daily life and, in most places, still are. There you see, over and over, the terrible human tragedy these insidious weapons cause.

Civilians are not the only victims of landmines. They have become the scourge of the U.N. peacekeepers. An article in this week's issue of Defense Week is titled, "If U.S. Troops Get the Call in Bosnia, Mines Will Pose Serious Threat." It says American troops sent to former Yugoslavia would have to combat an estimated 1.7 million mines in Bosnia alone. It says that mines have been used by all sides in that war to intimidate U.N. peacekeepers.

We are called in there as the most powerful nation history has ever known. But we will be facing $3 and $4 and $5 and $8 landmines and be brought to the level of just about any other country, powerful or otherwise.

Landmines have become a cheap, popular weapon in Third World countries, the same countries where American troops are likely to be sent in the future. The $2 or $3 antipersonnel mine hidden under a layer of sand or dust can blow the leg off the best-trained, best-equipped American soldier, even though he or she represents the most powerful nation on earth.

Two years ago, almost no one was paying attention to this global crisis. Then the U.S. Senate passed my amendment for a moratorium on the export of antipersonnel landmines. Republicans and Democrats together joined to pass that.

The amendment had one goal: To challenge other countries to join with us to stop the spread of these hidden killers. As I spoke to the leaders of the other countries, I could tell them this was something—and probably the only thing during that same Congress—that united Senators as nothing else had, no matter what their party or political philosophy.

With the public pressure that grew out of that and the efforts of people around this world, 26 countries have now halted all or most of their exports of antipersonnel landmines in just 2 years, starting with what we were able to do here. Mr. President, 26 countries have halted all or most of their exports of antipersonnel landmines.

If, in my 21 years, I had to point to what I was most proud of, I could not think of anything I could be more proud of or have more pride in than knowing men and women both in this body and in parliamentary bodies around the world who have joined with the Senate.

Last September, in a historic speech to the U.N. General Assembly, President Clinton announced the goal of eventually eliminating antipersonnel landmines. On December 15, the 184 members of the U.N. General Assembly passed a resolution calling for further steps toward the eventual elimination of antipersonnel landmines.

This is the first time since the banning of chemical weapons that the nations of the world have singled out a type of weapon for total elimination. It reflects a growing worldwide consensus that these weapons are unacceptable because they are indiscriminate.

They are so cheap, so easy to mass produce, so easy to conceal and transport and scatter by the thousands. They cannot be controlled. They are used routinely to terrorize civilian populations.

In March of this year, Belgium passed a law prohibiting production, export, and use of antipersonnel mines. Belgium had been a major producer. Now they have outlawed them. Norway did the same just last week. Half a dozen other countries have declared support for a global ban on these weapons.

U.N. Secretary-General Boutros-Ghali, Pope John Paul II, former President Jimmy Carter, American Red Cross President Elizabeth Dole, these are but a few of the world leaders who have called for an end to the use of antipersonnel mines.

But despite this progress, the use of landmines continues unabated. Millions of new mines are being produced each year, and today the Russians are dropping them by the thousands, out of airplanes, over Chechnya.

Mr. President, today I introduce legislation that builds on the steps we have taken. It would impose a 1-year moratorium on the use of antipersonnel mines, to take effect 3 years from the date of enactment.

It would permit the use of these mines along international borders, for example between North and South Korea, in minefields that are monitored to keep out civilians. It also permits the use of Claymore mines, which are used to guard a perimeter, and antitank mines.

The purpose of the legislation is simple: Like the landmine export moratorium and the nuclear testing moratorium, it aims, by setting an example, to challenge other countries to join to bring an end to the mass destruction in slow motion caused by landmines.

As a step toward that goal, it would temporarily halt the scattering of antipersonnel mines that cause such a massive number of civilian casualties. One person who has worked on this in Cambodia said, sitting in my office in Burlington, VT, "Yes, we clear landmines in Cambodia. We clear them an arm and a leg at a time."

In addition, my legislation would provide for sanctions against countries that continue to export antipersonnel mines.

Mr. President, this is a global crisis. Even with all of our power, the United States cannot solve it alone. But neither will it be solved without strong U.S. leadership.

That is what the legislation does. It sets an example. It says, "For 1 year, we will take time out." We will challenge other countries to live up to what they said at the United Nations last December when they agreed to work to rid the world of these weapons.

Every ambassador from other countries I have talked to, every leader, every foreign minister, has told me in words the same thing: If the United States, the most powerful nation history has ever known, if the United States cannot set the moral leadership,

this will not be done. But if the United States sets the example, then it can be done.

Our people will be safer. The people in 180 other countries ultimately will be safer, certainly the people of the 60 or more countries that are littered with mines can now begin to get rid of them. With 500 new landmine casualties each week, resolutions are not enough. We have to jolt the world out of complacency. Only the United States can do that.

I have two minds about this legislation. I believe it could be the spark that leads to international cooperation to stop this senseless slaughter, because what we do is being watched around the globe, and there is great support.

It will take a determined effort over the next few years, but if our leadership gets other governments to join, and I believe it will, Americans who are sent into harm's way in the future will have far more to gain from what we do here. Whether we send our men and women in uniform, whether we send our people on humanitarian missions, whatever else, to the other parts of the world, they will be safer because of what we can do here.

At the same time, it is only a 1-year moratorium and does not take effect for 3 years. Between now and then, 82,000 people will die or be horribly maimed by landmines.

Frankly, Mr. President, this legislation is the least we can do as the world's only superpower with by far the most powerful military. It is the least we can do to stigmatize these weapons, because they are indiscriminate and inhumane, whether they are the simple $2 or $3 type or the more complex self-destructive type.

What is our alternative? To accept that large areas of the world will be forever littered with hidden deadly explosives? I cannot accept that. Or that every 22 minutes of every day of every year someone, often a child, usually a civilian, will lose a leg or an arm, or life, as the result of a landmine? I and the 40 other Senators of both parties sponsoring this legislation cannot accept that. It is a global catastrophe. Landmines are causing more unnecessary suffering than any other weapon of war, and people everywhere are calling for the end of this.

Today, if armies leave the field they take their weapons with them. They take away their guns, their tanks, and their cannons. But they leave behind landmines that continue to kill long after anybody even remembers what the armies were fighting about. Long after their leaders, their generals, their politicians are dead and gone, the landmines stay there. It is the weapon that keeps on killing.

There are some weapons that are so inhumane they do not belong on this Earth. Antipersonnel landmines are in that category. This is not a weapon we need for our national security. It is a terrorist weapon used most often against the defenseless, like these children here who are no threat to anybody. They are the victims. It is, above all, a moral issue.

I want to close with a quote from Archbishop Desmond Tutu, because he has spoken eloquently about the 20 million landmines in Africa that have already destroyed so many innocent lives. Archbishop Tutu said:

> Anti-personnel landmines are not just a crime perpetrated against people, they are a sin. Why has the world been so silent about these obscenities? It is because most of the victims of landmines are neither heard nor seen.

Mr. President, the legislation I am introducing today shows that we do hear, that we do see, and we are going to stop this.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 941. A bill to provide for the termination of the status of the College Construction Loan Insurance Association ("the Corporation") as a Government-sponsored enterprise, to require the Secretary of Education to divest himself of the Corporation's stock, and for other purposes; to the Committee on Labor and Human Resources.

THE COLLEGE CONSTRUCTION LOAN INSURANCE ASSOCIATION PRIVATIZATION ACT OF 1995

• Mr. DODD. Mr. President, I am pleased to introduce legislation offered by the Clinton administration to privatize the College Construction Loan Insurance Association, better known as Connie Lee. I am pleased to be joined in the effort by the ranking member of the committee, Senator KENNEDY.

Connie Lee was created in the Higher Education Act Amendments of 1986, and I was pleased to have shepherded this part of that larger effort through the Congress. So it is particularly rewarding for me to be here today to begin this exciting transition for Connie Lee.

Connie Lee was created with a vital and focused mission—to assist colleges in the repair, modernization, and construction of their facilities. Like many institutions, colleges, and universities need multiyear financing to keep up with their construction and renovation needs. For institutions with strong financial backing and large endowments, issuing bonds and securing capital has not been a major problem. Institutions that are less secure and have a lower bond rating, however, face major obstacles in obtaining the necessary financing.

It was clear to us in 1986 that we, as a nation, have a major stake in assuring that our higher education institutions both literally and figuratively sit on a strong foundation. Connie Lee was created to address this need and, since its incorporation in 1987, it has provided increased access to the bond markets for nearly 100 needy institutions through bond insurance. Connie Lee has insured bond issues totaling just over $2.5 billion and has assisted institutions such as the University of Denver, the University of Massachusetts Medical School, several community colleges, and numerous other institutions in nearly every State.

With its significant record, Connie Lee has clearly proven its maturity and strength. Since its founding, Connie Lee has maintained its triple-A financial rating, and a recent Standard and Poor's report confirmed its strong financial position. Connie Lee is clearly ready for privatization. Even though the original Federal investment of $19 million was small, every dollar is clearly needed in our effort to eliminate the budget deficit.

The administration's bill is quite straightforward. It would repeal the section of the Higher Education Act that authorized the creation of Connie Lee and governs its activities. In addition, it would provide for the Secretary of the Treasury to sell the 15-percent share the Government holds in Connie Lee.

The Subcommittee on Education, Arts and Humanities of the Labor and Human Resources Committee will hold hearings on this matter, as well as the proposal to privatize Sallie Mae early next week. While I think the administration's proposal is clearly a good start, there are some important issues for us to examine in the committee.

These issues are modest, however, and I hope that the committee can move quickly on this important and ground-breaking legislation.•

By Mr. BOND (for himself, Mr. DOMENICI, Mr. WARNER, Mrs. HUTCHISON, Mr. BURNS, Mr. FRIST, and Mr. COVERDELL):

S. 942. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes; to the Committee on Small Business.

THE SMALL BUSINESS REGULATORY FAIRNESS ACT OF 1995

• Mr. BOND. Mr. President, today I am announcing the opening of a new front in our fight against oppressive, onerous, and overly meddlesome Government regulations. I believe this new front will, for the time, take the fight outside the beltway and attack regulations and agencies where they impact people in their day-to-day lives.

Since the election, there has been tremendous activity in reforming the

way Federal agencies develop and issue regulations, and I have been deeply involved in this effort as cochair, along with Senator KAY BAILEY HUTCHISON, of the Senate Republican Regulatory Relief Task Force. As we speak, we are working with Senator DOLE and others on his Comprehensive Regulatory Reform Act, S. 343. These efforts are vitally important if we are to slow runaway regulation and better control Federal agencies. Equally important for small business is to add some meaningful judicial enforcement provisions to the Regulatory Flexibility Act, and I have introduced legislation to accomplish this.

All of these efforts focus on changing the way agencies enact regulations. Today, I announce an effort to reform the way Government officials enforce Federal regulations. After all, most people, most small business people, do not have the time to concern themselves with the process of reviewing and commenting on proposed and final rules in the Federal Register. Small businesses have to deal with regulations when the regulator shows up on the doorstep to inspect their facility or to enforce a new Federal mandate. As chairman of the Senate Committee on Small Business, I have heard numerous horror stories about burdensome regulations. But as I have listened and learned from businessmen and women with real life problems, I have become increasingly convinced that the enforcement of regulations is a problem as troublesome as the regulations themselves.

Today I am introducing legislation to make fundamental changes in the way regulatory agencies think about small business. It should be every regulatory agency's mission to encourage compliance by making rules easier to understand and by not enforcing their regulations in a way that unnecessarily frustrates law abiding small businesses. To this end, my bill includes a three part attack on unfair enforcement of Government regulations.

First, small businesses should be able to understand what is expected of them. I want small businesses to know that if they are playing by the rules of the game as expressed in plain English compliance guides the agencies will be required to print, then they have nothing to fear from inspectors. Sound like common sense? It should be, but for too long agencies like EPA and OSHA have refused to tell businesses how they can avoid the threat of regulatory action. Like the merchant who responds to questions about his product with the phrase caveat emptor, some regulators have taken the attitude that it is not their responsibility to make complying with the law easy, preferring instead to punish small business owners who deviate in the smallest way from the most complicated regulation.

The second part of my bill is designed to give small businesses a place to voice complaints about excessive, unfair or incompetent enforcement of regulations, with the knowledge that their voices will be heard. My bill sets up regional Small Business and Agriculture Ombudsmen through the Small Business Administration's offices around the country to give small businesses assurance that their confidential complaints and comments will be recorded and heard. These Ombudsmen also will coordinate the activities of volunteer Small Business Regulatory Fairness Boards, made up of small business people from each region. These boards will be able to investigate and make recommendations about troublesome patterns of enforcement activities. Any small business that is subject to an inspection or enforcement action will have the chance to rate and critique the inspectors or lawyers they deal with. In dealing with small businesses today, agencies sometimes seem to assume that every one is a violator of their rules, trying to get away with something. Some agencies do a good job of fulfilling their legal mandate while assisting small business, but many agencies seem stuck in an enforcement mentality where everyone is presumed guilty until proven innocent. I think we should let small businesses compare their dealings with one agency to dealings with another so that the abusive agencies or agents can be weeded out and exposed. Agencies should be vying to see which can fulfill their statutory mandate in a way that helps and empowers small business. We need direct feedback from small businessmen and women around the country on how well the regulators are doing their jobs.

The third part of the legislation will create some financial accountability at Federal agencies and level the playing field for small businesses when they disagree with a fine or penalty imposed on them this bill will make the Government inspectors and lawyers responsible for their actions in assessing fines, penalties, and citations because it will allow small businesses to recover their legal costs from the Government when the enforcers and the lawyers have been unreasonable. If Federal agencies make excessive demands that they can not sustain in court, then the Federal agency will have to pay the legal fees of the small business. Small businessmen and women in American are more than willing to comply with regulations and pay appropriate penalties when they are in the wrong. But it is time we put a stop to powerful Federal agencies swooping down on small businesses and insisting on unreasonable fines just because the agency enjoys an enormous financial and resource advantage and can afford an expensive and time consuming court challenge. If the small business can reduce or eliminate the penalty, this bill will require the legal costs to be paid directly out of the agency's budget.

On Monday of this week, the President told the White House conference that he wants Government regulators to stop treating small business men and women as criminals and start treating them as partners or customers. I believe this legislation will make that goal a reality and bring much needed relief to small businesses across the country. I hope the President will follow through on his speech to small business and join with the National Federation of Independent Businesses in supporting this bill. I urge all of my colleagues to join with me in supporting small business by supporting this legislation.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 942

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Regulatory Fairness Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—REGULATORY SIMPLIFICATION AND VOLUNTARY COMPLIANCE

Sec. 101. Definitions.
Sec. 102. Compliance guides.
Sec. 103. No action letter.
Sec. 104. Voluntary self-audits.
Sec. 105. Defense to enforcement actions.

TITLE II—SMALL BUSINESS RESPONSIVENESS OF COVERED AGENCIES

Sec. 201. Small business and agriculture ombudsman.
Sec. 202. Small business regulatory fairness boards.
Sec. 203. Services provided by small business development centers.

TITLE III—FINANCIAL ACCOUNTABILITY OF COVERED AGENCIES RELATING TO FEES AND EXPENSES

Sec. 301. Administrative proceedings.
Sec. 302. Judicial proceedings.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to change the relationship between regulators and small entities;

(2) to ameliorate the concern of small entities regarding the effects of arbitrary Federal regulatory enforcement actions on small entities;

(3) to increase the comprehensibility of Federal regulations affecting small entities;

(4) to make Federal regulators accountable for their actions; and

(5) to provide small entities with a meaningful opportunity for the redress of arbitrary enforcement actions by Federal regulators.

TITLE I—REGULATORY SIMPLIFICATION AND VOLUNTARY COMPLIANCE

SEC. 101. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) COMPLIANCE GUIDE.—The term "compliance guide" means a publication made by a covered agency under section 102(a).

(2) COVERED AGENCY.—The term "covered agency" has the same meaning as in section 30(a) of the Small Business Act (as added by section 201 of this Act).

(3) NO ACTION LETTER.—The term "no action letter" means a written determination from a covered agency stating that, based on a no action request submitted to the agency by a small entity, the agency will not take enforcement action against the small entity under the rules of the covered agency.

(4) NO ACTION REQUEST.—The term "no action request" means a written correspondence submitted by a small entity to a covered agency—

(A) stating a set of facts; and

(B) requesting a determination by the agency of whether the agency would take an enforcement action against the small entity based on such facts and the application of any rule of the agency.

(5) RULE.—The term "rule" has the same meaning as in section 601(2) of title 5, United States Code.

(6) SMALL ENTITY.—The term "small entity" has the same meaning as in section 601(6) of title 5, United States Code.

(7) SMALL BUSINESS CONCERN.—The term "small business concern" has the same meaning as in section 3 of the Small Business Act.

(8) VOLUNTARY SELF-AUDIT.—The term "voluntary self-audit" means an audit, assessment, or review of any operation, practice, or condition of a small entity that—

(A) is initiated by an officer, employee, or agent of the small entity; and

(B) is not required by law.

SEC. 102. COMPLIANCE GUIDES.

(a) COMPLIANCE GUIDE.—

(1) PUBLICATION.—If a covered agency is required to prepare a regulatory flexibility analysis for a rule or group of related rules under section 603 of title 5, United States Code, the agency shall publish a compliance guide for such rule or group of related rules.

(2) REQUIREMENTS.—Each compliance guide published under paragraph (1) shall—

(A) contain a summary description of the rule or group of related rules;

(B) contain a citation to the location of the complete rule or group of related rules in the Federal Register;

(C) provide notice to small entities of the requirements under the rule or group of related rules and explain the actions that a small entity is required to take to comply with the rule or group of related rules;

(D) be written in a manner to be understood by the average owner or manager of a small entity; and

(E) be updated as required to reflect changes in the rule.

(b) DISSEMINATION.—

(1) IN GENERAL.—Each covered agency shall establish a system to ensure that compliance guides required under this section are published, disseminated, and made easily available to small entities.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—In carrying out this subsection, each covered agency shall provide sufficient numbers of compliance guides to small business development centers for distribution to small businesses concerns under section 21(c)(3)(R) of the Small Business Act (as added by section 202 of this Act).

(c) LIMITATION ON ENFORCEMENT.—

(1) IN GENERAL.—No covered agency may bring an enforcement action in any Federal court or in any Federal administrative proceeding against a small entity to enforce a rule for which a compliance guide is not published and disseminated by the covered agency as required under this section.

(2) EFFECTIVE DATES.—This subsection shall take effect—

(A) 1 year after the date of the enactment of this Act with regard to a final regulation in effect on the date of the enactment of this Act; and

(B) on the date of the enactment of this Act with regard to a regulation that takes effect as a final regulation after such date of enactment.

SEC. 103. NO ACTION LETTER.

(a) APPLICATION.—This section applies to all covered agencies, except—

(1) the Federal Trade Commission;

(2) the Equal Employment Opportunity Commission; and

(3) the Consumer Product Safety Commission.

(b) ISSUANCE OF NO ACTION LETTER.—Not later than 90 days after the date on which a covered agency receives a no action request, the agency shall—

(1) make a determination regarding whether to grant the no action request, deny the no action request, or seek further information regarding the no action request; and

(2) if the agency makes a determination under paragraph (1) to grant the no action request, issue a no action letter and transmit the letter to the requesting small entity.

(c) RELIANCE ON NO ACTION LETTER OR COMPLIANCE GUIDE.—In any enforcement action brought by a covered agency in any Federal court, or Federal administrative proceeding against a small entity, the small entity shall have a complete defense to any allegation of noncompliance or violation of a rule if the small entity affirmatively pleads and proves by a preponderance of the evidence that the act or omission constituting the alleged noncompliance or violation was taken in good faith with and in reliance on—

(1) a no action letter from that agency; or

(2) a compliance guide of the applicable rule published by the agency under section 102(a).

SEC. 104. VOLUNTARY SELF-AUDITS.

(a) INADMISSIBILITY OF EVIDENCE AND LIMITATION ON DISCOVERY.—The evidence described in subsection (b)—

(1) shall not be admissible, unless agreed to by the small entity, in any enforcement action brought against a small entity by a Federal agency in any Federal—

(A) court; or

(B) administrative proceeding; and

(2) may not be the subject of discovery in any enforcement action brought against a small entity by a Federal agency in any Federal—

(A) court; or

(B) administrative proceeding.

(b) APPLICATION.—For purposes of subsection (a), the evidence described in this subsection is—

(1) a voluntary self-audit made in good faith; and

(2) any report, finding, opinion, or any other oral or written communication made in good faith relating to such voluntary self-audit.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the act or omission that forms the basis of the enforcement action is a violation of criminal law; or

(2) the voluntary self-audit or the report, finding, opinion, or other oral or written communication was prepared for the purpose of avoiding disclosure of information required for an investigative, administrative, or judicial proceeding that, at the time of preparation, was imminent or in progress.

SEC. 105. DEFENSE TO ENFORCEMENT ACTIONS.

(a) IN GENERAL.—No covered agency may impose a fine or penalty on a small entity if the small entity proves by a preponderance of the evidence that—

(1) the covered agency rule is vague or ambiguous; and

(2) the interpretation by the small entity of the rule is reasonable considering the rule and any applicable compliance guide.

(b) INTERPRETATION OF RULE.—In determining whether the interpretation of a rule by a small entity is reasonable, no deference shall be given to any interpretation of the rule by the agency that is not included in a compliance guide.

TITLE II—SMALL BUSINESS RESPONSIVENESS OF COVERED AGENCIES

SEC. 201. SMALL BUSINESS AND AGRICULTURE OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

"SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) BOARD.—The term 'Board' means a Small Business Regulatory Fairness Board established under subsection (c).

"(2) COVERED AGENCY.—The term 'covered agency' means any agency that, as of the date of enactment of the Small Business Regulatory Fairness Act of 1995, has promulgated any rule for which a regulatory flexibility analysis was required under section 605 of title 5, United States Code, and any other agency that promulgates any such rule, as of the date of such promulgation.

"(3) OMBUDSMAN.—The term 'ombudsman' means a Regional Small Business and Agriculture Ombudsman designated under subsection (b).

"(4) REGION.—The term 'region' means any area for which the Administrator has established a regional office of the Administration pursuant to section 4(a).

"(5) RULE.—The term 'rule' has the same meaning as in section 601(2) of title 5, United States Code.

"(b) OMBUDSMAN.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Regulatory Fairness Act of 1995, the Administrator shall designate in each region a senior employee of the Administration to serve as the Regional Small Business and Agriculture Ombudsman in accordance with this subsection.

"(2) DUTIES.—Each ombudsman designated under paragraph (1) shall—

"(A) on a confidential basis, solicit and receive comments from small business concerns regarding the enforcement activities of covered agencies;

"(B) based on comments received under subparagraph (A), annually assign and publish a small business responsiveness rating to each covered agency;

"(C) publish periodic reports compiling the comments received under subparagraph (A);

"(D) coordinate the activities of the Small Business Regulatory Fairness Board established under subsection (c); and

"(E) establish a toll-free telephone number to receive comments from small business concerns under subparagraph (A).".

SEC. 202. SMALL BUSINESS REGULATORY FAIRNESS BOARDS.

Section 30 of the Small Business Act (as added by section 201 of this Act) is amended by adding at the end the following new subsection:

"(c) SMALL BUSINESS REGULATORY FAIRNESS BOARDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Regulatory Fairness Act of 1995, the Administrator shall establish in each region a Small Business Regulatory Fairness Board in accordance with this subsection.

"(2) DUTIES.—Each Board established under paragraph (1) shall—

"(A) advise the ombudsman on matters of concern to small business concerns relating to the enforcement activities of covered agencies;

"(B) conduct investigations into enforcement activities by covered agencies with respect to small business concerns;

"(C) issue advisory findings and recommendations regarding the enforcement activities of covered agencies with respect to small business concerns;

"(D) review and approve, prior to publication—

"(i) each small business responsiveness rating assigned under subsection (b)(2)(B); and

"(ii) each periodic report prepared under subsection (b)(2)(C); and

"(E) prepare written opinions regarding the reasonableness and understandability of rules issued by covered agencies.

"(3) MEMBERSHIP.—Each Board shall consist of—

"(A) 1 member appointed by the President;

"(B) 1 member appointed by the Speaker of the House of Representatives;

"(C) 1 member appointed by the Minority Leader of the House of Representatives;

"(D) 1 member appointed by the Majority Leader of the Senate; and

"(E) 1 member appointed by the Minority Leader of the Senate.

"(4) PERIOD OF APPOINTMENT; VACANCIES.—

"(A) PERIOD OF APPOINTMENT.—

"(i) PRESIDENTIAL APPOINTEES.—Each member of the Board appointed under subparagraph (A) of paragraph (2) shall be appointed for a term of 3 years, except that the initial member appointed under such subparagraph shall be appointed for a term of 1 year.

"(ii) HOUSE OF REPRESENTATIVES APPOINTEES.—Each member of the Board appointed under subparagraph (B) or (C) of paragraph (2) shall be appointed for a term of 3 years, except that the initial members appointed under such subparagraphs shall each be appointed for a term of 2 years.

"(iii) SENATE APPOINTEES.—Each member of the Board appointed under subparagraph (D) or (E) of paragraph (2) shall be appointed for a term of 3 years.

"(B) VACANCIES.—Any vacancy on the Board—

"(i) shall not affect the powers of the Board; and

"(ii) shall be filled in the same manner and under the same terms and conditions as the original appointment.

"(5) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board.

"(6) MEETINGS.—

"(A) IN GENERAL.—The Board shall meet at the call of the Chairperson.

"(B) INITIAL MEETING.—Not later than 90 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

"(7) QUORUM.—A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

"(8) POWERS OF THE BOARD.—

"(A) HEARINGS.—The Board or, at its direction, any subcommittee or member of the Board, may, for the purpose of carrying out the provisions of this section—

"(i) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

"(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Board or such subcommittee or member considers advisable.

"(B) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

"(i) ISSUANCE.—Each subpoena issued pursuant to subparagraph (A) shall bear the signature of the Chairperson and shall be served by any person or class of persons designated by the Chairperson for that purpose.

"(ii) ENFORCEMENT.—

"(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

"(II) CONTEMPT OF COURT.—Any failure to obey the order of the court issued under subclause (I) may be punished by the court as a contempt of that court.

"(C) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Board. The per diem and mileage allowances for any witness shall be paid from funds available to pay the expenses of the Board.

"(D) INFORMATION FROM FEDERAL AGENCIES.—Upon the request of the Chairperson, the Board may secure directly from the head any Federal department or agency such information as the Board considers necessary to carry out the provisions of this section.

"(E) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(F) DONATIONS.—The Board may accept, use, and dispose of donations of services or property.

"(9) BOARD PERSONNEL MATTERS.—

"(A) COMPENSATION.—Members of the Board shall serve without compensation.

"(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.".

SEC. 203. SERVICES PROVIDED BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (O), by striking "and" at the end;

(2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(3) by inserting immediately after subparagraph (P) the following new subparagraphs:

"(Q) providing assistance to small business concerns regarding regulatory requirements, including providing training with respect to cost-effective regulatory compliance;

"(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 102(a) of the Small Business Regulatory Fairness Act of 1995 to small business concerns; and

"(S) developing a program to provide confidential onsite assessments and recommendations regarding regulatory compliance to small business concerns and assisting small business concerns in analyzing the business development issues associated with regulatory implementation and compliance measures.".

TITLE III—FINANCIAL ACCOUNTABILITY OF COVERED AGENCIES RELATING TO FEES AND EXPENSES

SEC. 301. ADMINISTRATIVE PROCEEDINGS.

Section 504 of title 5, United States Code, is amended—

(1) in subsection (b)(1)(B)—

(A) by striking ", or (ii)" and inserting ", (ii)"; and

(B) by striking the semicolon at the end of the subparagraph and inserting the following: ", or (iii) a small entity as such term is defined in subsection (g)(1)(D);" and

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

"(g)(1) For purposes of this subsection, the term—

"(A) 'covered agency' has the same meaning as in section 30(a) of the Small Business Act;

"(B) 'fees and other expenses' has the same meaning as in subsection (b)(1)(A), except that—

"(i) clause (ii) of such subparagraph (A) shall not apply; and

"(ii) attorney's fees shall not be awarded at a rate of pay in excess of $150 per hour unless the adjudicative party determines that regional costs or other special factors justify a higher fee;

"(C) 'prevailing small entity'—

"(i) means a small entity that raised a successful defense to an agency enforcement action by a covered agency in an adversary adjudication; and

"(ii) includes a small entity that is a party in an adversary adjudication in which the adjudicative officer orders a corrective action or penalty against the small entity that is less burdensome than the corrective action or penalty initially sought or demanded by the covered agency; and

"(D) 'small entity' has the same meaning as in section 601(6).

"(2) For the purpose of making a finding of whether an award under subsection (a)(1) is unjust, in any case in which fees and other expenses would be awarded to a prevailing small entity as a prevailing party—

"(A) the adjudicative officer of the agency shall not consider whether the position of the agency was substantially justified; and

"(B) special circumstances shall be limited to circumstances in which—

"(i) the matters in the adversary adjudication are matters for which there is little or no legal precedent; or

"(ii) findings of fact or conclusions of law are based on inconsistent interpretations of applicable law by different courts.

"(3) If a prevailing small entity is awarded fees and other expenses as a prevailing party under subsection (a)(1), such fees and other expenses shall include all fees and expenses incurred by the small entity in appearing in

any proceeding the purpose of which is to determine the amount of fees and other expenses.

"(4) Fees and other expenses awarded to a prevailing small entity as a prevailing party under this section shall be paid by the covered agency from funds made available to the agency by appropriation or from fees or other amounts charged to the public if authorized by law. A covered agency may not increase any such fee or amount charged for the purpose of paying fees and other expenses awarded to a prevailing small entity as a prevailing party under this section.".

SEC. 302. JUDICIAL PROCEEDINGS.

Section 2412 of title 28, United States Code, is amended—

(1) in subsection (d)(2)(B)—

(A) by striking ", or (ii)" and inserting ", (ii)"; and

(B) by striking the semicolon at the end of the subparagraph and inserting the following: ", or (iii) a small entity as defined under subsection (g)(1)(D);" and

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

"(g)(1) For purposes of this subsection, the term—

"(A) 'covered agency' has the same meaning as in section 30(a) of the Small Business Act;

"(B) 'fees and other expenses' has the same meaning as in subsection (d)(2)(A), except that—

"(i) clause (ii) of such subparagraph (A) shall not apply; and

"(ii) attorney's fees shall not be awarded at a rate of pay in excess of $150 per hour unless the court determines that regional costs or other special factors justify a higher fee;

"(C) 'prevailing small entity'—

"(i) means a small entity that raised a successful defense to an agency enforcement action by a covered agency in a civil action; and

"(ii) includes a small entity that is a party in a civil action in which the court orders a corrective action or penalty against the small entity that is less burdensome than the corrective action or penalty initially sought or demanded by the covered agency; and

"(D) 'small entity' has the same meaning as the term 'small entity' in section 601(6) of title 5.

"(2) For the purpose of making a finding of whether an award under subsection (d)(1)(A) is unjust, in any case in which fees and other expenses would be awarded to a prevailing small entity as a prevailing party—

"(A) the court shall not consider whether the position of the United States was substantially justified; and

"(B) special circumstances shall be limited to circumstances in which—

"(i) the matters in the civil action are matters for which there is little or no legal precedent; or

"(ii) findings of fact or conclusions of law are based on inconsistent interpretations of applicable law by different courts.

"(3) If a prevailing small entity is awarded fees and other expenses as a prevailing party under subsection (d)(1)(A), such fees and expenses shall include all fees and expenses incurred by the small entity in appearing in any proceeding the purpose of which is to determine the amount of fees and other expenses.

"(4) Fees and other expenses awarded to a prevailing small entity as a prevailing party under this section shall be paid by the covered agency from funds made available to the agency by appropriation or from fees or other amounts charged to the public if authorized by law. A covered agency may not increase any such fee or amount charged for the purpose of paying fees and other expenses awarded to a prevailing small entity as a prevailing party under this section.".

THE SMALL BUSINESS REGULATORY FAIRNESS ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. "The Small Business Regulatory Fairness Act of 1995."

Sec. 2. Purposes. The purposes of the act are to change the relationship between agencies and small business, to increase the understandability of regulations, to increase the accountability of regulatory agencies, and to provide meaningful opportunities for redress of arbitrary enforcement actions.

Sec. 101. Definitions. Defines covered agency (those that have regs requiring a Regulatory Flexibility Act analysis), compliance guide, no-action letter, small business concern (as defined in sec. 3 of the Small Business Act) and voluntary self-audit.

Sec. 102. Compliance Guides. Directs regulatory agencies to publish small business compliance guides for regulations with significant economic impact on small entities, to disseminate the guides through Small Business Development Centers and prohibits enforcement actions of these regs against small entities until such time as the compliance guide is published.

Sec. 103. No Action Letter. Directs regulatory agencies to establish a system for issuing "no-action letters" similar to those used by the IRS and SEC, and allows small entities to rely on those no-action letters.

Sec. 104. Voluntary self-audits. Provides that information developed during a voluntary self-audit by a small entity is not admissible or discoverable by a Federal Agency.

Sec. 105. Defense to Enforcement Actions. Provides small entities with an affirmative defense where the agency rule is vague or ambiguous and the interpretation of the small entity is reasonable, and limits the court from giving deference to agencies' interpretations of their own rules.

Sec. 201. Small Business and Agriculture Ombudsman. Establishes Small Business and Agriculture Ombudsmen in each of the Small Business Administration's regional offices who will receive complaints about the enforcement activities of other federal agencies, develop a small business responsiveness rating to each regulatory agency, publish reports on those activities, and establish a toll-free telephone number to receive comments from small business.

Sec. 202. Small Business Regulatory Fairness Boards. Establishes volunteer Small Business Regulatory Fairness Boards in Small Business Administration offices around the country, appointed by the President and the Congressional leadership to advise the Ombudsmen, conduct investigations into agency enforcement activities, prepare independent reports and review the reports of the Ombudsmen.

Sec. 203. Services Provided by Small Business Development Centers. Expands the role of Small Business Development Centers to include providing regulatory compliance assistance, serving as a resource for compliance information including the distribution of compliance guides, and developing a program to provide regulatory compliance audits.

Sec. 301. Administrative Proceedings. Amends the Administrative Procedures Act to allow small entities to recover their attorneys fees in litigation against the government where the government has made unreasonable demands of settlement that are not sustained by a court, and without having to prove that the government position was not "substantially justified."

Sec. 302. Judicial Proceedings. Makes conforming changes to Title 28 U.S.C. Section 2412.●

ADDITIONAL COSPONSORS

S. 304

At the request of Mr SANTORUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 571

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 571, a bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes.

NOTICE OF HEARING

CANCELLATION OF COMMITTEE HEARINGS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing previously scheduled before the full Committee on Energy and Natural Resources for Tuesday, June 20, 1995, at 9:30 a.m. to review existing oil production at Prudhoe Bay, AK, and opportunities for new production on the coastal plain of Arctic Alaska has been canceled and will be rescheduled at a later date.

In addition, the hearing previously scheduled before the full Committee on Energy and Natural Resources for Wednesday, June 21, 1995, at 9:30 a.m. regarding the Secretary of Energy's strategic alignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy has also been canceled and will be rescheduled at a later date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Friday, June 16, 1995, session of the Senate for the purpose of conducting a hearing on the future of Amtrak and the Local Rail Freight Assistance Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRISON WORK ACT OF 1995

• Mr. SHELBY. Mr. President, one of the many controversial provisions of the 1994 crime bill was the requirement that states have in place an array of dubious programs, including social rehabilitation, job skills, and even postrelease programs, in order to qualify for the prison construction grant money contained in the bill.

This requirement is yet another manifestation of the criminal rights philosophy, which has wreaked havoc on our criminal justice system. This view holds that criminals are victims of society, are not to blame for their actions, and should be rehabilitated at the taxpayers expense. In their zeal to rehabilitate violent criminals, proponents of this ideology have worked overtime to ensure that murderers, rapists, and child molesters are treated better than the victims of these acts and that these criminals have access to perks and amenities most hard-working taxpayers cannot afford.

Award-winning journalist Robert Bidinotto has revealed myriad abuses. For example, at Mercer Regional Correctional Facility in Pennsylvania, hardened criminals have routine access to a full-sized basketball court, handball area, punching bags, volleyball nets, 15 sets of barbells, weightlifting machines, electronic bicycles, and stairmasters facing a TV, so the prisoners do not have to miss their favorite show while working out.

Or consider David Jirovec, a resident of Washington State who hired two hit men to kill his wife for insurance money. His punishment? Regular conjugal visits from his new wife.

At Sullivan high-security prison in Fallsburg, NY, prisoners hold regular jam sessions in a music room crowded with electric guitars, amplifiers, drums, and keyboards.

In Jefferson City, MO, inmates run an around-the-clock closed-circuit TV studio and broadcast movies filled with gratuitous sex and graphic violence.

Perhaps the winner in the race for rehabilitation is the Massachusetts Correctional Institution in Norfolk, MA. There, prisoners sentenced to life in prison—known as the Lifers Group—held its annual Lifers Banquet in the $2 million visitors center. These 33 convicts—mostly murderers—and 49 of their invited guests dined on catered prime rib.

This is just the tip of the iceberg. These are not isolated incidents, but have become commonplace in our criminal justice system. Violent criminals have by definition committed brutal acts of violence on innocent women, children, the elderly, and other citizens. That the government continues to take money out of the pockets of law-abiding taxpayers—many of whom are victims of those behind bars—to create resorts for prisoners to mull around in is incomprehensible. The rationale for this system is likely summed up by Larry Meachum, commissioner of correction in the State of Connecticut: "We must attempt to modify criminal behavior and hopefully not return a more damaged human being to society than we received."

Mr. President, I reject this liberal social rehabilitation philosophy. I introduced legislation yesterday, the Prison Work Act of 1995, which has a different message: prisons should be places of work and organized education, not resort hotels, counseling centers, or social laboratories. It ensures that time spent in prison is not good time, but rather devoted to hard work and education. This is a far more constructive approach to rehabilitation.

Specifically, the Prison Work Act repeals the social program requirements of the 1994 crime bill and instead makes the receipt of State prison construction grant money conditional on States requiring all inmates to perform at least 48 hours of work per week, and engage in at least 16 hours of organized educational activities per week. States may not provide to any prisoner failing to meet the work and education requirement any extra privileges, including the egregious items listed above.

The critics of this legislation are likely to portend that it is too costly or too unworkable. However, as prison reform expert and noted author John DiIulio has pointed out, one-half of every taxdollar spent on prisons goes not to the basics of security, but to amenities and services for prisoners. However, these extra perks would be severely restricted under my legislation. No one failing to meet the work and organized study requirements would have access to them, and since the inmates would be occupied for 11 hours per day fulfilling the work and study requirement, the opportunity for these costly privileges would be reduced. Moreover, to reduce operation costs even further, prison labor could be used to replace labor that is currently contracted out. Thus, these programs could easily be implemented.

The other charge will likely be that the Federal Government should not micromanage State prison efforts. However, this bill does not micromanage at all. Rather, States have been micromanaged by the Federal courts which have mandated that States provide prisoners with every possible amenity imaginable. For example, Federal Judge William Wayne Justice of the Eastern District Court required scores of changes in the Texas prison system, designed to improve the living conditions of Texas prisoners. These changes increased Texas's prison operating expenses tenfold, from $91 million in 1980 to $1.84 billion in 1994—even though the prison population only doubled.

This legislation will empower State and local prison officials to operate their systems in a cost-efficient manner, and will give them the much needed protection from the overreaching Federal courts. More importantly, it will put the justice back in our criminal justice system and ensure that criminals are not treated better than the victims.•

THE FIFTH ANNUAL DAY OF THE AFRICAN CHILD

• Mr. FEINGOLD. Mr. President, I rise today to observe the fifth annual Day of the African Child, a day this year which will focus international attention on Africa's potential amidst critical challenges.

The Day of the African Child was declared in 1991 to commemorate the massacre of South African schoolchildren in the black township of Soweto 19 years ago. These elementary and high school children were shot and killed simply for protesting the deplorable system of apartheid education. On this anniversary, we have the opportunity to celebrate the achievements of countries like South Africa, and reflect on the challenges ahead for the African child—indeed, the next generation of Africa.

There have been considerable strides made in Africa over the last 30 years. In partnership with the international community, the mortality rate of children under 5 has decreased by half since 1960. The average life expectancy in the subcontinent is now 54 years, 13 years longer than it was in 1960. Two-thirds of African countries have immunized 75 percent of all children under 5, and UNICEF reports that the governments of Africa expanded the provision of safe water to over 120 million more people during the 1980's. Primary school enrollment has risen dramatically since the 1970's for both boys and girls, with 69 percent of African girls enrolled in primary school now.

Yet, hardships continue for many African children. Life expectancy in Africa is still 20 years behind that of developed states. Basic health care is not accessible to half of all Africans. Children in Africa continue to die at 10 times the rate of children in industrialized nations.

But today, in addition to hunger and disease, war is also ravaging the minds and bodies of Africa's children. It is no coincidence that the countries with the first, second, and third highest rates of child mortality—Mozambique, Afghanistan, and Angola—are those that have been embroiled in the bloodiest of civil wars. Ethiopia, Somalia, and Liberia are close behind.

The armed conflicts throughout Africa have taken their toll on the children. Last year in Rwanda, for instance, almost 100,000 children reportedly were killed in just a few months. In Sudan, according to a 1992 report by the U.N. High Commissioner for Refugees, one criterion for conscription was "the presence of two molar teeth": as a result, almost 12,500 boys from the ages of 9 to 16 years were enlisted.

Last year in Liberia, I raised the issue of child soldiers with members of the Transitional Government, and was told that this is truly a problem which is rotting the country. UNICEF estimates that thousands of children are participating in Liberia's civil war—either to avenge murders of their family members or to make some hard-found money—and that factions abuse their young soldiers with alcohol, drugs, and gunpowder.

Mr. President, while we recognize the progress made in Africa thus far, we must not forget these daunting challenges ahead. As we debate the role of the United States in Africa, we must do so with an eye to the future, and with an appreciation for what international partnership can achieve.●

DAY OF THE AFRICAN CHILD

● Mrs. KASSEBAUM. Mr. President, I rise today to honor the fifth annual Day of the African Child. As chairman of the African Affairs Subcommittee, I have long been concerned about Africa's children.

Earlier this year, the world community lost one of its foremost champions for the cause of children, Mr. James Grant. As head of UNICEF, Jim Grant worked tirelessly to improve the lives of children all around the world, particularly in Africa. His dedication, energy, and moral leadership will be sorely missed. On this day of African children, we mourn his loss but also celebrate his contributions.

Since I first chaired the subcommittee in 1980, there has been real and significant progress in improving the lives of children of Africa. Through the commitment of African governments, private voluntary groups, and international organizations like UNICEF, access to education has increased notably. The under-5 mortality rates are now half what they were in 1960. Malnutrition, while still affecting some 30 percent of African children, is less pronounced than many had feared entering the 1980's.

But much remains to be done. I am particularly concerned about the devastating effect of civil conflict on children. While political factions and armed groups fight for power, it is often the most vulnerable and voiceless—Africa's children—who are most affected. Entire generations have lost opportunities for basic education. Many have lost parents and siblings. From Sudan to Angola, Rwanda to Liberia, the brutality of war has scarred millions of innocent children.

Mr. President, the Day of the African Child, June 15, commemorates the 1976 uprising and massacre of the children of Soweto, South Africa. Their struggle to bring down the inhumane apartheid system vividly symbolizes the difficult plight of children in Africa. Their struggle, however, also represents the possibilities and hope for Africa as President Nelson Mandela finishes his first year as leader of a democratic, nonracial South Africa.

Today we celebrate the progress that has been made in bettering the lives of African children. But today also stands as a challenge to all of us to continue efforts to improve education and basic health care for all the children of Africa. Their future is the hope for the entire African Continent.●

COMMEMORATING THE DAY OF THE AFRICAN CHILD

● Mr. SIMON. Mr. President, today marks the 19th anniversary of the Soweto massacre where more than 100 black South African students—children—were killed while protesting against the tyranny of South African apartheid. These children are martyrs to the cause of freedom and justice. Their sacrifices, along with those of many others, contributed to a far brighter future in South Africa than could have been foreseen at that time. And so, June 16 has been designated by the Organization of African Unity as the "Day of the African Child." On this day, we not only mark the past, but we should also commit ourselves to creating a brighter future for the children of Africa.

Our commemoration of the children of Soweto should be solemn, as we reflect on the loss of far too many African children to conflict and war, to disease, to famine, and to the neglect of a world that often cares more about amassing material wealth than about ensuring the health and well-being of all of its children. An African child deserves no less than any other child born anywhere else in the world. They deserve to be cared for, to be protected, to have adequate food, shelter, and health care, to have safe drinking water, to be educated, and to live in a peaceful world. Yet, a child born in sub-Saharan Africa has a life expectancy 20 years shorter than a child born in an industrialized country. An African child is 8 times less likely to survive infancy and 10 times less likely to survive beyond 5 years old than a child in an industrialized country. The mother of an African child is 29 times more likely to die in childbirth than the mother of a child in the industrialized country. As many as 30 percent of African children suffer from malnutrition. Only 45 percent of Africans have access to safe drinking water.

Thanks to U.S. assistance, there has been progress in reducing the under-5 mortality rate, increasing child immunizations and increasing life expectancy over the last 30 years. But clearly, there is much work to be done. As we commemorate the Day of the African Child let us also recognize the very positive affect that our foreign assistance has on improving the prospects for Africa's children to have healthy, productive lives—to have no less than what we would want for our own children.

The theme of this year's observance is "Children in Armed Conflict." War has a devasting affect on children. Prior to 1945, most of the victims of war were soldiers. In the 160 wars and conflicts since 1945, 80 percent of the dead and wounded have been civilians—most of them women and children. The effect of armed conflict on African women and children has been particularly devastating. Ninety-two percent of the war-related deaths in Africa are women and children. In the Sudanese war, children die at 14 times the rate of government and guerrilla soldiers combined. Most often, in conflict zones children die as a result of the dispersal that leads to malnutrition and disease. Child mortality rates are highest in those countries that are ravaged by armed conflicts. As we observe the Day of the African Child let us also commit ourselves to playing whatever positive role we can through diplomacy, support for U.N. peacekeeping operations, or whatever measures appropriate to help resolve those conflicts that still remain on the African Continent. There has been great progress in ending conflicts on the African Continent over the last decade. Much more has to be done.

I join today with the Organization of African Unity, the United Nations Children's Fund and all those who care about the health and well-being of all the world's children in recognizing June 16 as the Day of the African Child. I salute the U.S. Committee for UNICEF for its hard work in organizing today's celebration. Let us resolve to do all that we can to provide hope for Africa's children that they may have the kind of future that each of us wants for our own children.

Mr. President, on the topic of aid to Africa, I would like to share with my colleagues a letter I received from a young lady, Miss Julie Haronik, from Moline, IL. Julie is 13 years old and she wrote to me asking that we maintain the Development Fund for Africa.

I have received many letters supporting foreign aid to Africa over the last month. Julie's letter demonstrated how a child can sometimes be wiser, more caring, and more compassionate than many adults far older than herself. Among Julie's reasons for supporting aid to Africa, she says that, "If you cut off aid some projects in Africa that

have been started recently may fall apart without aid [before] they can sustain themselves." In the last paragraph of Julie's letter she writes:

You may wonder why a thirteen year old would be concerned about Africa. One reason is that I want society to be on equal terms with all people when I am an adult. Another reason is that if America ever needed an African resource I would hope Africa would help us in our time of need. I also hope for world peace which can be achieved only through kindness, recognizing fellow humans, and helping those in need.

I am so proud of this young lady both for her world outlook and compassion for others, and for her willingness to write and participate in public debate on the political issues of the day. Mr. President, I ask that the full text of the letter be printed in the RECORD.

The letter follows:

MOLINE, IL.

Senator PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: Although you may not realize it Africa has come a long way, with outside aid. If you cut off aid some projects in Africa that have been started recently may fall part without aid until they can sustain themselves. Africa still has a way to go, but it is a place of hope. Please don't cut off aid to the Development Fund for Africa!

The United States of America has a duty to itself and the rest of the world. That duty is to help all people whether they can repay debts or not. One tenth of one percent of the budget is not very much money to give to those in need. Africa doesn't just take aid from people it has been its own resources, which are scarce. The government's duty is to make sure Africa does not lose all aid, but develop enough not to need it.

You may wonder why a thirteen year old would be concerned about Africa. One reason is that I want society to be on equal terms with all people when I am an adult. Another reason is that if America ever needed African resources I would hope Africa would help us in our time of need. I also hope for world peace which can be achieved only through kindness, recognizing fellow humans, and helping those in need. Thank you for your time.

Sincerely,

JULIE HARONIK.•

CIVIC EDUCATION GATHERING IN PRAGUE

• Mr. HATFIELD. Mr. President, during the first few days of June, one of the largest international gatherings of educators and representatives of the public and private sectors supporting civic education met in Prague, Czechoslovakia. Four hundred and twenty-five representatives from 52 nations participated.

Entitled CIVITAS@PRAGUE.1995, the conference was sponsored by 36 civic education organizations from North America, Western and Eastern Europe, and the former Soviet Union.

A declaration was adopted by CIVITAS participants that asserts the essential importance of civic education for developing the support required for the establishment and maintenance of stable democratic institutions. Constitutional democracies must ultimately rely upon citizens and leaders possessing a reasoned commitment to those fundamental values and principles which enable them to flourish. Stable democracies, in turn, are vital for economic development, national security, and for overcoming destructive religious and ethnic conflicts. The declaration also argues that civic education should have a more prominent place in the programs of all governments and international organizations.

American participation in the project was organized by a steering committee composed of representatives of the Center for Civic Education, American Federation of Teachers, National Endowment for Democracy, Institute for Democracy in Eastern Europe, Mershon Center at Ohio State University, and the Social Studies Development Center at Indiana University. All these groups worked in cooperation with the U.S. Department of Education and the U.S. Information Agency.

I urge my colleagues to join me in supporting this declaration and in giving greater recognition to the need to improve civic education for students in the United States and in other nations throughout the world.

The text of the CIVITAS declaration follows:

CIVIC EDUCATION—AN INTERNATIONAL PRIORITY

On June 2-6, 1995, representatives from fifty-two countries met in Prague at one of the largest international meetings on civic education ever held. The following is a declaration adopted by the participants. A list of the individual signers is available on CIVNET.

The wave of change toward democracy and the open economy that swept the world at the beginning of this decade has slowed, and, in some respects, even turned around. Religious and ethnic intolerance; abuses of human rights; cynicism toward politics and government; corruption, crime and violence; ignorance, apathy and irresponsibility—all represent growing challenges to freedom, the marketplace, democratic government, and the rule of law.

All this makes clear how central knowledge, skills, and democratic values are to building and sustaining democratic societies that are respectful of human rights and cultural diversity. Once again, we see the importance of education which empowers citizens to participate competently and responsibly in their society.

Despite great differences in the more than fifty countries represented among us, we find many similarities in the challenges we face in our civic life. These challenges exist not only in the countries represented here; they also exist in other parts of the world, and in all aspects of social, economic, and political life. People involved in civic education have much to learn from one another.

It is time again to recognize the crucial role that civic education plays in many areas of concern to the international community: Shared democratic values, and institutions that reflect these values, are the necessary foundation for national and international security and stability; The breakup of Cold War blocs, while bringing much good, has also created openings for aggressive and undemocratic movements, even in the established democracies themselves; Civic development is an essential element in—not just a side effect of—economic development. Investments and guarantees made by private enterprise, governments, and international financial institutions will fail where political and legal systems fail, and where corruption and violence flourish.

The challenge of civic education is too great for educators alone. They need far greater cooperation from their own peoples, governments, and the international community.

We seek increased support for civic education—formal and informal—from the widest range of institutions and governments. In particular, we urge greater involvement in civic education by international organizations such as the Council of Europe, the European Union, the North Atlantic Assembly, the Organization for Security and Cooperation in Europe, the United Nations, UNESCO, and the World Bank.

We seek an active personal and electronic on-line-exchange (through CIVNET) of curricular concepts, teaching methods, study units, and evaluation programs for all elements of continuing education in civics, economics, and history.

We pledge ourselves to create and maintain a worldwide network that will make civic education a higher priority on the international agenda.•

THE 31ST CONSTITUTIONAL CONVENTION OF THE UNITED AUTO WORKERS

• Mr. LEVIN. Mr. President, the United Auto Workers are concluding their 31st Constitutional Convention today in Anaheim, CA. This is a momentous occasion, marking the end of one era and the beginning of another for one of the world's most important labor organizations. Owen Bieber, who has held the presidency for the past 12 years, has retired and has handed over his duties to Stephen Yokich, the incoming president. Each of these leaders, with over 75 years of service to the UAW between them, has made it his life's work to fight for workers' rights both in the United States and around the world. They carry on an outstanding tradition of progressive union leadership that was established by the late Walter Reuther and continued by Leonard Woodcock and Douglas Fraser.

Owen Bieber has dedicated more than 45 years of his life to promoting fair labor standards. Bieber went to work right after high school bending wire for car seats at the McInerney Spring and Wire Company in Grand Rapids, Michigan. In 1948, he became a member of UAW Local 687, thus beginning a journey that would see him rise to the highest level of the organization. Bieber was quickly voted in to several leadership positions and in 1956, he was elected president of Local 687. Bieber served as president of the local until 1961, when he was appointed to be a

staff representative for UAW Region 1D. He remained with UAW Region 1D for the next 20 years. He was elected regional director in 1974, and reelected in 1977. In 1980, delegates to the Union's 26th Constitutional Convention elected him to be an international vice-president and he then took charge of the UAW's largest department—General Motors. His final step to the presidency of the UAW came at the 27th Constitutional Convention in Dallas in 1983. Since then, he has been reelected every 3 years, with his fourth and final term beginning in 1992.

Owen Bieber has always been committed to the belief that in order for U.S. industry to be successful, there must be a strong partnership between management and labor. As UAW president, Bieber's strategy of building new cooperation with the auto companies laid the foundation for future success. It is this strategy that has allowed the U.S. auto industry to bounce back and once again lead the world. Bieber has worked to increase security for union members while at the same time helping improve the quality of both work and work life in the plants. Bieber has focused the union on efforts to raise wages, protect jobs, strengthen work place safety and ensure fully paid health care. Under Bieber's leadership, the UAW established and fostered successful bargaining relationships with Japanese manufacturers. Bieber also expanded membership in the UAW to include workers in the media, academia, and government.

Owen Bieber has also expressed a strong commitment to civil and human rights, both at home and abroad. During his tenure as president, the world saw workers win their basic rights in countries such as Poland and South Africa. These struggles were strongly supported by the UAW. In 1986, Bieber negotiated on behalf of South African workers who were jailed without being charged with a crime. A high point of his career came in 1990, when Bieber had the opportunity to escort recently freed Nelson Mandela through Ford Motor Company's Rouge plant.

Throughout the years, Bieber has always remained committed to his local community. He has also been a strong booster of the city of Detroit, where the union is headquartered. His broad civic involvement has included such organizations as the NAACP and the United Way.

Owen Bieber has always shown the highest regard and respect for the American worker. This giant of a man has also been a booming voice for a tough and fair American trade policy. It is only fitting that now, as he retires, we have an administration that is willing to stand up for American manufacturers and American workers and to insist that foreign markets are as open to our products as our markets are to imports.

The new president, Stephen Yokich, has spent the past three decades working on behalf of labor. The UAW has always meant a great deal to Yokich and his family. Both of Yokich's parents and grandfathers were members of the UAW. Yokich has been one the UAW's strongest negotiators. Yokich has been in charge of UAW's General Motors Department since 1989. He was on hand to oversee the downsizing of GM's work force. Yokich's handling of the situation enabled more workers to keep their jobs and has ultimately led to a more cooperative relationship between the UAW and GM. One of his main responsibilities in the near future will be to increase UAW membership, a task that will benefit from his great personal energy.

It is heartening to see that the leadership of one of the world's most important labor organizations will remain in able hands. I know my Senate colleagues join me in congratulating these two outstanding leaders for the extraordinary work they have done on behalf of our Nation's workers and for their efforts to make our automobile industry the foremost example of American manufacturing. I ask that the text of the remarks of Owen Bieber at the UAW's 31st Constitutional Convention be placed in the RECORD following my statement.

The text of the remarks follows:

REMARKS OF OWEN BIEBER

Brothers and sisters, I cannot tell you how much that video tribute, and how much your warm applause means to me.

What I can tell you is that when all is said and done—it is you and those you represent who have—time and again, inspired me.

It is your passion for justice, your love of your country and your love for the UAW that drives this union.

It is you who have created the opportunities for me to take the UAW's message from California to South Africa.

It is the clout of one-point-three million active and retired UAW members, that has carried me to the offices of Presidents and Senators and CEO's.

Without this union, a young worker in an auto parts plant in Grand Rapids, Michigan could hardly dream of meeting Lech Walesa or Nelson Mandela or Bill and Hillary Clinton—let alone actually do so.

It is also the collective UAW that has generated the great team of colleagues I have had the privilege to work with over the years.

Leonard Woodcock and Doug Fraser, especially, have been there for advice and counsel whenever I needed them.

Ken Bannon, Don Ephlin, Martin Gerber, Pat Greathouse, Irving Bluestone, Marc Stepp, Odessa Komer, Olga Madar and retired board members have also remained loyal supporters and advisors.

I cannot think of anyone I would rather have had on my side and at my side for the battles we've been through than Steve Yokich, Stan Marshall, Ernie Lofton, Carolyn Forrest, and Secretary-Treasurer, Bill Casstevens.

In case you don't already know this, let me tell you that the thing about the president's staff is that they are supposed to be kind of invisible.

But believe you me, without Dick Shoemaker and the rest of my fine staff and department heads, this union would be nowhere near as effective as we have been.

There are many unsung warriors in the UAW army, but I think there are none who contribute more than our clerical staff, and I thank them for the great work they do.

I want to say a special word about my personal secretary, Mary Shoemaker, who has been of great help to me and I thank her for that.

You know when you elect a president of the UAW—whether they like it or not—you are electing their family to serve, as well.

The family, too, must adjust to the travel and the long hours and the phone calls that can come at any time.

They, too, carry the weight of the office.

In my own case, my wife, Shirley, has, in essence, worked for this union for many years.

Thanks to all of those I have mentioned and many, many more that I have not—it is a remarkable life I have had.

It is, I hope, a life that has taught me a thing or two along the way.

Brothers and sisters, as I look back across the twelve years you have given me the honor of serving you as president . . . and as I look forward to the future—one thing in particular stands out as strong and clear as the sun on a bright, shiny morning.

It is this:

When you put the opportunities that are before us, together with the rock solid strengths of this union—I have no doubt that the UAW's future will be even greater than our past.

Let me speak, for a moment, of the nature of our times and the opportunities they create.

As many of you have heard me say before, a new economic order has upset boundaries and assumptions that guided our society for many decades.

Corporate globalization . . . new technology . . . the end of the cold war . . . and the relentless commercialization of our values are pulling and tugging with great force at our social fabric.

As a result, fear and frustration are being expressed from many points on the compass.

We hear it in the bitterness of the debate over affirmative action and immigration.

We felt it in the explosion in Oklahoma City.

It is part and parcel of the coast-to-coast angry talk show voices that denounce the legitimacy of our government . . . day . . . after . . . day . . . after . . . day.

By the way, as First Lady Hillary Clinton suggested back in Michigan recently—aren't any of those people ever in a good mood?

Not that I can tell.

As I have said, it's obvious that many people react to political, social and economic change with fear and uncertainty.

I, however, see something very different.

I see a time of hope and opportunity.

Why is that?

What do I see that others don't?

I see the drive that inspires men and women to band together for justice, as we in the trade union movement have done.

My friends, I have spent all of my adult life in this union.

And believe you me, I know first-hand that life for our members now is better than it was when I joined the UAW . . . forty-seven years ago.

Much better.

Brothers and sisters, a lifetime spent in the UAW does not make one fearful of change.

To the contrary, a lifetime in the UAW makes one aware of the desire and the ability of working people to control their own destiny.

A lifetime in the UAW makes one aware of the value of collective action.

Call it solidarity . . . call it brotherhood and sisterhood . . . call it what you will—it is what happens when the power of community hooks up with the power of justice.

As I said in the video we saw earlier—that is a tradition that I have been proud to uphold.

I am proud of what this union did for our members, during very difficult times.

When you look back at the 80's and 90's, if there was any kind of insurance . . . any kind of protection . . . any kind of good fortune that a working man or woman could have that delivered more than being a member of the UAW—I cannot think what it might be.

The record speaks for itself.

No union did better at defending the standard of living of its members. None.

In insecure times . . . did we break new ground on job security?

Yes, we did.

Did we make our workplaces healthier and safer?

We sure did.

Did we set out to defend the core idea of employer-paid health care that previous UAW generations fought so hard to win?

And did that idea come under attack in every single negotiation we entered?

You know it did.

But you know, too, that UAW members held on to employer-paid health care during a time when millions of workers were losing that benefit.

And what about our retirees?

Did we take care of those who built this great union?

We sure did.

And did we uphold the UAW's pioneering tradition, when it came to gaining worker involvement in decisions on sourcing and quality and manufacturing design?

Did we break new ground when it comes to education and training, child care services and assistance for workers' personal problems?

You know the answer.

Add it all up and this whole union has a lot to be proud of.

Brothers and sisters, as well as we have done at the collective bargaining table, that is by no means the extent of our accomplishments.

Let's look at our impact on politics and legislative issues.

A very good place to begin is with the fight that's going on right now to bring fairness to the economics of global trade.

I don't know if you noticed or not, but the Wall Street Journal recently paid this union quite a compliment.

In a lead editorial, they said, in so many words, that the reason that something is done about trade is because the UAW has made so much noise and created so much pressure on this issue.

Well, brothers and sisters, on behalf of the thousands of UAW members who have fought long and hard for fairness from the Japanese, I propose we accept the compliment from the Wall Street Journal with a big round of applause.

And while we're at it, let's also give a cheer to President Bill Clinton for standing up to the Wall Street Journal and the rest of the free-trade hypocrites—not to mention the Japanese themselves.

It's about time we had a President with the guts to act on this issue.

Brothers and sisters, the President is exactly right when he says that one-way trade is not free trade at all.

He is taking a lot of heat in this struggle and he deserves our support.

It is time for us to, show, again, where we stand.

Let us write and call our Senators and House members in support of the President's courageous position on auto trade with the Japanese.

Let me go further.

It is also important to mobilize now because the President needs our help in fighting the budget-cut atrocities that the Republicans will try to impose on our country's working families in the next one-hundred days.

As we approach these battles—let us not surrender to defeatism.

I tell you, brothers and sisters: the Republicans are weaker now than they were when Congress convened last January.

They do not have a popular mandate to wreck the country and it is our job to make sure they know that.

Let me tell you one more thing.

It is critical that we line up with President Clinton now for one more reason.

The 1996 elections will be here sooner than you can blink an eye.

And make no mistake about it—it is Bill Clinton who is standing between us and Phil Gramm . . . or Bob Dole . . . or, God forbid, Pat Buchanan, coming to live in the White House in January of 1997.

Need I say more?

I don't think so.

Turning now to another subject—as we all know, there is a huge gap between the accomplishments of the UAW . . . and how we are perceived.

Generally speaking, unions do not get the credit we deserve for what we contribute to the lives of our members or the well-being of our society.

Well, you know what, brothers and sisters—I say the time has come to quit believing what our critics say about us.

I say it's time to rely not on what somebody else says, but on what we know.

It is time to say—enough—to those who say that the trade union movement is too weak and too small and too old-fashioned to make a difference in today's world.

It is time to quit believing the propaganda put out by corporations, politicians and the media who want us to feel powerless and be powerless so that they may be even more powerful.

Brothers and sisters, ask yourself this question . . . if we're so damn weak, why have powerful corporations spent hundreds of millions of dollars to create a union-busting industry in this country?

And just why do they work so hard to make union organizing so difficult?

And have you ever wondered about this: Why does the media write our obituary . . . over and over and over again?

Let's really think about this.

You don't read story after story about how the Prohibition Party is dead do you?

Of course not.

That's because the Prohibition party really is dead!

They don't have to write their obituary over and over like they do ours.

Sometimes I wonder who is it they are trying to convince—themselves, or us?

Either way, my friends—it's time to quit believing this baloney about how weak we are.

It is time to put our media-induced inferiority complex behind us.

It's time for us to stand up to convicted felons and right-wing wackos like G. Gordon Liddy, Rush Limbaugh, and Bo Gritz.

There is nothing to be gained by keeping our mouths shut, and our pens in our pockets.

Let's start talking back to talk radio and writing more letters to the editor than ever.

Let's be clear here about something else.

It is not trade unions that are dinosaurs left over from some other age.

It's the G. Gordon Liddy's who find themselves in the wrong century and I'm sick and tired of those who try to tell us differently.

The truth is the truth.

It is trade unions who have proven time and again that we can and do adapt to new circumstances.

The UAW was born from the challenges created by the new industrial economy of the 1930's.

Since then we've shifted from peace to war and back again.

We've been leaders in integrating minorities into our economic, political and social life.

We've brought trade unions into new sectors of the economy and new places on the globe.

From the Chrysler bailout forward, we helped American industry turn around from its deepest peacetime crisis ever.

We've helped Ford and GM and John Deere and lot's of other companies change with the times.

And just so there is no confusion in anyone's mind—this entire union remains one-hundred percent solid in supporting the struggle of our members at Caterpillar.

They are trying to keep that company from backsliding completely into the nineteenth century.

And they have our full support.

You know, when you look at it closely, the basic situation now is very much the same as it was sixty years ago when this great union was founded.

Now, as then, the questions before us have to do with how to distribute the wealth that dynamic new economic developments have the potential to create.

We are a richer country today than we have ever been.

Yet more people are poor.

We were once a rich country that led the world in the just distribution of wealth.

Now, we lead the industrialized world in how unfairly wealth is distributed.

That is not just sad. It's dangerous.

For if there is one lesson that emerges from the twentieth century, it is this: How fairly wealth is distributed has a great deal to do with how much wealth gets created.

We have also demonstrated in the past, that we will commit the financial means to sustain us in long and difficult collective bargaining and organizing campaigns.

Speaking of organizing, all across this union, in workplaces large and small, we have demonstrated that we can help workers organize under the most difficult conditions.

Not only is that true in our traditional industrial base—it's true in the growing service sector as well.

In fact, the UAW is now represented in just about every section of the economy.

By way of example, Local 6000, which represents the state employees of Michigan, is now the largest local in the entire UAW.

There is another kind of diversity that is also a basic UAW strength.

Our union unites whites, blacks, Latinos . . . and men and women, as does no other organization in American life.

In a time of media manipulation and hatemongering—that unity is a mighty weapon in the fight for justice and democracy.

In that same spirit, I would also point out that the UAW has a solid and growing core of experienced, dynamic and talented trade union women.

The UAW also possesses widely respected technical expertise in its legal; research; health and safety; retired workers, communications; social security; community service; political action and other departments.

And speaking of political action—we have a political army of active and retired members that is second to none.

Another great strength is the leadership that is nominated to take the reins of this union.

They are battle tested. They are smart. They are dedicated and hard-working. They have a clear vision of the future.

They are the right leaders, in the right time, at the right place to do what needs to be done.

What's more, come next fall, they will have the added advantage of dynamic new leadership in the AFL-CIO.

Finally, the most important reason for my confidence in our future is represented right here in this room.

It is the membership of this union—the men and women that elected you to be here—that make up our ultimate weapon.

It is you, and those like you, in workplaces all over this country who build this union and keep it strong.

And it is you for whom I have been proud to work as your president.

I welcome, therefore, this opportunity to say thank you for all that you have done for me * * * and all that you have meant to me over the years.

No matter how trying the times, I knew that I could always count on you.

I knew that with teamwork in the leadership and solidarity in the ranks—I could call on this membership at any time.

And I have done so, many times.

You have never let me down.

You have never let your union down.

For that, I say thank you from the bottom of my heart.

And on Thursday I will hand over the gavel knowing that this union's future will be even greater than its past.

Thank you again for everything.●

RECOGNITION OF WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. CHAFEE. Mr. President, as I'm sure my colleagues are aware, this week Washington has been host to the White House Conference on Small Business. This officially sanctioned conference brings small businesspeople from all over the country together to make recommendations to the President and the Congress regarding policy changes that are needed to improve the Nation's business climate.

In the past, many of the proposals made by the Conference have later been adopted by both the executive and legislative branches. The process of bringing together those that our actions affect directly for their input is a fine example of the kind of communication and democratic governance that sets our Nation apart.

I take the recommendations of the Conference most seriously. Rhode Island is a State of small business. Of the nearly 25,000 firms doing business in my State, over 21,000 of those have fewer than 20 employees. Enterprises with less than 20 employees account for more than 50 percent of the payroll expenditures in our State each year.

Clearly, then, what helps small business helps Rhode Island. One of the most important themes Rhode Island's delegation has sounded throughout the Conference and the preliminary activities associated with its is the extraordinary role the Small Business Administration [SBA] has played in our State.

As my colleagues will recall, Rhode Island suffered a double-whammy in the early 1990's. We had the same recession experienced by the rest of the Nation—but it was quite a bit worse in our manufacturing State. On top of that recession, we also had a private deposit insurance collapse that led to the closing of many of our credit unions, the lender of choice for many of our small businesses. The net result was an economic downturn compounded by a credit crunch of considerable proportions.

It was at this point that our Providence SBA office began to work with our surviving private lenders to establish designated small business lending funds that the SBA would consider guaranteeing on a case-by-case basis. This activist, entrepreneurial approach is one important ingredient in the small business recovery that has occurred. Lending is up; in 1994 the SBA backed nearly 300 loans in Rhode Island, And in 1995 expectations are that the agency will guarantee over 500 small business loans.

This rapid expansion is also a function of the Federal Government's decision to use fees to offset the cost of expanding SBA lending authority. It is likely that further reductions in SBA's subsidy rate will be used to preserve the SBA's ability to meet demand at the same time that SBA's cost of doing business are reduced. I applaud this and other changes being made at SBA that will allow programs to continue even while SBA does its part in reducing the Federal deficit.

Thus, Mr. President, the SBA is important to Rhode Islanders. I look forward to working with the chairman of the Senate Small Business Committee, Senator BOND, and other small business backers as we work our way through this year's appropriations bills and try to preserve the positive contributions of the SBA.

As further evidence of Rhode Islanders' strong support for this program, I ask that a resolution recently approved by the Rhode Island General Assembly be printed at the conclusion of my remarks.

The resolution follows:

JOINT RESOLUTION

Whereas, the U.S. Small Business Administration was created in 1953 by President Dwight D. Eisenhower to foster the growth of small entrepreneurs, and

Whereas, our Nation's economic prosperity is linked directly to the health of the small business community, and

Whereas, the Rhode Island business community is comprised of over 97 percent small businesses, and

Whereas, small businesses have grown 49 percent since 1982, they employ 54 percent of the American work force, account for 50 percent of the gross domestic product, and account for 71 percent in new job growth in 1993, and

Whereas, the Small Business Administration's (SBA) 504 and 7(a) financing programs are a public/private partnership that leverages private dollars and allows for continued access to capital for Rhode Island's small business community, and

Whereas, SBA's technical resources including the Small Business Development Center at Bryant College and the Service Corps of Retired Executives provide much needed counseling to the Rhode Island small business community, and

Whereas, the Rhode Island SBA District Office has approved over 800 loans totaling $168.5 million in guarantee and 504 financing to the Rhode Island small business community from October 1992 to present, and

Whereas, this financial assistance has played a vital role in reviving the Rhode Island economy; now be it

Resolved, That the General Assembly of the State of Rhode Island and Providence Plantations hereby respectfully requests the United States Congress to financially support the U.S. Small Business Administration and its 7(a) and 504 financing programs, as well as its education/training and advocacy programs, and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Speaker of the U.S. House of Representatives and the President of the United States Senate, and to the Rhode Island Delegation in the Congress of the United States.●

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The text of the bill (S. 652) entitled the "Telecommunications Competition and Deregulation Act," as passed by the Senate on June 15, 1995, is as follows:

S. 652

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 "Telecommunications Competition and Deregulation Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Purpose.
Sec. 4. Goals.
Sec. 5. Findings.
Sec. 6. Amendment of Communications Act of 1934.
Sec. 7. Effect on other law.
Sec. 8. Definitions.

TITLE I—TRANSITION TO COMPETITION

Sec. 101. Interconnection requirements.
Sec. 102. Separate affiliate and safeguard requirements.

Sec. 103. Universal service.
Sec. 104. Essential telecommunications carriers.
Sec. 105. Foreign investment and ownership reform.
Sec. 106. Infrastructure sharing.
Sec. 107. Coordination for telecommunications network-level interoperability.

TITLE II—REMOVAL OF RESTRICTIONS TO COMPETITION

SUBTITLE A—REMOVAL OF RESTRICTIONS

Sec. 201. Removal of entry barriers.
Sec. 202. Elimination of cable and telephone company cross-ownership restriction.
Sec. 203. Cable Act reform.
Sec. 204. Pole attachments.
Sec. 205. Entry by utility companies.
Sec. 206. Broadcast reform.

SUBTITLE B—TERMINATION OF MODIFICATION OF FINAL JUDGMENT

Sec. 221. Removal of long distance restrictions.
Sec. 222. Removal of manufacturing restrictions.
Sec. 223. Existing activities.
Sec. 224. Enforcement.
Sec. 225. Alarm monitoring services.
Sec. 226. Nonapplicability of Modification of Final Judgment.

TITLE III—AN END TO REGULATION

Sec. 301. Transition to competitive pricing.
Sec. 302. Biennial review of regulations; elimination of unnecessary regulations and functions.
Sec. 303. Regulatory forbearance.
Sec. 304. Advanced telecommunications incentives.
Sec. 305. Regulatory parity.
Sec. 306. Automated ship distress and safety systems.
Sec. 307. Telecommunications numbering administration.
Sec. 308. Access by persons with disabilities.
Sec. 309. Rural markets.
Sec. 310. Telecommunications services for health care providers for rural areas, educational providers, and libraries.
Sec. 311. Provision of payphone service and telemessaging service.
Sec. 312. Direct Broadcast Satellite.

TITLE IV—OBSCENE, HARASSING, AND WRONGFUL UTILIZATION OF TELECOMMUNICATIONS FACILITIES

Sec. 401. Short title.
Sec. 402. Obscene or harassing use of telecommunications facilities under the Communications Act of 1934.
Sec. 403. Obscene programming on cable television.
Sec. 404. Broadcasting obscene language on radio.
Sec. 405. Separability.
Sec. 406. Additional prohibition on billing for toll-free telephone calls.
Sec. 407. Scrambling of cable channels for nonsubscribers.
Sec. 408. Scrambling of sexually explicit adult video service programming.
Sec. 409. Cable operator refusal to carry certain programs.
Sec. 410. Restrictions on access by children to obscene and indecent material on electronic information networks open to the public.

TITLE V—PARENTAL CHOICE IN TELEVISION

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Rating code for violence and other objectionable content on television.
Sec. 504. Requirement for manufacture of televisions that block programs.
Sec. 505. Shipping or importing of televisions that block programs.

TITLE VI—NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

Sec. 601. Short title.
Sec. 602. Findings; purpose.
Sec. 603. Definitions.
Sec. 604. Assistance for educational technology purposes.
Sec. 605. Audits.
Sec. 606. Annual report; testimony to the Congress.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Spectrum auctions.
Sec. 702. Renewed efforts to regulate violent programming.
Sec. 703. Prevention of unfair billing practices for information or services provided over toll-free telephone calls.
Sec. 704. Disclosure of certain records for investigations of telemarketing fraud.
Sec. 705. Telecommuting public information program.
Sec. 706. Authority to acquire cable systems.

SEC. 3. PURPOSE.

It is the purpose of this Act to increase competition in all telecommunications markets and provide for an orderly transition from regulated markets to competitive and deregulated telecommunications markets consistent with the public interest, convenience, and necessity.

SEC. 4. GOALS.

This Act is intended to establish a national policy framework designed to accelerate rapidly the private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and to meet the following goals:

(1) To promote and encourage advanced telecommunications networks, capable of enabling users to originate and receive affordable, high-quality voice, data, image, graphic, and video telecommunications services.

(2) To improve international competitiveness markedly.

(3) To spur economic growth, create jobs, and increase productivity.

(4) To deliver a better quality of life through the preservation and advancement of universal service to allow the more efficient delivery of educational, health care, and other social services.

SEC. 5. FINDINGS.

The Congress makes the following findings:

(1) Competition, not regulation, is the best way to spur innovation and the development of new services. A competitive market place is the most efficient way to lower prices and increase value for consumers. In furthering the principle of open and full competition in all telecommunications markets, however, it must be recognized that some markets are more open than others.

(2) Local telephone service is predominantly a monopoly service. Although business customers in metropolitan areas may have alternative providers for exchange access service, consumers do not have a choice of local telephone service. Some States have begun to open local telephone markets to competition. A national policy framework is needed to accelerate the process.

(3) Because of their monopoly status, local telephone companies and the Bell operating companies have been prevented from competing in certain markets. It is time to eliminate these restrictions. Nonetheless, transition rules designed to open monopoly markets to competition must be in place before certain restrictions are lifted.

(4) Transition rules must be truly transitional, not protectionism for certain industry segments or artificial impediments to increased competition in all markets. Where possible, transition rules should create investment incentives through increased competition. Regulatory safeguards should be adopted only where competitive conditions would not prevent anticompetitive behavior.

(5) More competitive American telecommunications markets will promote United States technological advances, domestic job and investment opportunities, national competitiveness, sustained economic development, and improved quality of American life more effectively than regulation.

(6) Congress should establish clear statutory guidelines, standards, and time frames to facilitate more effective communications competition and, by so doing, will reduce business and customer uncertainty, lessen regulatory processes, court appeals, and litigation, and thus encourage the business community to focus more on competing in the domestic and international communications marketplace.

(7) Where competitive markets are demonstrably inadequate to safeguard important public policy goals, such as the continued universal availability of telecommunications services at reasonable and affordable prices, particularly in rural America, Congress should establish workable regulatory procedures to advance those goals, provided that in any proceeding undertaken to ensure universal availability, regulators shall seek to choose the most procompetitive and least burdensome alternative.

(8) Competitive communications markets, safeguarded by effective Federal and State antitrust enforcement, and strong economic growth in the United States which such markets will foster are the most effective means of assuring that all segments of the American public command access to advanced telecommunications technologies.

(9) Achieving full and fair competition requires strict parity of marketplace opportunities and responsibilities on the part of incumbent telecommunications service providers as well as new entrants into the telecommunications marketplace, provided that any responsibilities placed on providers should be the minimum required to advance a clearly defined public policy goal.

(10) Congress should not cede its constitutional responsibility regarding interstate and foreign commerce in communications to the Judiciary through the establishment of procedures which will encourage or necessitate judicial interpretation or intervention into the communications marketplace.

(11) Ensuring that all Americans, regardless of where they may work, live, or visit, ultimately have comparable access to the full benefits of competitive communications markets requires Federal and State authorities to work together affirmatively to minimize and remove unnecessary institutional and regulatory barriers to new entry and competition.

(12) Effectively competitive communications markets will ensure customers the

widest possible choice of services and equipment, tailored to individual desires and needs, and at prices they are willing to pay.

(13) Investment in and deployment of existing and future advanced, multipurpose technologies will best be fostered by minimizing government limitations on the commercial use of those technologies.

(14) The efficient development of competitive United States communications markets will be furthered by policies which aim at ensuring reciprocal opening of international investment opportunities.

SEC. 6. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 7. EFFECT ON OTHER LAW.

(a) ANTITRUST LAWS.—Except as provided in subsections (b) and (c), nothing in this Act shall be construed to modify, impair, or supersede the applicability of any antitrust law.

(b) MODIFICATION OF FINAL JUDGMENT.—This Act shall supersede the Modification of Final Judgment to the extent that it is inconsistent with this Act.

(c) TRANSFER OF MFJ.—After the date of enactment of this Act, the Commission shall administer any provision of the Modification of Final Judgment not overridden or superseded by this Act. The District Court for the District of Columbia shall have no further jurisdiction over any provision of the Modification of Final Judgment administered by the Commission under this Act or the Communications Act of 1934. The Commission may, consistent with this Act (and the amendments made by this Act), modify any provision of the Modification of Final Judgment that it administers.

(d) GTE CONSENT DECREE.—This Act shall supersede the provisions of the Final Judgment entered in United States v. GTE Corp., No. 83-1298 (D.C. D.C.), and such Final Judgment shall not be enforced after the effective date of this Act.

SEC. 8. DEFINITIONS.

(a) TERMS USED IN THIS ACT.—As used in this Act—

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) MODIFICATION OF FINAL JUDGMENT.—The term "Modification of Final Judgment" means the decree entered on August 24, 1982, in United States v. Western Electric Civil Action No. 82-0192 (United States District Court, District of Columbia), and includes any judgment or order with respect to such action entered on or after August 24, 1982, and before the date of enactment of this Act.

(3) GTE CONSENT DECREE.—The term "GTE Consent Decree" means the order entered on December 21, 1984, as restated January 11, 1985, in United States v. GTE Corporation, Civil Action No. 83-1298 (United States District Court, District of Columbia), and includes any judgment or order with respect to such action entered on or after January 11, 1985, and before the date of enactment of this Act.

(4) INTEGRATED TELECOMMUNICATIONS SERVICE PROVIDER.—The term "integrated telecommunications service provider" means any person engaged in the provision of multiple services, such as voice, data, image, graphics, and video services, which make common use of all or part of the same transmission facilities, switches, signalling, or control devices.

(b) TERMS USED IN THE COMMUNICATIONS ACT OF 1934.—Section 3 (47 U.S.C. 153) is amended by adding at the end thereof the following:

"(gg) 'Modification of Final Judgment' means the decree entered on August 24, 1982, in United States v. Western Electric Civil Action No. 82-0192 (United States District Court, District of Columbia), and includes any judgment or order with respect to such action entered on or after August 24, 1982, and before the date of enactment of the Telecommunications Competition and Deregulation Act of 1995.

"(hh) 'Bell operating company' means any company listed in appendix A of the Modification of Final Judgment to the extent such company provides telephone exchange service or exchange access service, and includes any successor or assign of any such company, but does not include any affiliate of such company.

"(ii) 'Affiliate' means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term 'own' means to own an equity interest (or the equivalent thereof) of more than 10 percent.

"(jj) 'Telecommunications Act of 1995' means the Telecommunications Competition and Deregulation Act of 1995.

"(kk) 'Local exchange carrier' means a provider of telephone exchange service or exchange access service.

"(ll) 'Telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, including voice, data, image, graphics, and video, without change in the form or content of the information, as sent and received, with or without benefit of any closed transmission medium.

"(mm) 'Telecommunications service' means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used to transmit the telecommunications service.

"(nn) 'Telecommunications carrier' means any provider of telecommunications services, except that such term does not include hotels, motels, hospitals, and other aggregators of telecommunications services (as defined in section 226). A telecommunications carrier shall only be treated as a common carrier under this Act to the extent that it is engaged in providing telecommunications services for voice, data, image, graphics, or video that it does not own, control, or select, except that the Commission shall continue to determine whether the provision of fixed and mobile satellite service shall be treated as common carriage.

"(oo) 'Telecommunications number portability' means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

"(pp) 'Information service' means the offering of services that—

"(1) employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information;

"(2) provide the subscriber additional, different, or restructured information; or

"(3) involve subscriber interaction with stored information.

"(qq) 'Cable service' means cable service as defined in section 602.

"(rr) 'Rural telephone company' means a telecommunications carrier operating entity to the extent that such entity provides telephone exchange service, including access service subject to part 69 of the Commission's rules (47 C.F.R. 69.1 et seq.), to—

"(1) any service area that does not include either—

"(A) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recent population statistics of the Bureau of the Census; or

"(B) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of January 1, 1995; or

"(2) fewer than 100,000 access lines within a State.

"(ss) 'Service area' means a geographic area established by the Commission and the States for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, 'service area' means such company's 'study area' unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

"(tt) 'LATA' means a local access and transport area as defined in United States v. Western Electric Co., 569 F. Supp. 990 (U.S. District Court, District of Columbia) and subsequent judicial orders relating thereto, except that, with respect to commercial mobile services, the term 'LATA' means the geographic areas defined or used by the Commission in issuing licenses for such services: *Provided however*, That in the case of a Bell operating company cellular affiliate, such geographic area shall be no smaller than the LATA area for such affiliate on the date of enactment of the Telecommunications Act of 1995.".

TITLE I—TRANSITION TO COMPETITION

SEC. 101. INTERCONNECTION REQUIREMENTS.

(a) REQUIRED INTERCONNECTION.—Title II (47 U.S.C. 201 et seq.) is amended by inserting after section 228 the following:

"Part II—Competition in Telecommunications

"SEC. 251. INTERCONNECTION.

"(a) DUTY TO PROVIDE INTERCONNECTION.—

"(1) IN GENERAL.—A local exchange carrier, or class of local exchange carriers, determined by the Commission to have market power in providing telephone exchange service or exchange access service has a duty under this Act, upon request—

"(A) to enter into good faith negotiations with any telecommunications carrier requesting interconnection between the facilities and equipment of the requesting telecommunications carrier and the carrier, or class of carriers, of which the request was made for the purpose of permitting the telecommunications carrier to provide telephone exchange or exchange access service; and

"(B) to provide such interconnection, at rates that are reasonable and nondiscriminatory, according to the terms of the agreement and in accordance with the requirements of this section.

"(2) INITIATION.—A local exchange carrier, or class of carriers, described in paragraph (1) shall commence good faith negotiations to conclude an agreement, whether through negotiation under subsection (c) or arbitration or intervention under subsection (d),

within 15 days after receiving a request from any telecommunications carrier seeking to provide telephone exchange or exchange access service. Nothing in this Act shall prohibit multilateral negotiations between or among a local exchange carrier or class of carriers and a telecommunications carrier or class of carriers seeking interconnection under subsection (c) or subsection (d). At the request of any of the parties to a negotiation, a State may participate in the negotiation of any portion of an agreement under subsection (c).

"(3) MARKET POWER.—For the purpose of determining whether a carrier has market power under paragraph (1), the relevant market shall include all providers of telephone exchange or exchange access services in a local area, regardless of the technology used by any such provider.

"(b) MINIMUM STANDARDS.—An interconnection agreement entered into under this section shall, if requested by a telecommunications carrier requesting interconnection, provide for—

"(1) nondiscriminatory access on an unbundled basis to the network functions and services of the local exchange carrier's telecommunications network (including switching software, to the extent defined in implementing regulations by the Commission);

"(2) nondiscriminatory access on an unbundled basis to any of the local exchange carrier's telecommunications facilities and information, including databases and signaling, necessary to the transmission and routing of any telephone exchange service or exchange access service and the interoperability of both carriers' networks;

"(3) interconnection to the local exchange carrier's telecommunications facilities and services at any technically feasible point within the carrier's network;

"(4) interconnection that is at least equal in type, quality, and price (on a per unit basis or otherwise) to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection;

"(5) nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the local exchange carrier at just and reasonable rates;

"(6) the local exchange carrier to take whatever action under its control is necessary, as soon as is technically feasible, to provide telecommunications number portability and local dialing parity in a manner that—

"(A) permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service in the market served by the local exchange carrier;

"(B) permits all such carriers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing with no unreasonable dialing delays; and

"(C) provides for a reasonable allocation of costs among the parties to the agreement;

"(7) telecommunications services and network functions of the local exchange carrier to be available to the telecommunications carrier on an unbundled basis without any unreasonable conditions on the resale or sharing of those services or functions, including the origination, transport, and termination of such telecommunications services, other than reasonable conditions required by a State; and for purposes of this paragraph, it is not an unreasonable condition for a State to limit the resale—

"(A) of services included in the definition of universal service to a telecommunications carrier who resells that service to a category of customers different from the category of customers being offered that universal service by such carrier if the State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(B) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of providing those services to that carrier, exclusive of any universal service support received for providing such services in accordance with section 214(d)(5);

"(8) reciprocal compensation arrangements for the origination and termination of telecommunications;

"(9) reasonable public notice of changes in the information necessary for the transmission and routing of services using that local exchange carrier's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities and networks; and

"(10) a schedule of itemized charges and conditions for each service, facility, or function provided under the agreement.

"(c) AGREEMENTS ARRIVED AT THROUGH NEGOTIATION.—Upon receiving a request for interconnection, a local exchange carrier may meet its interconnection obligations under this section by negotiating and entering into a binding agreement with the telecommunications carrier seeking interconnection without regard to the standards set forth in subsection (b). The agreement shall include a schedule of itemized charges for each service, facility, or function included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1995, shall be submitted to the State under subsection (e).

"(d) AGREEMENTS ARRIVED AT THROUGH ARBITRATION OR INTERVENTION.—

"(1) IN GENERAL.—Any party negotiating an interconnection agreement under this section may, at any point in the negotiation, ask a State to participate in the negotiation and to arbitrate any differences arising in the course of the negotiation. The refusal of any other party to the negotiation to participate further in the negotiations, to cooperate with the State in carrying out its function as a arbitrator, or to continue to negotiate in good faith in the presence, or with the assistance, of the State shall be considered a failure to negotiate in good faith.

"(2) INTERVENTION.—If any issues remain open in a negotiation commenced under this section more than 135 days after the date upon which the local exchange carrier received the request for such negotiation, then the carrier or any other party to the negotiation may petition a State to intervene in the negotiations for purposes of resolving any such remaining open issues. Any such request must be made during the 25-day period that begins 135 days after the carrier receives the request for such negotiation and ends 160 days after that date.

"(3) DUTY OF PETITIONER.—

"(A) A party that petitions a State under paragraph (2) shall, at the same time as it submits the petition, provide the State all relevant documentation concerning the negotiations necessary to understand—

"(i) the unresolved issues;

"(ii) the position of each of the parties with respect to those issues; and

"(iii) any other issue discussed and resolved by the parties.

"(B) A party petitioning a State under paragraph (2) shall provide a copy of the petition and any documentation to the other party not later than the day on which the State receives the petition.

"(4) OPPORTUNITY TO RESPOND.—A party to a negotiation under this section with respect to which the other party has petitioned a State under paragraph (2) may respond to the other party's petition and provide such additional information as it wishes within 25 days after the State receives the petition.

"(5) ACTION BY STATE.—

"(A) A State proceeding to consider a petition under this subsection shall be conducted in accordance with the rules promulgated by the Commission under subsection (i). The State shall limit its consideration of any petition under paragraph (2) (and any response thereto) to the issues set forth in the petition and in the response, if any, filed under paragraph (4).

"(B) The State may require the petitioning party and the responding party to provide such information as may be necessary for the State to reach a decision on the unresolved issues. If either party refuses or fails unreasonably to respond on a timely basis to any reasonable request from the State, then the State may proceed on the basis of the best information available to it from whatever source derived.

"(C) The State shall resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions upon the parties to the agreement, and shall conduct the review of the agreement (including the issues resolved by the State) not later than 10 months after the date on which the local exchange carrier received the request for interconnection under this section.

"(D) In resolving any open issues and imposing conditions upon the parties to the agreement, a State shall ensure that the requirements of this section are met by the solution imposed by the State and are consistent with the Commission's rules defining minimum standards.

"(6) CHARGES.—If the amount charged by a local exchange carrier, or class of local exchange carriers, for an unbundled element of the interconnection provided under subsection (b) is determined by arbitration or intervention under this subsection, then the charge—

"(A) shall be

"(i) based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the unbundled element,

"(ii) nondiscriminatory, and

"(iii) individually priced to the smallest element that is technically feasible and economically reasonable to provide; and

"(B) may include a reasonable profit.

"(e) APPROVAL BY STATE.—Any interconnection agreement under this section shall be submitted for approval to the State. A State to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies. The State may only reject—

"(1) an agreement under subsection (c) if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement; and

"(2) an agreement under subsection (d) if it finds that—

"(B) the agreement does not meet the standards set forth in subsection (b), or

"(B) the implementation of the agreement is not in the public interest.

If the State does not act to approve or reject the agreement within 90 days after receiving

the agreement, or 30 days in the case of an agreement negotiated under subsection (c), the agreement shall be deemed approved. No State court shall have jurisdiction to review the action of a State in approving or rejecting an agreement under this section.

"(f) FILING REQUIRED.—A State shall make a copy of each agreement approved under subsection (e) available for public inspection and copying within 10 days after the agreement is approved. The State may charge a reasonable and nondiscriminatory fee to the parties to the agreement to cover the costs of approving and filing such agreement.

"(g) AVAILABILITY TO OTHER TELECOMMUNICATIONS CARRIERS.—A local exchange carrier shall make available any service, facility, or function provided under an interconnection agreement to which it is a party to any other telecommunications carrier that requests such interconnection upon the same terms and conditions as those provided in the agreement.

"(h) COLLOCATION.—A State may require telecommunications carriers to provide for actual collocation of equipment necessary for interconnection at the premises of the carrier at reasonable charges, if the State finds actual collocation to be in the public interest.

"(i) IMPLEMENTATION.—

"(1) RULES AND STANDARDS.—The Commission shall promulgate rules to implement the requirements of this section within 6 months after the date of enactment of the Telecommunications Act of 1995. In establishing the standards for determining what facilities and information are necessary for purposes of subsection (b)(2), the Commission shall consider, at a minimum, whether—

"(A) access to such facilities and information that are proprietary in nature is necessary; and

"(B) the failure to provide access to such facilities and information would impair the ability of the telecommunications carrier seeking interconnection to provide the services that it seeks to offer.

"(2) COMMISSION TO ACT IF STATE WILL NOT ACT.—If a State, through action or inaction, fails to carry out its responsibility under this section in accordance with the rules prescribed by the Commission under paragraph (1) in any proceeding or other matter under this section, then the Commission shall issue an order preempting the State's jurisdiction of that proceeding or matter within 90 days after being notified (or taking notice) of such failure, and shall assume the responsibility of the State under this section with respect to the proceeding or matter and act for the State.

"(3) WAIVERS AND MODIFICATIONS FOR RURAL CARRIERS.—The Commission or a State shall, upon petition or on its own initiative, waive or modify the requirements of subsection (b) for a rural telephone company or companies, and may waive or modify the requirements of subsection (b) for local exchange carriers with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide, to the extent that the Commission or a State determines that such requirements would result in unfair competition, impose a significant adverse economic impact on users of telecommunications services, be technically infeasible, or otherwise not be in the public interest. The Commission or a State shall act upon any petition filed under this paragraph within 180 days of receiving such petition. Pending such action, the Commission or a State may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.

"(j) STATE REQUIREMENTS.—Nothing in this section precludes a State from imposing requirements on a telecommunications carrier for intrastate services that are necessary to further competition in the provision of telephone exchange service or exchange access service, as long as the State's requirements are not inconsistent with the Commission's regulations to implement this section.

"(k) ACCESS CHARGE RULES.—Nothing in this section shall affect the Commission's interexchange-to-local exchange access charge rules for local exchange carriers or interexchange carriers in effect on the date of enactment of the Telecommunications Act of 1995.

"(l) REVIEW OF INTERCONNECTION STANDARDS.—Beginning 3 years after the date of enactment of the Telecommunications Act of 1995 and every 3 years thereafter, the Commission shall review the standards and requirements for interconnection established under subsection (b). The Commission shall complete each such review within 180 days and may modify or waive any requirements or standards established under subsection (b) if it determines that the modification or waiver meets the requirements of section 260.

"(m) COMMERCIAL MOBILE SERVICE PROVIDERS.—The requirements of this section shall not apply to commercial mobile services provided by a wireline local exchange carrier unless the Commission determines under subsection (a)(3) that such carrier has market power in the provision of commercial mobile service.".

(c) TECHNICAL AMENDMENTS.—

(1) Title II (47 U.S.C. 201 et seq.) is amended by inserting before section 201 the following:

"PART I—GENERAL PROVISIONS".

(2) Section 2(b) (47 U.S.C. 152(b)) is amended by striking "sections 223 through 227, inclusive, and section 332," and inserting "section 214(d), sections 223 through 227, part II of title II, and section 332,".

SEC. 102. SEPARATE AFFILIATE AND SAFEGUARD REQUIREMENTS.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 et seq.), as added by section 101 of this Act, is amended by inserting after section 251 the following new section:

"SEC. 252. SEPARATE AFFILIATE; SAFEGUARDS.

"(a) SEPARATE AFFILIATE REQUIRED FOR COMPETITIVE ACTIVITIES.—

"(1) IN GENERAL.—A Bell operating company (including any affiliate) which is a local exchange carrier that is subject to the requirements of section 251(a) may not provide any service described in paragraph (2) unless it provides that service through one or more affiliates that—

"(A) are separate from any operating company entity that is subject to the requirements of section 251(a); and

"(B) meet the requirements of subsection (b).

"(2) SERVICES FOR WHICH A SEPARATE AFFILIATE IS REQUIRED.—The services for which a separate affiliate is required by paragraph (1) are:

"(A) Information services, including cable services and alarm monitoring services, other than any information service a Bell operating company was authorized to provide before July 24, 1991.

"(B) Manufacturing services.

"(C) InterLATA services other than—

"(i) incidental services, not including information services;

"(ii) out-of-region services; or

"(iii) services authorized under an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of enactment of the Telecommunications Act of 1995.

"(b) STRUCTURAL AND TRANSACTIONAL REQUIREMENTS.—The separate affiliate required by this section—

"(1) shall maintain books, records, and accounts in the manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by the Bell operating company of which it is an affiliate;

"(2) shall have separate officers, directors, and employees from the Bell operating company of which it is an affiliate;

"(3) may not obtain credit under any arrangement that would permit a creditor, upon default, to have recourse to the assets of the Bell operating company; and

"(4) shall conduct all transactions with the Bell operating company of which it is an affiliate on an arm's length basis with any such transactions reduced to writing and available for public inspection.

"(c) NONDISCRIMINATION SAFEGUARDS.—In its dealings with its affiliate described in subsection (a) a Bell operating company—

"(1) may not discriminate between that company or affiliate and any other entity in the provision or procurement of goods, services, facilities, and information, or in the establishment of standards;

"(2) may not provide any goods, services, facilities, or information to such company or affiliate unless the goods, services, facilities, or information are made available to other persons on reasonable and nondiscriminatory terms and conditions, unbundled to the smallest element that is technically feasible and economically reasonable to provide, and at just and reasonable rates that are not higher on a per-unit basis than those charged for such services to any affiliate of such company; and

"(3) shall account for all transactions with an affiliate described in subsection (a) in accordance with generally accepted accounting principles.

"(d) BIENNIAL AUDIT.—

"(1) GENERAL REQUIREMENT.—A company required to operate a separate affiliate under this section shall obtain and pay for a joint Federal/State audit every 2 years conducted by an independent auditor selected by the Commission, and working at the direction of, the Commission and the State commission of each State in which such company provides service, to determine whether such company has complied with this section and the regulations promulgated under this section, and particularly whether such company has complied with the separate accounting requirements under subsection (b).

"(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(3) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(A) the independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each company and of its affiliates necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

"(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

"(e) JOINT MARKETING.—

"(1) A Bell operating company affiliate required by this section may not market or sell telephone exchange services provided by the Bell operating company unless that company permits other entities offering the same or similar service to market and sell its telephone exchange services.

"(2) A Bell operating company may not market or sell any service provided by an affiliate required by this section until that company has been authorized to provide interLATA services under section 255.

"(3) The joint marketing and sale of services permitted under this subsection shall not be considered to violate the nondiscrimination provisions of subsection (c).

"(f) ADDITIONAL REQUIREMENTS FOR PROVISION OF INTERLATA SERVICES.—A Bell operating company—

"(1) shall fulfill any requests from an unaffiliated entity for exchange access service within a period no longer than that in which it provides such exchange access service to itself or to its affiliates;

"(2) shall fulfill any such requests with exchange access service of a quality that meets or exceeds the quality of exchange access service provided by the Bell operating company to itself or its affiliate;

"(3) shall provide exchange access service to all carriers at rates that are just, reasonable, not unreasonably discriminatory, and based on costs;

"(4) shall not provide any facilities, services, or information concerning its provision of exchange access service to the affiliate described in subsection (a) unless such facilities, services, or information are made available to other providers of interLATA services in that market on the same terms and conditions;

"(5) shall charge the affiliate described in subsection (a), and impute to itself or any intraLATA interexchange affiliate, the same rates for access to its telephone exchange service and exchange access service that it charges unaffiliated interexchange carriers for such service; and

"(6) may provide any interLATA or intraLATA facilities or services to its interLATA affiliate if such services or facilities are made available to all carriers at the same rates and on the same terms and conditions so long as the costs are appropriately allocated.

"(g) PROPRIETARY INFORMATION.—

"(1) IN GENERAL.—In complying with the requirements of this section, each Bell operating company and any affiliate of such company has a duty to protect the confidentiality of propriety information relating to other common carriers, to equipment manufacturers, and to customers. A Bell operating company may not share customer proprietary information in aggregate form with its affiliates unless such aggregate information is available to other carriers or persons under the same terms and conditions. Individually identifiable customer proprietary information and other proprietary information may be—

"(A) shared with any affiliated entity required by this section or with any unaffiliated entity only with the consent of the person to which such information relates or from which it was obtained (including other carriers); or

"(B) disclosed to appropriate authorities pursuant to court order.

"(2) EXCEPTIONS.—Paragraph (1) does not limit the disclosure of individually identifiable customer proprietary information by each Bell operating company as necessary—

"(A) to initiate, render, bill, and collect for telephone exchange service, interexchange service, or telecommunications service requested by a customer; or

"(B) to protect the rights or property of the carrier, or to protect users of any of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, any such service.

"(3) SUBSCRIBER LIST INFORMATION.—For purposes of this subsection, the term 'customer proprietary information' does not include subscriber list information.

"(h) COMMISSION MAY GRANT EXCEPTIONS.—The Commission may grant an exception from compliance with any requirement of this section upon a showing that the exception is necessary for the public interest, convenience, and necessity.

"(i) APPLICATION TO UTILITY COMPANIES.—

"(1) REGISTERED PUBLIC UTILITY HOLDING COMPANY.—A registered company may provide telecommunications services only through a separate subsidiary company that is not a public utility company.

"(2) OTHER UTILITY COMPANIES.—Each State shall determine whether a holding company subject to its jurisdiction—

"(A) that is not a registered holding company, and

"(B) that provides telecommunications service,

is required to provide that service through a separate subsidiary company.

"(3) SAVINGS PROVISION.—Nothing in this subsection or the Telecommunications Act of 1995 prohibits a public utility company from engaging in any activity in which it is legally engaged on the date of enactment of the Telecommunications Act of 1995; provided it complies with the terms of any applicable authorizations.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'public utility company', 'associate company', 'holding company', 'subsidiary company', 'registered holding company', and 'State commission' have the same meaning as they have in section 2 of the Public Utility Holding Company Act of 1935.".

(b) IMPLEMENTATION.—The Commission shall promulgate any regulations necessary to implement section 252 of the Communications Act of 1934 (as added by subsection (a)) not later than one year after the date of enactment of this Act. Any separate affiliate established or designated for purposes of section 252(a) of the Communications Act of 1934 before the regulations have been issued in final form shall be restructured or otherwise modified, if necessary, to meet the requirements of those regulations.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 103. UNIVERSAL SERVICE.

(a) FINDINGS.—The Congress finds that—

(1) the existing system of universal service has evolved since 1930 through an ongoing dialogue between industry, various Federal-State Joint Boards, the Commission, and the courts;

(2) this system has been predicated on rates established by the Commission and the States that require implicit cost shifting by monopoly providers of telephone exchange service through both local rates and access charges to interexchange carriers;

(3) the advent of competition for the provision of telephone exchange service has led to industry requests that the existing system be modified to make support for universal service explicit and to require that all telecommunications carriers participate in the modified system on a competitively neutral basis; and

(4) modification of the existing system is necessary to promote competition in the provision of telecommunications services and to allow competition and new technologies to reduce the need for universal service support mechanisms.

(b) FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE.—

(1) Within one month after the date of enactment of this Act, the Commission shall institute and refer to a Federal-State Joint Board under section 410(c) of the Communications Act of 1934 a proceeding to recommend rules regarding the implementation of section 253 of that Act, including the definition of universal service. The Joint Board shall, after notice and public comment, make its recommendations to the Commission no later than 9 months after the date of enactment of this Act.

(2) The Commission may periodically, but no less than once every 4 years, institute and refer to the Joint Board a proceeding to review the implementation of section 253 of that Act and to make new recommendations, as necessary, with respect to any modifications or additions that may be needed. As part of any such proceeding the Joint Board shall review the definition of, and adequacy of support for, universal service and shall evaluate the extent to which universal service has been protected and advanced.

(c) COMMISSION ACTION.—The Commission shall initiate a single proceeding to implement recommendations from the initial Joint Board required by subsection (a) and shall complete such proceeding within 1 year after the date of enactment of this Act. Thereafter, the Commission shall complete any proceeding to implement recommendations from any further Joint Board required under subsection (b) within one year after receiving such recommendations.

(d) SEPARATIONS RULES.—Nothing in the amendments made by this Act to the Communications Act of 1934 shall affect the Commission's separations rules for local exchange carriers or interexchange carriers in effect on the date of enactment of this Act.

(e) AMENDMENT OF COMMUNICATIONS ACT.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 252 the following new section:

"SEC. 253. UNIVERSAL SERVICE.

"(a) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

"(1) Quality services are to be provided at just, reasonable, and affordable rates.

"(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

"(3) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, that are reasonably comparable to those services provided in urban areas.

"(4) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are

reasonably comparable to rates charged for similar services in urban areas.

"(5) Consumers in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

"(6) There should be a coordinated Federal-State universal service system to preserve and advance universal service using specific and predictable Federal and State mechanisms administered by an independent, nongovernmental entity or entities.

"(7) Elementary and secondary schools and classrooms should have access to advanced telecommunications services.

"(b) DEFINITION.—

"(1) IN GENERAL.—Universal service is an evolving level of intrastate and interstate telecommunications services that the Commission, based on recommendations from the public, Congress, and the Federal-State Joint Board periodically convened under section 103 of the Telecommunications Act of 1995, and taking into account advances in telecommunications and information technologies and services, determines—

"(A) should be provided at just, reasonable, and affordable rates to all Americans, including those in rural and high cost areas and those with disabilities;

"(B) are essential in order for Americans to participate effectively in the economic, academic, medical, and democratic processes of the Nation; and

"(C) are, through the operation of market choices, subscribed to by a substantial majority of residential customers.

"(2) DIFFERENT DEFINITION FOR CERTAIN PURPOSES.—The Commission may establish a different definition of universal service for schools, libraries, and health care providers for the purposes of section 264.

"(c) ALL TELECOMMUNICATIONS CARRIERS MUST PARTICIPATE.—Every telecommunications carrier engaged in instrastate, interstate, or foreign communication shall participate, on an equitable and nondiscriminatory basis, in the specific and predictable mechanisms established by the Commission and the States to preserve and advance universal service. Such participation shall be in the manner determined by the Commission and the States to be reasonably necessary to preserve and advance universal service. Any other provider of telecommunications may be required to participate in the preservation and advancement of universal service, if the public interest so requires.

"(d) STATE AUTHORITY.—A State may adopt regulations to carry out its responsibilities under this section, or to provide for additional definitions, mechanisms, and standards to preserve and advance universal service within that State, to the extent that such regulations do not conflict with the Commission's rules to implement this section. A State may only enforce additional definitions or standards to the extent that it adopts additional specific and predictable mechanisms to support such definitions or standards.

"(e) ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT.—To the extent necessary to provide for specific and predictable mechanisms to achieve the purposes of this section, the Commission shall modify its existing rules for the preservation and advancement of universal service. Only essential telecommunications carriers designated under section 214(d) shall be eligible to receive support for the provision of universal service. Such support, if any, shall accurately reflect what is necessary to preserve and advance universal service in accordance with this section and the other requirements of this Act.

"(f) UNIVERSAL SERVICE SUPPORT.—The Commission and the States shall have as their goal the need to make any support for universal service explicit, and to target that support to those essential telecommunications carriers that serve areas for which such support is necessary. The specific and predictable mechanisms adopted by the Commission and the States shall ensure that essential telecommunications carriers are able to provide universal service at just, reasonable, and affordable rates. A carrier that receives universal service support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

"(g) INTEREXCHANGE SERVICES.—The rates charged by any provider of interexchange telecommunications service to customers in rural and high cost areas shall be no higher than those charged by such provider to its customers in urban areas.

"(h) SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.—A telecommunications carrier may not use services that are not competitive to subsidize competitive services. The Commission, with respect to interstate services, and the States, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

"(i) CONGRESSIONAL NOTIFICATION REQUIRED.—

"(1) IN GENERAL.—The Commission may not take action to require participation by telecommunications carriers or other providers of telecommunications under subsection (c), or to modify its rules to increase support for the preservation and advancement of universal service, until—

"(A) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the participation required, or the increase in support proposed, as appropriate; and

"(B) a period of 120 days has elapsed since the date the report required under paragraph (1) was submitted.

"(2) NOT APPLICABLE TO REDUCTIONS.—This subsection shall not apply to any action taken to reduce costs to carriers or consumers.

"(j) EFFECT ON COMMISSION'S AUTHORITY.—Nothing in this section shall be construed to expand or limit the authority of the Commission to preserve and advance universal service under this Act.

"(k) EFFECTIVE DATE.—This section takes effect on the date of enactment of the Telecommunications Act of 1995, except for subsections (c), (d), (e), (f), and (i) which take effect one year after the date of enactment of that Act.".

(f) PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COSTS, OR INCOME.—Part II of title II (47 U.S.C. 201 et seq.) as amended by this Act, is amended by adding after section 253 the following:

"SEC. 253A PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COSTS, OR INCOME.

"(a) The Commission shall prohibit any telecommunications carrier from excluding from any of such carrier's services any high-cost area, or any area on the basis of the rural location or the income of the residents of such area: *Provided*, That a carrier may exclude an area in which the carrier can demonstrate that—

"(1) there will be insufficient consumer demand for the carrier to earn some return over the long term on the capital invested to provide such service to such area, and—

"(2) providing a service to such area will be less profitable for the carrier than providing the service in areas to which the carrier is already providing or has proposed to provide the service.

"(b) The Commission shall provide for public comment on the adequacy of the carrier's proposed service area on the basis of the requirements of this section.".

SEC. 104. ESSENTIAL TELECOMMUNICATIONS CARRIERS.

(a) IN GENERAL.—Section 214(d) (47 U.S.C. 214(d)) is amended—

(1) by inserting "(1) ADEQUATE FACILITIES REQUIRED.—" before "The Commission"; and

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

"(2) DESIGNATION OF ESSENTIAL CARRIER.—If one or more common carriers provide telecommunications service to a geographic area, and no common carrier will provide universal service to an unserved community or any portion thereof that requests such service within such area, then the Commission, with respect to interstate services, or a State, with respect to intrastate services, shall determine which common carrier serving that area is best able to provide universal service to the requesting unserved community or portion thereof, and shall designate that common carrier as an essential telecommunications carrier for that unserved community or portion thereof.

"(3) ESSENTIAL CARRIER OBLIGATIONS.—A common carrier may be designated by the Commission, or by a State, as appropriate, as an essential telecommunications carrier for a specific service area and become eligible to receive universal service support under section 253. A carrier designated as an essential telecommunications carrier shall—

"(A) provide through its own facilities or through a combination of its own facilities and resale of services using another carrier's facilities, universal service and any additional service (such as 911 service) required by the Commission or the State, to any community or portion thereof which requests such service;

"(B) offer such services at nondiscriminatory rates established by the Commission, for interstate services, and the State, for intrastate services, throughout the service area; and

"(C) advertise throughout the service area the availability of such services and the rates for such services using media of general distribution.

"(4) MULTIPLE ESSENTIAL CARRIERS.—If the Commission, with respect to interstate services, or a State, with respect to intrastate services, designates more than one common carrier as an essential telecommunications carrier for a specific service area, such carrier shall meet the service, rate, and advertising requirements imposed by the Commission or State on any other essential telecommunications carrier for that service area. A State shall require that, before designating an additional essential telecommunications carrier, the State agency authorized to make the designation shall find that—

"(A) the designation of an additional essential telecommunications carrier is in the public interest and that there will not be a

significant adverse impact on users of telecommunications services or on the provision of universal service;

"(B) the designation encourages the development and deployment of advanced telecommunications infrastructure and services in rural areas; and

"(C) the designation protects the public safety and welfare, ensures the continued quality of telecommunications services, or safeguards the rights of consumers.

"(5) RESALE OF UNIVERSAL SERVICE.—The Commission, for interstate services, and the States, for intrastate services, shall establish rules to govern the resale of universal service to allocate any support received for the provision of such service in a manner that ensures that the carrier whose facilities are being resold is adequately compensated for their use, taking into account the impact of the resale on that carrier's ability to maintain and deploy its network as a whole. The Commission shall also establish, based on the recommendations of the Federal-State Joint Board instituted to implement this section, rules to permit a carrier designated as an essential telecommunications carrier to relinquish that designation for a specific service area if another telecommunications carrier is also designated as an essential telecommunications carrier for that area. The rules—

"(A) shall ensure that all customers served by the relinquishing carrier continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining essential telecommunications carrier if such remaining carrier provided universal service through resale of the facilities of the relinquishing carrier; and

"(B) shall establish criteria for determining when a carrier which intends to utilize resale to meet the requirements for designation under this subsection has adequate resources to purchase, construct, or otherwise obtain the facilities necessary to meet its obligation if the reselling carrier is no longer able or obligated to resell the service.

"(6) ENFORCEMENT.—A common carrier designated by the Commission or a State as an essential telecommunications carrier that refuses to provide universal service within a reasonable period to an unserved community or portion thereof which requests such service shall forfeit to the United States, in the case of interstate services, or the State, in the case of intrastate services, a sum of up to $10,000 for each day that such carrier refuses to provide such service. In determining a reasonable period the Commission or the State, as appropriate, shall consider the nature of any construction required to serve such requesting unserved community or portion thereof, as well as the construction intervals normally attending such construction, and shall allow adequate time for regulatory approvals and acquisition of necessary financing.

"(7) INTEREXCHANGE SERVICES.—The Commission, for interstate services, or a State, for intrastate services, shall designate an essential telecommunications carrier for interexchange services for any unserved community or portion thereof requesting such services. Any common carrier designated as an essential telecommunications carrier for interexchange services under this paragraph shall provide interexchange services included in universal service to any unserved community or portion thereof which requests such service. The service shall be provided at nationwide geographically averaged rates for interstate interexchange services and at geographically averaged rates for intrastate interexchange services, and shall be just and reasonable and not unjustly or unreasonably discriminatory. A common carrier designated as an essential telecommunications carrier for interexchange services under this paragraph that refuses to provide interexchange service in accordance with this paragraph to an unserved community or portion thereof that requests such service within 180 days of such request shall forfeit to the United States a sum of up to $50,000 for each day that such carrier refuses to provide such service. The Commission or the State, as appropriate, may extend the 180-day period for providing interexchange service upon a showing by the common carrier of good faith efforts to comply within such period.

"(8) IMPLEMENTATION.—The Commission may, by regulation, establish guidelines by which States may implement the provisions of this section.".

(b) CONFORMING AMENDMENT.—The heading for section 214 is amended by inserting a semicolon and "essential telecommunications carriers" after "lines".

(c) TRANSITION RULE.—A rural telephone company is eligible to receive universal service support payments under section 253(e) of the Communications Act of 1934 as if such company were an essential telecommunications carrier until such time as the Commission, with respect to interstate services, or a State, with respect to intrastate services, designates an essential telecommunications carrier or carriers for the area served by such company under section 214 of that Act.

SEC. 105. FOREIGN INVESTMENT AND OWNERSHIP REFORM.

(a) IN GENERAL.—Section 310 (47 U.S.C. 310) is amended by adding at the end thereof the following new subsection:

"(f) TERMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.—

"(1) RESTRICTION NOT TO APPLY WHERE RECIPROCITY FOUND.—Subsection (b) shall not apply to any common carrier license held, or for which application is made, after the date of enactment of the Telecommunications Act of 1995 with respect to any alien (or representative thereof), corporation, or foreign government (or representative thereof) if the Commission determines that the foreign country of which such alien is a citizen, in which such corporation is organized, or in which such foreign government is in control provides equivalent market opportunities for common carriers to citizens of the United States (or their representatives), corporations organized in the United States, and the United States Government (or its representative): *Provided*, That the President does not object within 15 days of such determination. If the President objects to a determination, the President shall, immediately upon such objection, submit to Congress a written report (in unclassified form, but with a classified annex if necessary) that sets forth a detailed explanation of the findings made and factors considered in objecting to the determination. The determination of whether market opportunities are equivalent shall be made on a market segment specific basis within 180 days after the application is filed. While determining whether such opportunities are equivalent on that basis, the Commission shall also conduct an evaluation of opportunities for access to all segments of the telecommunications market of the applicant.

"(2) SNAPBACK FOR RECIPROCITY FAILURE.—If the Commission determines that any foreign country with respect to which it has made a determination under paragraph (1) ceases to meet the requirements for that determination, then—

"(A) subsection (b) shall apply with respect to such aliens, corporations, and government (or their representatives) on the date on which the Commission publishes notice of its determination under this paragraph, and

"(B) any license held, or application filed, which could not be held or granted under subsection (b) shall be withdrawn, or denied, as the case may be, by the Commission under the provisions of subsection (b).".

(b) CONFORMING AMENDMENT.—Section 332(c)(6) (47 U.S.C. 332(c)(6)) is amended by adding at the end thereof the following:

"This paragraph does not apply to any foreign ownership interest or transfer of ownership to which section 310(b) does not apply because of section 310(f).".

(c) THE APPLICATION OF THE EXON-FLORIO LAW.—Nothing in this section (47 U.S.C. 310) shall limit in any way the application of the Exon-Florio law (50 U.S.C. App. 2170) to any transaction.

SEC. 106. INFRASTRUCTURE SHARING.

(a) REGULATIONS REQUIRED.—The Commission shall prescribe, within one year after the date of enactment of this Act, regulations that require local exchange carriers that were subject to Part 69 of the Commission's rules on or before that date to make available to any qualifying carrier such public switched network infrastructure, technology, information, and telecommunications facilities and functions as may be requested by such qualifying carrier for the purpose of enabling such qualifying carrier to provide telecommunications services, or to provide access to information services, in the service area in which such qualifying carrier has requested and obtained designation as an essential telecommunications carrier under section 214(d) and provides universal service by means of its own facilities.

(b) TERMS AND CONDITIONS OF REGULATIONS.—The regulations prescribed by the Commission pursuant to this section shall—

(1) not require a local exchange carrier to which this section applies to take any action that is economically unreasonable or that is contrary to the public interest;

(2) permit, but shall not require, the joint ownership or operation of public switched network infrastructure and services by or among such local exchange carrier and a qualifying carrier;

(3) ensure that such local exchange carrier will not be treated by the Commission or any State as a common carrier for hire or as offering common carrier services with respect to any infrastructure, technology, information, facilities, or functions made available to a qualifying carrier in accordance with regulations issued pursuant to this section;

(4) ensure that such local exchange carrier makes such infrastructure, technology, information, facilities, or functions available to a qualifying carrier on just and reasonable terms and conditions that permit such qualifying carrier to fully benefit from the economies of scale and scope of such local exchange carrier, as determined in accordance with guidelines prescribed by the Commission in regulations issued pursuant to this section;

(5) establish conditions that promote cooperation between local exchange carriers to which this section applies and qualifying carriers;

(6) not require a local exchange carrier to which this section applies to engage in any infrastructure sharing agreement for any

services or access which are to be provided or offered to consumers by the qualifying carrier in such local exchange carrier's telephone exchange area; and

(7) require that such local exchange carrier file with the Commission or State for public inspection, any tariffs, contracts, or other arrangements showing the rates, terms, and conditions under which such carrier is making available public switched network infrastructure and functions under this section.

(c) INFORMATION CONCERNING DEPLOYMENT OF NEW SERVICES AND EQUIPMENT.—A local exchange carrier to which this section applies that has entered into an infrastructure sharing agreement under this section shall provide to each party to such agreement timely information on the planned deployment of telecommunications services and equipment, including any software or upgrades of software integral to the use or operation of such telecommunications equipment.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFYING CARRIER.—The term "qualifying carrier" means a telecommunications carrier that—

(A) lacks economies of scale or scope, as determined in accordance with regulations prescribed by the Commission pursuant to this section; and

(B) is a common carrier which offers telephone exchange service, exchange access service, and any other service that is included in universal service, to all consumers without preference throughout the service area for which such carrier has been designated as an essential telecommunications carrier under section 214(d) of the Communications Act of 1934.

(2) OTHER TERMS.—Any term used in this section that is defined in the Communications Act of 1934 has the same meaning as it has in that Act.

SEC. 107. COORDINATION FOR TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.

(a) IN GENERAL.—To promote nondiscriminatory access to telecommunications networks by the broadest number of users and vendors of communications products and services through—

(1) coordinated telecommunications network planning and design by common carriers and other providers of telecommunications services, and

(2) interconnection of telecommunications networks, and of devices with such networks, to ensure the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks,

the Commission may participate, in a manner consistent with its authority and practice prior to the date of enactment of this Act, in the development by appropriate voluntary industry standards-setting organizations to promote telecommunications network-level interoperability.

(b) DEFINITION OF TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.—As used in this section, the term "telecommunications network-level interoperability" means the ability of 2 or more telecommunications networks to communicate and interact in concert with each other to exchange information without degeneration.

(c) COMMISSION'S AUTHORITY NOT LIMITED.—Nothing in this section shall be construed as limiting the existing authority of the Commission.

TITLE II—REMOVAL OF RESTRICTIONS TO COMPETITION

Subtitle A—Removal of Restrictions

SEC. 201. REMOVAL OF ENTRY BARRIERS.

(a) PREEMPTION OF STATE RULES.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 253 the following:

"SEC. 254. REMOVAL OF BARRIERS TO ENTRY.

"(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services.

"(b) STATE REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 253, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

"(c) STATE AND LOCAL GOVERNMENT AUTHORITY.—Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

"(d) PREEMPTION.—If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b), the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

"(e) COMMERCIAL MOBILE SERVICES PROVIDERS.—Nothing in this section shall affect the application of section 332(c)(3) to commercial mobile services providers.".

(b) PROVISION OF TELECOMMUNICATIONS SERVICES BY A CABLE OPERATOR.—

(1) JURISDICTION OF FRANCHISING AUTHORITY.—Section 621(b) (47 U.S.C. 541(b)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) To the extent that a cable operator or affiliate thereof is engaged in the provision of telecommunications services—

"(i) such cable operator or affiliate shall not be required to obtain a franchise under this title for the provision of telecommunications services; and

"(ii) the provisions of this title shall not apply to such cable operator or affiliate for the provision of telecommunications services.

"(B) A franchising authority may not order a cable operator or affiliate thereof to discontinue the provision of a telecommunications service.

"(C) A franchising authority may not require a cable operator to provide any telecommunications service or facilities as a condition of the initial grant of a franchise, franchise renewal, or transfer of a franchise.

"(D) Nothing in this paragraph affects existing Federal or State authority with respect to telecommunications services.".

(2) FRANCHISE FEES.—Section 622(b) (47 U.S.C. 542(b)) is amended by inserting "to provide cable services" immediately before the period at the end of the first sentence.

(c) STATE AND LOCAL TAX LAWS.—Except as provided in section 202, nothing in this Act (or in the Communications Act of 1934 as amended by this Act) shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or supersession of, any State or local law pertaining to taxation that is consistent with the requirements of the Constitution of the United States, this Act, the Communications Act of 1934, or any other applicable Federal law.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 202. ELIMINATION OF CABLE AND TELEPHONE COMPANY CROSS-OWNERSHIP RESTRICTION.

(a) IN GENERAL.—Section 613(b) (47 U.S.C. 533(b)) is amended to read as follows:

"(b) VIDEO PROGRAMMING AND CABLE SERVICES.—

"(1) DISTINCTION BETWEEN VIDEO PLATFORM AND CABLE SERVICE.—To the extent that any telecommunications carrier carries video programming provided by others, or provides video programming that it owns, controls, or selects directly to subscribers, through a common carrier video platform, neither the telecommunications carrier nor any video programming provider making use of such platform shall be deemed to be a cable operator providing cable service. To the extent that any telecommunications carrier provides video programming directly to subscribers through a cable system, the carrier shall be deemed to be a cable operator providing cable service.

"(2) BELL OPERATING COMPANY ACTIVITIES.—

"(A) Notwithstanding the provisions of section 252, to the extent that a Bell operating company carries video programming provided by others or provides video programming that it owns, controls, or selects over a common carrier video platform, it need not use a separate affiliate if—

"(i) the carrier provides facilities, services, or information to all programmers on the same terms and conditions as it provides such facilities, services, or information to its own video programming operations, and

"(ii) the carrier does not use its telecommunications services to subsidize its provision of video programming.

"(B) To the extent that a Bell operating company provides cable service as a cable operator, it shall provide such service through an affiliate that meets the requirements of section 252 (a), (b), and (d) and the Bell operating company's telephone exchange services and exchange access services shall meet the requirements of subparagraph (A)(ii) and section 252(c); except that, to the extent the Bell operating company provides cable service utilizing its own telephone exchange facilities, section 252(c) shall not require the Bell operating company to make video programming services capacity available on a non-discriminatory basis to other video programming services providers.

"(C) Upon a finding by the Commission that the requirement of a separate affiliate under the preceding subparagraph is no longer necessary to protect consumers, competition, or the public interest, the Commission shall exempt a Bell operating company from that requirement.

"(3) COMMON CARRIER VIDEO PLATFORM.—Nothing in this Act precludes a telecommunications carrier from carrying video programming provided by others directly to subscribers over a common carrier video platform. Nothing in this Act precludes a video programming provider making use of a common carrier video platform from being treated as an operator of a cable system for

purposes of section 111 of title 17, United States Code.

"(4) RATES; ACCESS.—Notwithstanding paragraph (2)(A)(i), a provider of common carrier video platform services shall provide local broadcast stations, and to those public, educational, and governmental entities required by local franchise authorities to be given access to cable systems operating in the same market as the common carrier video platform, with access to that platform for the transmission of television broadcast programming at rates no higher than the incremental-cost-based rates of providing such access. Local broadcast stations shall be entitled to obtain access on the first tier of programming on the common carrier video platform. If the area covered by the common carrier video platform includes more than one franchising area, then the Commission shall determine the number of channels allocated to public, educational, and governmental entities that may be eligible for such rates for that platform.

"(5) COMPETITIVE NEUTRALITY.—A provider of video programming may be required to pay fees in lieu of franchise fees (as defined in section 622(g)(1)) if the fees—

"(A) are competitively neutral; and

"(B) are separately identified in consumer billing.

"(6) ACQUISITIONS; JOINT VENTURES; PARTNERSHIPS; JOINT USE OF FACILITIES.—

"(A) LOCAL EXCHANGE CARRIERS.—No local exchange carrier or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, in any cable operator providing cable service within the local exchange carrier's telephone service area.

"(B) CABLE OPERATORS.—No cable operator or affiliate of a cable operator that is owned by, operated by, controlled by, or under common ownership with such cable operator may purchase or otherwise acquire, directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area.

"(C) JOINT VENTURE.—A local exchange carrier and a cable operator whose telephone service area and cable franchise area, respectively, are in the same market may not enter into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services within such market.

"(D) EXCEPTION.—Notwithstanding subparagraphs (A), (B), and (C) of this paragraph, a local exchange carrier (with respect to a cable system located in its telephone service area) and a cable operator (with respect to the facilities of a local exchange carrier used to provide telephone exchange service in its cable franchise area) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with such system or facilities to the extent that such system or facilities only serve incorporated or unincorporated—

"(i) places or territories that have fewer than 50,000 inhabitants; and

"(ii) are outside an urbanized area, as defined by the Bureau of the Census.

"(E) WAIVER.—The Commission may waive the restrictions of subparagraph (A), (B), or (C) only if the Commission determines that, because of the nature of the market served by the affected cable system or facilities used to provide telephone exchange service—

"(i) the incumbent cable operator or local exchange carrier would be subjected to undue economic distress by the enforcement of such provisions,

"(ii) the system or facilities would not be economically viable if such provisions were enforced, or

"(iii) the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"(F) JOINT USE.—Notwithstanding subparagraphs (A), (B), and (C), a telecommunications carrier may obtain within such carrier's telephone service area, with the concurrence of the cable operator on the rates, terms, and conditions, the use of that portion of the transmission facilities of such a cable system extending from the last multiuser terminal to the premises of the end user in excess of the capacity that the cable operator uses to provide its own cable services. A cable operator that provides access to such portion of its transmission facilities to one telecommunications carrier shall provide nondiscriminatory access to such portion of its transmission facilities to any other telecommunications carrier requesting such access.

"(G) SAVINGS CLAUSE.—Nothing in this paragraph affects—

"(i) the authority of a local franchising authority (in the case of the purchase or acquisition of a cable operator, or a joint venture to provide cable service) or a State Commission (in the case of the acquisition of a local exchange carrier, or a joint venture to provide telephone exchange service) to approve or disapprove a purchase, acquisition, or joint venture, or

"(ii) the antitrust laws, as described in section 7(a) of the Telecommunications Competition and Deregulation Act of 1995.".

(b) NO PERMIT REQUIRED FOR VIDEO PROGRAMMING SERVICES.—Section 214 (47 U.S.C. 214) is amended by adding at the end thereof the following:

"(e) SPECIAL RULE.—No certificate is required under this section for a carrier to construct facilities to provide video programming services.".

(c) SAFEGUARDS.—Within one year after the date of enactment of this Act, the Commission shall prescribe regulations that—

(1) require a telecommunications carrier that provides video programming directly to subscribers to ensure that subscribers are offered the means to obtain access to the signals of local broadcast television stations identified under section 614 as readily as they are today;

(2) require such a carrier to display clearly and prominently at the beginning of any program guide or menu of program offerings the identity of any signal of any television broadcast station that is carried by the carrier;

(3) require such a carrier to ensure that viewers are able to access the signal of any television broadcast station that is carried by that carrier without first having to view advertising or promotional material, or a navigational device, guide, or menu that omits broadcasting services as an available option;

(4) except as required by paragraphs (1) through (3), prohibit such carrier and a multichannel video programming distributor using the facilities of such carrier from discriminating among video programming providers with respect to material or information provided by the carrier to subscribers for the purposes of selecting programming, or in the way such material or information is presented to subscribers;

(5) require such carrier and a multichannel video programming distributor using the facilities of such carrier to ensure that video programming providers or copyright holders (or both) are able suitably and uniquely to identify their programming services to subscribers;

(6) if such identification is transmitted as part of the programming signal, require a telecommunications carrier that provides video programming directly to subscribers and a multichannel video programming distributor using the facilities of such carrier to transmit such identification without change or alteration;

(7) prohibit such carrier from discriminating among video programming providers with regard to carriage and ensure that the rates, terms, and conditions for such carriage are just, reasonable, and nondiscriminatory;

(8) extend to such carriers and multichannel video programming distributors using the facilities of such carrier the Commission's regulations concerning network nonduplication (47 C.F.R. 76.92 et seq.) and syndicated exclusivity (47 C.F.R. 76.171 et seq.); and

(9) extend to such carriers and multichannel video programming distributors using the facilities of such carrier the protections afforded to local broadcast signals in section 614(b)(3), 614(b)(4)(A), and 615(g)(1) and (2) of such Act (47 U.S.C. 534(b)(3), 534(b)(4)(A), and 535(g)(1) and (2)).

(d) ENFORCEMENT.—The Commission shall resolve disputes under subsection (c) and the regulations prescribed under that subsection. Any such dispute shall be resolved within 180 days after notice of the dispute is submitted to the Commission. At that time, or subsequently in a separate proceeding, the Commission may award damages sustained in consequence of any violation of this section to any person denied carriage, or require carriage, or both. Any aggrieved party may also seek any other remedy available under the law.

(e) EFFECTIVE DATES.—The amendment made by subsection (a) takes effect on the date of enactment of this Act. The amendment made by subsection (b) takes effect 1 year after that date.

SEC. 203. CABLE ACT REFORM.

(a) CHANGE IN DEFINITION OF CABLE SYSTEM.—Section 602(7) (47 U.S.C. 522(7)) is amended by striking out "(B) a facility that serves only subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way;" and inserting "(B) a facility that serves subscribers without using any public right-of-way;".

(b) RATE DEREGULATION.—

(1) Section 623(c) (47 U.S.C. 543(c)) is amended—

(A) by striking "subscriber," and the comma after "authority" in paragraph (1)(B);

(B) by striking paragraph (2) and inserting the following:

"(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable cable programming services provided by cable systems other than small cable systems, determined on a per-channel basis as of June 1, 1995, and redetermined, and adjusted if necessary, every 2 years thereafter.".

(2) Section 623(l)(1) (47 U.S.C. 543(l)(1)) is amended—

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

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon and "or"; and

(C) by adding at the end the following:

"(D) a local exchange carrier offers video programming services directly to subscribers, either over a common carrier video platform or as a cable operator, in the franchise area of an unaffiliated cable operator which is providing cable service in that franchise area, but only if the video programming services offered by the carrier in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.".

(c) GREATER DEREGULATION FOR SMALLER CABLE COMPANIES.—Section 623 (47 U.S.C. 543) is amended by adding at the end thereof the following:

"(m) SPECIAL RULES FOR SMALL COMPANIES.—

"(1) IN GENERAL.—Subsection (a), (b), or (c) does not apply to a small cable operator with respect to—

"(A) cable programming services, or

"(B) a basic service tier that was the only service tier subject to regulation as of December 31, 1994,

in any franchise area in which that operator serves 35,000 or fewer subscribers.

"(2) DEFINITION OF SMALL CABLE OPERATOR.—For purposes of this subsection, the term 'small cable operator' means a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.".

(d) PROGRAM ACCESS.—Section 628 (47 U.S.C. 628) is amended by adding at the end the following:

"(j) COMMON CARRIERS.—Any provision that applies to a cable operator under this section shall apply to a telecommunications carrier or its affiliate that provides video programming by any means directly to subscribers. Any such provision that applies to a satellite cable programming vendor in which a cable operator has an attributable interest shall apply to any satellite cable programming vendor in which such common carrier has an attributable interest.".

(e) EXPEDITED DECISION-MAKING FOR MARKET DETERMINATIONS UNDER SECTION 614.—

(1) IN GENERAL.—Section 614(h)(1)(C)(iv) (47 U.S.C. 614(h)(1)(C)(iv)) is amended to read as follows:

"(iv) Within 120 days after the date on which a request is filed under this subparagraph, the Commission shall grant or deny the request.".

(2) APPLICATION TO PENDING REQUESTS.—The amendment made by paragraph (1) shall apply to—

(A) any request pending under section 614(h)(1)(C) of the Communications Act of 1934 (47 U.S.C. 614(h)(1)(C)) on the date of enactment of this Act; and

(B) any request filed under that section after that date.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 204. POLE ATTACHMENTS.

Section 224 (47 U.S.C. 224) is amended—

(1) by inserting the following after subsection (a)(4):

"(5) The term 'telecommunications carrier' shall have the meaning given such term in subsection 3(nn) of this Act, except that, for purposes of this section, the term shall not include any person classified by the Commission as a dominant provider of telecommunications services as of January 1, 1995.";

(2) by inserting after "conditions" in subsection (c)(1) a comma and the following: "or access to poles, ducts, conduits, and rights-of-way as provided in subsection (f),";

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

"(3) This subsection shall apply to the rate for any pole attachment used by a cable television system solely to provide cable service. Until the effective date of the regulations required under subsection (e), this subsection shall also apply to the pole attachment rates for cable television systems (or for any telecommunications carrier that was not a party to any pole attachment agreement prior to the date of enactment of the Telecommunications Act of 1995) to provide any telecommunications service or any other service subject to the jurisdiction of the Commission."; and

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

"(e)(1) The Commission shall, no later than 2 years after the date of enactment of the Telecommunications Act of 1995, prescribe regulations in accordance with this subsection to govern the charges for pole attachments by telecommunications carriers. Such regulations shall ensure that utilities charge just and reasonable and non-discriminatory rates for pole attachments.

"(2) A utility shall apportion the cost of providing space on a pole, duct, conduit, or right-of-way other than the usable space among entities so that such apportionment equals the sum of—

"(A) two-thirds of the costs of providing space other than the usable space that would be allocated to such entity under an equal apportionment of such costs among all attachments, plus

"(B) the percentage of usable space required by each such entity multiplied by the costs of space other than the usable space;

but in no event shall such proportion exceed the amount that would be allocated to such entity under an equal apportionment of such costs among all attachments.

"(3) A utility shall apportion the cost of providing usable space among all entities according to the percentage of usable space required for each entity. Costs shall be apportioned between the usable space and the space on a pole, duct, conduit, or right-of-way other than the usable space on a proportionate basis.

"(4) The regulations required under paragraph (1) shall become effective 5 years after the date of enactment of the Telecommunications Act of 1995. Any increase in the rates for pole attachments that result from the adoption of the regulations required by this subsection shall be phased in equal annual increments over a period of 5 years beginning on the effective date of such regulations.

"(f)(1) A utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.

"(2) Notwithstanding paragraph (1), a utility providing electric service may deny a cable television system or telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a non-discriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

"(g) A utility that engages in the provision of telecommunications services shall impute to its costs of providing such services (and charge any affiliate, subsidiary, or associate company engaged in the provision of such services) an amount equal to the pole attachment rate for which such company would be liable under this section.".

SEC. 205. ENTRY BY UTILITY COMPANIES.

(a) IN GENERAL.—

(1) AUTHORIZED ACTIVITIES OF UTILITIES.—Notwithstanding any other provision of law to the contrary (including the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.)), an electric, gas, water, or steam utility, and any subsidiary company, affiliate, or associate company of such a utility, other than a public utility company that is an associate company of a registered holding company, may engage, directly or indirectly, in any activity whatsoever, wherever located, necessary or appropriate to the provision of—

(A) telecommunications services,

(B) information services,

(C) other services or products subject to the jurisdiction of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.), or

(D) products or services that are related or incidental to a product or service described in subparagraph (A), (B), or (C).

(2) REMOVAL OF SEC JURISDICTION.—The Securities and Exchange Commission has no jurisdiction under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) over a holding company, or a subsidiary company, affiliate, or associate company of a holding company, to grant any authorization to enforce any requirement with respect to, or approve or otherwise review, any activity described in paragraph (1), including financing, investing in, acquiring, or maintaining any interest in, or entering into affiliate transactions or contracts, and any authority over audits or access to books and records.

(3) APPLICABILITY OF TELECOMMUNICATIONS REGULATION.—Nothing in this section shall affect the authority of the Federal Communications Commission under the Communications Act of 1934, or the authority of State commissions under State laws concerning the provision of telecommunications services, to regulate the activities of an associate company engaged in activities described in paragraph (1).

(4) COMMISSION RULES.—The Commission shall consider and adopt, as necessary, rules to protect the customers of a public utility company that is a subsidiary company of a registered holding company against potential detriment from the telecommunications activities of any other subsidiary of such registered holding company.

(b) PROHIBITION OF CROSS-SUBSIDIZATION.—Nothing in the Public Utility Holding Company Act of 1935 shall preclude the Federal Energy Regulatory Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company may recover in rates the costs of any activity described in subsection (a)(1) which is performed by an associate company regardless of whether such costs are incurred through the direct or indirect purchase of goods and services from such associate company.

(c) ASSUMPTION OF LIABILITIES.—Any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of a State commission with respect to its retail electric or gas rates shall not issue any security for the purpose of financing the acquisition,

ownership, or operation of an associate company engaged in activities described in subsection (a)(1) without the prior approval of the State commission. Any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of a State commission with respect to its retail electric or gas rates shall not assume any obligation or liability as guarantor, endorser, surety, or otherwise by the public utility in respect of any security of an associate company engaged in activities described in subsection (a)(1) without the prior approval of the State commission.

(d) PLEDGING OR MORTGAGING UTILITY ASSETS.—Any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of a State commission with respect to its retail electric or gas rates shall not pledge, mortgage, or otherwise use as collateral any utility assets of the public utility or utility assets of any subsidiary company thereof for the benefit of an associate company engaged in activities described in subsection (a)(1) without the prior approval of the State commission.

(e) BOOKS AND RECORDS.—An associate company engaged in activities described in subsection (a)(1) which is an associate company of a registered holding company shall maintain books, records, and accounts separate from the registered holding company which identify all transactions with the registered holding company and its other associate companies, and provide access to books, records, and accounts to State commissions and the Federal Energy Regulatory Commission under the same terms of access, disclosure, and procedures as provided in section 201(g) of the Federal Power Act.

(f) INDEPENDENT AUDIT AUTHORITY FOR STATE COMMISSIONS.—

(1) STATE MAY ORDER AUDIT.—Any State commission with jurisdiction over a public utility company that—

(A) is an associate company of a registered holding company, and

(B) transacts business, directly or indirectly, with a subsidiary company, affiliate, or associate company of that holding company engaged in any activity described in subsection (a)(1),

may order an independent audit to be performed, no more frequently than on an annual basis, of all matters deemed relevant by the selected auditor that reasonably relate to retail rates: *Provided*, That such matters relate, directly or indirectly, to transactions or transfers between the public utility company subject to its jurisdiction and the subsidiary company, affiliate, or associate company engaged in that activity.

(2) SELECTION OF FIRM TO CONDUCT AUDIT.—

(A) If a State commission orders an audit in accordance with paragraph (1), the public utility company and the State commission shall jointly select within 60 days a firm to perform the audit. The firm selected to perform the audit shall possess demonstrated qualifications relating to:

(i) competency, including adequate technical training and professional proficiency in each discipline necessary to carry out the audit, and

(ii) independence and objectivity, including that the firm be free from personal or external impairments to independence, and should assume an independent position with the State commission and auditee, making certain that the audit is based upon an impartial consideration of all pertinent facts and responsible opinions.

(B) The public utility company and the company engaged in activities under subsection (a)(1) shall cooperate fully with all reasonable requests necessary to perform the audit and the public utility company shall bear all costs of having the audit performed.

(3) AVAILABILITY OF AUDITOR'S REPORT.—The auditor's report shall be provided to the State commission within 6 months after the selection of the auditor, and provided to the public utility company 60 days thereafter.

(g) REQUIRED NOTICES.—

(1) AFFILIATE CONTRACTS.—A State commission may order any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of the State commission to provide quarterly reports listing any contracts, leases, transfers, or other transactions with an associate company engaged in activities described in subsection (a)(1).

(2) ACQUISITION OF AN INTEREST IN ASSOCIATE COMPANIES.—Within 10 days after the acquisition by a registered holding company of an interest in an associate company that will engage in activities described in subsection (a)(1), any public utility company that is an associate company of such company shall notify each State commission having jurisdiction over the retail rates of such public utility company of such acquisition. In the notice an officer on behalf of the public utility company shall attest that, based on then current information, such acquisition and related financing will not materially impair the ability of such public utility company to meet its public service responsibility, including its ability to raise necessary capital.

(h) DEFINITIONS.—Any term used in this section that is defined in the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) has the same meaning as it has in that Act. The terms "telecommunications service" and "information service" shall have the same meanings as those terms have in the Communications Act of 1934.

(i) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall promulgate such regulations as may be necessary to implement this section.

(j) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

SEC. 206. BROADCAST REFORM.

(a) SPECTRUM REFORM.—

(1) ADVANCED TELEVISION SPECTRUM SERVICES.—If the Commission by rule permits licensees to provide advanced television services, then—

(A) it shall adopt regulations that allow such licensees to make use of the advanced television spectrum for the transmission of ancillary or supplementary services if the licensees provide without charge to the public at least one advanced television program service as prescribed by the Commission that is intended for and available to the general public on the advanced television spectrum; and

(B) it shall apply similar rules to use of existing television spectrum.

(2) COMMISSION TO COLLECT FEES.—To the extent that a television broadcast licensee provides ancillary or supplementary services using existing or advanced television spectrum—

(A) for which payment of a subscription fee is required in order to receive such services, or

(B) for which the licensee directly or indirectly receives compensation from a third party in return for transmitting material furnished by such third party, other than payments to broadcast stations by third parties for transmission of program material or commercial advertising,

the Commission may collect from each such licensee an annual fee to the extent the existing or advanced television spectrum is used for such ancillary or supplementary services. In determining the amount of such fees, the Commission shall take into account the portion of the licensee's total existing or advanced television spectrum which is used for such services and the amount of time such services are provided. The amount of such fees to be collected for any such service shall not, in any event, exceed an amount equivalent on an annualized basis to the amount paid by providers of a competing service on spectrum subject to auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(3) PUBLIC INTEREST REQUIREMENT.—Nothing in this section shall be construed as relieving a television broadcasting station from its obligation to serve the public interest, convenience, and necessity. In the Commission's review of any application for renewal of a broadcast license for a television station that provides ancillary or supplementary services, the television licensee shall establish that all of its program services on the existing or advanced television spectrum are in the public interest. Any violation of the Commission rules applicable to ancillary or supplementary services shall reflect upon the licensee's qualifications for renewal of its license.

(4) DEFINITIONS.—As used in this subsection—

(A) The term "advanced television services" means television services provided using digital or other advanced technology to enhance audio quality and video resolution.

(B) The term "existing" means spectrum generally in use for television broadcast purposes on the date of enactment of this Act.

(b) OWNERSHIP REFORM.—

(1) IN GENERAL.—The Commission shall modify its rules for multiple ownership set forth in 47 CFR 73.3555 by—

(A) eliminating the restrictions on the number of television stations owned under subdivisions (e)(1) (ii) and (iii); and

(B) changing the percentage set forth in subdivision (e)(2)(ii) from 25 percent to 35 percent.

(2) RADIO OWNERSHIP.—The Commission shall modify its rules set forth in 47 CFR 73.3555 by eliminating any provisions limiting the number of AM or FM broadcast stations which may be owned or controlled by one entity either nationally or in a particular market. The Commission may refuse to approve the transfer or issuance of an AM or FM broadcast license to a particular entity if it finds that the entity would thereby obtain an undue concentration of control or would thereby harm competition. Nothing in this section shall require or prevent the Commission from modifying its rules contained in 47 CFR 73.3555(c) governing the ownership of both a radio and television broadcast stations in the same market.

(3) LOCAL MARKETING AGREEMENT.—Nothing in this Act shall be construed to prohibit the continuation or renewal of any television local marketing agreement that is in effect on the date of enactment of this Act and that is in compliance with the Commission's regulations.

(4) STATUTORY RESTRICTIONS.—Section 613 (47 U.S.C. 533) is amended by striking subsection (a) and inserting the following:

"(a) The Commission shall review its ownership rules biennially as part of its regulatory reform review under section 259.".

(5) CONFORMING CHANGES.—The Commission shall amend its rules to make any changes necessary to reflect the effect of this section on its rules.

(6) EFFECTIVE DATE.—The Commission shall make the modifications required by paragraphs (1) and (2) effective on the date of enactment of this Act.

(c) TERM OF LICENSES.—Section 307(c) (47 U.S.C. 307(c)) is amended by striking the first four sentences and inserting the following:

"No license shall be granted for a term longer than 10 years. Upon application, a renewal of such license may be granted from time to time for a term of not to exceed 10 years, if the Commission finds that the public interest, convenience, and necessity would be served thereby.".

(d) BROADCAST LICENSE RENEWAL PROCEDURES.—

(1) Section 309 (47 U.S.C. 309) is amended by adding at the end thereof the following:

"(k)(1)(A) Notwithstanding subsections (c) and (d), if the licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, after notice and opportunity for comment, with respect to that station during the preceding term of its license, that—

"(i) the station has served the public interest, convenience, and necessity;

"(ii) there have been no serious violations by the licensee of this Act or the rules and regulations of the Commission; and

"(iii) there have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.

"(B) If any licensee of a broadcast station fails to meet the requirements of this subsection, the Commission may deny the application for renewal in accordance with paragraph (2), or grant such application on appropriate terms and conditions, including renewal for a term less than the maximum otherwise permitted.

"(2) If the Commission determines, after notice and opportunity for a hearing, that a licensee has failed to meet the requirements specified in paragraph (1)(A) and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall—

"(A) issue an order denying the renewal application filed by such licensee under section 308; and

"(B) only thereafter accept and consider such applications for a construction permit as may be filed under section 308 specifying the channel or broadcasting facilities of the former licensee.

"(3) In making the determinations specified in paragraphs (1) or (2)(A), the Commission shall not consider whether the public interest, convenience, and necessity might be served by the grant of a license to a person other than the renewal applicant.".

(2) Section 309(d) (47 U.S.C. 309(d)) is amended by inserting "(or subsection (k) in the case of renewal of any broadcast station license)" after "with subsection (a)" each place it appears.

(3) The amendments made by this subsection apply to applications filed after May 31, 1995.

(4) This section shall operate only if the Commission shall amend its "Application for renewal of License for AM, FM, TV, Translator or LPTV Station" (FCC Form 303-S) to require that, for commercial TV applicants only, the applicant attach as an exhibit to the application a summary of written comments and suggestions received from the public and maintained by the licensee in accordance with section 73.1202 of title 47, Code of Federal Regulations, that comment on the applicant's programming, if any, characterized by the commentor as constituting violent programming.

Subtitle B—Termination of Modification of Final Judgment

SEC. 221. REMOVAL OF LONG DISTANCE RESTRICTIONS.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 254 the following new section:

"SEC. 255. INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

"(a) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 under section II(D) of the Modification of Final Judgment, a Bell operating company, or any subsidiary or affiliate of a Bell operating company, that meets the requirements of this section may provide—

"(1) interLATA telecommunications services originating in any region in which it is the dominant provider of wireline telephone exchange service or exchange access service after the Commission determines that it has fully implemented the competitive checklist found in subsection (b)(2) in the area in which it seeks to provide interLATA telecommunications services, in accordance with the provisions of subsection (c);

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange service or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services in accordance with this section only if that company has reached an interconnection agreement under section 251 and that agreement provides, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

"(2) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under section 251 shall include:

"(A) Nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating company's telecommunications network that is at least equal in type, quality, and price to the access the Bell operating company affords to itself or any other entity.

"(B) The capability to exchange telecommunications between customers of the Bell operating company and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Until the date by which neutral telephone number administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Until the date by which the Commission determines that final telecommunications number portability is technically feasible and must be made available, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with final telecommunications number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements on a nondiscriminatory basis for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable condition for the Commission or a State to limit the resale—

"(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of providing those services to that carrier, exclusive of any universal service support received for providing such services in accordance with section 214(d)(5).

"(3) JOINT MARKETING OF LOCAL AND LONG DISTANCE SERVICES.—Until a Bell operating company is authorized to provide interLATA services in a telephone exchange area where that company is the dominant provider of wireline telephone exchange service or exchange access service, or until 36 months

have passed since the enactment of the Telecommunications Act of 1995, whichever is earlier, a telecommunications carrier that serves greater than 5 percent of the Nation's presubscribed access lines may not jointly market in such telephone exchange area telephone exchange service purchased from such company with interLATA services offered by that telecommunications carrier.

"(4) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist.

"(c) IN-REGION SERVICES.—

"(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may apply to the Commission for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMINATION BY COMMISSION.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission shall issue a written determination, on the record after a hearing and opportunity for comment, granting or denying the application in whole or in part. Before making any determination under this subparagraph, the Commission shall consult with the Attorney General regarding the application. In consulting with the Commission under this subparagraph, the Attorney General may apply any appropriate standard.

"(B) APPROVAL.—The Commission may only approve the authorization requested in an application submitted under paragraph (1) if it finds that—

"(i) the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(2); and

"(ii) the requested authority will be carried out in accordance with the requirements of section 252,

and if the Commission determines that the requested authorization is consistent with the public interest, convenience, and necessity. If the Commission does not approve an application under this subparagraph, it shall state the basis for its denial of the application.

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission shall publish in the Federal Register a brief description of the determination.

"(4) JUDICIAL REVIEW.—

"(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in its application, may commence an action in any United States Court of Appeals against the Commission for judicial review of the determination regarding the application.

"(B) JUDGMENT.—

"(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United State Code.

"(ii) A judgment—

"(I) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(II) reversing any part of the determination that denies all or part of the requested authorization,

shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

"(5) REQUIREMENTS RELATING TO SEPARATE AFFILIATE; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

"(A) SEPARATE AFFILIATE; SAFEGUARDS.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of enactment of the Telecommunications Act of 1995, a Bell operating company, or any affiliate of such a company, providing interLATA services authorized under this subsection may provide such interLATA services in that market only in accordance with the requirements of section 252.

"(B) INTRALATA TOLL DIALING PARITY.—

"(i) A Bell operating company granted authority to provide interLATA services under this subsection shall provide intraLATA toll dialing parity throughout that market coincident with its exercise of that authority. If the Commission finds that such a Bell operating company has provided interLATA service authorized under this clause before its implementation of intraLATA toll dialing parity throughout that market, or fails to maintain intraLATA toll dialing parity throughout that market, the Commission, except in cases of inadvertent interruptions or other events beyond the control of the Bell operating company, shall suspend the authority to provide interLATA service for that market until the Commission determines that intraLATA toll dialing parity is implemented or reinstated.

"(ii) Except for single-LATA States and States which have issued an order by June 1, 1995 requiring a Bell operating company to implement toll dialing parity, a State may not require a Bell operating company to implement toll dialing parity in an intraLATA area before a Bell operating company has been granted authority under this subsection to provide interLATA services in that area or before three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intraLATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates.

"(iii) In any State in which intraLATA toll dialing parity has been implemented prior to the earlier date specified in clause (ii), no telecommunications carrier that serves greater than five percent of the Nation's presubscribed access lines may jointly market interLATA telecommunications services and intraLATA toll telecommunications services in a telephone exchange area in such State until a Bell operating company is authorized under this subsection to provide interLATA services in such telephone exchange area or until three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier.

"(d) OUT-OF-REGION SERVICES.—Effective on the date of enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may provide interLATA telecommunications services originating in any area where such company is not the dominant provider of wireline telephone exchange service or exchange access service.

"(e) INCIDENTAL SERVICES.—

"(1) IN GENERAL.—Effective on the date of enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may provide interLATA services that are incidental to—

"(A)(i) providing audio programming, video programming, or other programming services to subscribers of such company,

"(ii) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services, to order, or control transmission of the programming, polling or balloting, and ordering other goods or services,

"(iii) providing to distributors audio programming or video programming that such company owns, controls, or is licensed by the copyright owner of such programming, or by an assignee of such owner, to distribute, or

"(iv) providing alarm monitoring services,

"(B) providing—

"(i) a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of enactment of the Telecommunications Act of 1995, a provider of wireline telephone exchange service, or

"(ii) two-way interactive video services or Internet services over dedicated facilities to or for elementary and secondary schools as defined in section 264(d),

"(C) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission,

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients,

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient, and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service,

"(D) providing signaling information used in connection with the provision of telephone exchange service or exchange access service to another local exchange carrier; or

"(E) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area in which such company provides telephone exchange service or exchange access service.

"(2) LIMITATIONS.—The provisions of paragraph (1) are intended to be narrowly construed. The transmission facilities used by a

Bell operating company or affiliate thereof to provide interLATA telecommunications under paragraph (1)(C) and subsection (f) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company until that Bell operating company receives authority to provide interLATA services under subsection (c). The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmissions incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public. A Bell operating company may not provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c). The provision of services authorized under this subsection by a Bell operating company or its affiliate shall not adversely affect telephone exchange ratepayers or competition in any telecommunications market.

"(f) COMMERCIAL MOBILE SERVICE.—A Bell operating company may provide interLATA commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the land line telephone exchange service in a State in accordance with section 322(c) and with the regulations prescribed by the Commission.

"(g) DEFINITIONS.—As used in this section—

"(1) AUDIO PROGRAMMING SERVICES.—The term 'audio programming services' means programming provided by, or generally considered to be comparable to programming provided by, a radio broadcast station.

"(2) VIDEO PROGRAMMING SERVICES; OTHER PROGRAMMING SERVICES.—The terms 'video programming service' and 'other programming services' have the same meanings as such terms have under section 602 of this Act.

"(h) CERTAIN SERVICE APPLICATIONS TREATED AS IN-REGION SERVICE APPLICATIONS.—For purposes of this section, a Bell operating company application to provide 800 service, private line service, or their equivalents that—

"(1) terminate in an area where the Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service, and

"(2) allow the called party to determine the interLATA carrier,

shall be considered an in-region service subject to the requirements of subsection (c) and not of subsection (d).".

(b) LONG DISTANCE ACCESS FOR COMMERCIAL MOBILE SERVICES.—

(1) IN GENERAL.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of final Judgment or other consent decree or proposed consent decree prior to the date of enactment of this Act, a person engaged in the provision of commercial mobile services (as defined in section 332(d)(1) of the Communications Act of 1934), insofar as such person is so engaged, shall not be required by court order or otherwise to provide equal access to interexchange telecommunications carriers, except as provided by this section. Such a person shall ensure that its subscribers can obtain unblocked access to the provider of interexchange services of the subscriber's choice through the use of an interexchange carrier identification code assigned to such provider, except that the requirements for unblocking shall not apply to mobile satellite services unless the Commission finds it to be in the public interest.

(2) EQUAL ACCESS REQUIREMENT CONDITIONS.—The Commission may only require a person engaged in the provision of commercial mobile services to provide equal access to interexchange carriers if—

(A) such person, insofar as such person is so engaged, is subject to the interconnection obligations of section 251(a) of the Communications Act of 1934, and

(B) the Commission finds that such requirement is in the public interest.

SEC. 222. REMOVAL OF MANUFACTURING RESTRICTIONS.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 255 the following new section:

"SEC. 256. REGULATION OF MANUFACTURING BY BELL OPERATING COMPANIES.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 pursuant to the Modification of Final Judgment on the lines of business in which a Bell operating company may engage, if the Commission authorizes a Bell operating company to provide interLATA services under section 255, then that company may be authorized by the Commission to manufacture and provide telecommunications equipment, and to manufacture customer premises equipment, at any time after that determination is made, subject to the requirements of this section and the regulations prescribed, except that neither a Bell operating company nor any of its affiliates may engage in such manufacturing in conjunction with a Bell operating company not so affiliated or any of its affiliates.

"(2) CERTAIN RESEARCH AND DESIGN ARRANGEMENTS; ROYALTY AGREEMENTS.—Upon adoption of rules by the Commission under section 252, a Bell operating company may—

"(A) engage in research and design activities related to manufacturing, and

"(B) enter into royalty agreements with manufacturers of telecommunications equipment.

"(b) SEPARATE AFFILIATE; SAFEGUARDS.—Any manufacturing or provision of equipment authorized under subsection (a) shall be conducted in accordance with the requirements of section 252.

"(c) PROTECTION OF SMALL TELEPHONE COMPANY INTERESTS.—

"(1) EQUIPMENT TO BE MADE AVAILABLE TO OTHERS.—A manufacturing affiliate of a Bell operating company shall make available, without discrimination or self-preference as to price, delivery, terms, or conditions, to all local exchange carriers, for use with the public telecommunications network, any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, manufactured by such affiliate if each such purchasing carrier—

"(A) does not manufacture telecommunications equipment or have an affiliate which manufactures telecommunications equipment; or

"(B) agrees to make available, to the Bell operating company that is the parent of the manufacturing affiliate or any of the local exchange carrier affiliates of such Bell company, any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, manufactured for use with the public telecommunications network by such purchasing carrier or by any entity or organization with which such purchasing carrier is affiliated.

"(2) NON-DISCRIMINATION STANDARDS.—

"(A) A Bell operating company and any entity acting on its behalf shall make procurement decisions and award all supply contracts for equipment, services, and software on the basis of open, competitive bidding, and an objective assessment of price, quality, delivery, and other commercial factors.

"(B) A Bell operating company and any entity it owns or otherwise controls, or which is acting on its behalf or on behalf of its affiliate, shall permit any person to participate fully on a non-discriminatory basis in the process of establishing standards and certifying equipment used in or interconnected to the public telecommunications network.

"(C) A Bell operating company shall, consistent with the antitrust laws, engage in joint network planning and design with local exchange carriers operating in the same area of interest. No participant in such planning shall be allowed to delay the introduction of new technology or the deployment of facilities to provide telecommunications services, and agreement with such other carriers shall not be required as a prerequisite for such introduction or deployment. A Bell operating company shall provide, to other local exchange carriers operating in the same area of interest, timely information on the planned deployment of telecommunications equipment, including software integral to such telecommunications equipment and upgrades of that software.

"(D) A manufacturing affiliate of a Bell operating company may not restrict sales to any local exchange carrier of telecommunications equipment, including software integral to the operation of such equipment and related upgrades.

"(E) A Bell operating company and any entity it owns or otherwise controls shall protect the proprietary information submitted with contract bids and in the standards and certification processes from release not specifically authorized by the owner of such information.

"(d) COLLABORATION WITH OTHER MANUFACTURERS.—A Bell operating company and its affiliates may engage in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment not affiliated with a Bell operating company during the design and development of hardware, software, or combinations thereof relating to such equipment.

"(e) INFORMATION ON PROTOCOLS AND TECHNICAL REQUIREMENTS.—The Commission shall prescribe regulations to require that each Bell operating company shall maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Such regulations shall require each such Bell company to report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.

"(f) ADDITIONAL RULES AND REGULATIONS.—The Commission may prescribe such additional rules and regulations as the Commission determines are necessary to carry out the provisions of this section, and otherwise to prevent discrimination and cross-subsidization in a Bell operating company's dealings with its affiliate and with third parties.

"(g) ADMINISTRATION AND ENFORCEMENT.—

"(1) COMMISSION AUTHORITY.—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed under this section, the Commission shall have the same authority, power, and functions with respect to any Bell operating company as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

"(2) CIVIL ACTIONS BY INJURED PARTIES.—Any party injured by an act or omission of a Bell operating company or its manufacturing affiliate which violates the requirements of paragraph (1) or (2) of subsection (c), or the Commission's regulations implementing such paragraphs, may initiate an action in a district court of the United States to recover the full amount of damages sustained in consequence of any such violation and obtain such orders from the court as are necessary to terminate existing violations and to prevent future violations; or such party may seek relief from the Commission pursuant to sections 206 through 209.

"(h) APPLICATION TO BELL COMMUNICATIONS RESEARCH.—Nothing in this section—

"(1) provides any authority for Bell Communications Research, or any successor entity, to manufacture or provide telecommunications equipment or to manufacture customer premises equipment; or

"(2) prohibits Bell Communications Research, or any successor entity, from engaging in any activity in which it is lawfully engaged on the date of enactment of the Telecommunications Act of 1995, including providing a centralized organization for the provision of engineering, administrative, and other services (including serving as a single point of contact for coordination of the Bell operating companies to meet national security and emergency preparedness requirements).

"(i) DEFINITIONS.—As used in this section—

"(1) The term 'customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

"(2) The term 'manufacturing' has the same meaning as such term has in the Modification of Final Judgment.

"(3) The term 'telecommunications equipment' means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services.".

(b) EFFECT ON PRE-EXISTING MANUFACTURING AUTHORITY.—Nothing in this section, or in section 256 of the Communications Act of 1934 as added by this section, prohibits any Bell operating company from engaging, directly or through any affiliate, in any manufacturing activity in which any Bell operating company or affiliate was authorized to engage on the date of enactment of this Act.

SEC. 223. EXISTING ACTIVITIES.

Nothing in this Act, or any amendment made by this Act, prohibits a Bell operating company from engaging, at any time after the date of enactment of this Act, in any activity authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VII or VIII(C) of the Modification of Final Judgment, if such order was entered on or before the date of enactment of this Act.

SEC. 224. ENFORCEMENT.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 256 the following:

"SEC. 257. ENFORCEMENT.

"(a) IN GENERAL.—In addition to any penalty, fine, or other enforcement remedy under this Act, the failure by a telecommunications carrier to implement the requirements of section 251 or 255, including a failure to comply with the terms of an interconnection agreement approved under section 251, is punishable by a civil penalty of not to exceed $1,000,000 per offense. Each day of a continuing offense shall be treated as a separate violation for purposes of levying any penalty under this subsection.

"(b) NONCOMPLIANCE WITH INTERCONNECTION OR SEPARATE SUBSIDIARY REQUIREMENTS.—

"(1) A Bell operating company that repeatedly, knowingly, and without reasonable cause fails to implement an interconnection agreement approved under section 251, to comply with the requirements of such agreement after implementing them, or to comply with the separate affiliate requirements of this part may be fined up to $500,000,000 by a district court of the United States of competent jurisdiction.

"(2) A Bell operating company that repeatedly, knowingly, and without reasonable cause fails to meet its obligations under section 255 for the provision of interLATA service may have its authority to provide any service suspended if its right to provide that service is conditioned upon its meeting those obligations.

"(c) ENFORCEMENT BY PRIVATE RIGHT OF ACTION.—

"(1) DAMAGES.—Any person who is injured in its business or property by reason of a violation of section 251 or 255 may bring a civil action in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy.

"(2) INTEREST.—The court may award under this section, pursuant to a motion by such person promptly made, simple interest on actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under this title and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances.

"(d) PAYMENT OF CIVIL PENALTIES, DAMAGES, OR INTEREST.—No civil penalties, damages, or interest assessed against any local exchange carrier as a result of a violation referred to in this section will be charged directly or indirectly to that company's rate payers.".

(b) CERTAIN BROADCASTS.—Section 1307(a)(2) of title 18, United States Code, is amended—

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

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

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

"(C) conducted by a commercial organization and is contained in a publication published in a State in which such activities or the publication of such activities are authorized or not otherwise prohibited, or broadcast by a radio or television station licensed in a State in which such activities or the broadcast of such activities are authorized or not otherwise prohibited.".

SEC. 225. ALARM MONITORING SERVICES.

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 257 the following new section:

"SEC. 258. REGULATION OF ENTRY INTO ALARM MONITORING SERVICES.

"(a) IN GENERAL.—Except as provided in this section, a Bell operating company, or any affiliate of that company, may not provide alarm monitoring services for the protection of life, safety, or property. A Bell operating company may transport alarm monitoring service signals on a common carrier basis only.

"(b) AUTHORITY TO PROVIDE ALARM MONITORING SERVICES.—Beginning 4 years after the date of enactment of the Telecommunications Act of 1995, a Bell operating company may provide alarm monitoring services for the protection of life, safety, or property if it has been authorized to provide interLATA services under section 255 unless the Commission finds that the provision of alarm monitoring services by such company is not in the public interest. The Commission may not find that provision of alarm monitoring services by a Bell operating company is in the public interest until it finds that it has the capability effectively to enforce any requirements, limitations, or conditions that may be placed upon a Bell operating company in the provision of alarm monitoring services, including the regulations prescribed under subsection (c).

"(c) REGULATIONS REQUIRED.—

"(1) Not later than 1 year after the date of enactment of the Telecommunications Act of 1995, the Commission shall prescribe regulations—

"(A) to establish such requirements, limitations, or conditions as are—

"(i) necessary and appropriate in the public interest with respect to the provision of alarm monitoring services by Bell operating companies and their affiliates, and

"(ii) effective at such time as a Bell operating company or any of its subsidiaries or affiliates is authorized to provide alarm monitoring services; and

"(B) to establish procedures for the receipt and review of complaints concerning violations by such companies of such regulations, or of any other provision of this Act or the regulations thereunder, that result in material financial harm to a provider of alarm monitoring services.

"(2) A Bell operating company, its affiliates, and any local exchange carrier are prohibited from recording or using in any fashion the occurrence or contents of calls received by providers of alarm monitoring services for the purposes of marketing such services on behalf of the Bell operating company, any of its affiliates, the local exchange carrier, or any other entity. Any regulations necessary to enforce this paragraph shall be issued initially within 6 months after the date of enactment of the Telecommunications Act of 1995.

"(d) EXPEDITED CONSIDERATION OF COMPLAINTS.—The procedures established under subsection (c) shall ensure that the Commission will make a final determination with respect to any complaint described in such subsection within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, issue a cease and desist order to prevent the Bell operating company and its subsidiaries and affiliates from continuing to engage in such violation pending such final determination.

"(e) REMEDIES.—The Commission may use any remedy available under title V of this Act to terminate and to impose sanctions on violations described in subsection (c). Such remedies may include, if the Commission determines that such violation was willful or repeated, ordering the Bell operating company or its affiliate to cease offering alarm monitoring services.

"(f) SAVINGS PROVISION.—Subsections (a) and (b) do not prohibit or limit the provision of alarm monitoring services by a Bell operating company or an affiliate that was engaged in providing those services as of June 1, 1995, to the extent that such company—

"(1) continues to provide those services through the affiliate through which it was providing them on that date; and

"(2) does not acquire, directly or indirectly, an equity interest in another entity engaged in providing alarm monitoring services.

"(g) ALARM MONITORING SERVICES DEFINED.—As used in this section, the term 'alarm monitoring services' means services that detect threats to life, safety, or property by burglary, fire, vandalism, bodily injury, or other emergency through the use of devices that transmit signals to a central point in a customer's residence, place of business, or other fixed premises which—

"(1) retransmits such signals to a remote monitoring center by means of telecommunications facilities of the Bell operating company and any subsidiary or affiliate; and

"(2) serves to alert persons at the monitoring center of the need to inform customers, other persons, or police, fire, rescue, or other security or public safety personnel of the threat at such premises.

Such term does not include medical monitoring devices attached to individuals for the automatic surveillance of ongoing medical conditions.".

SEC. 226. NONAPPLICABILITY OF MODIFICATION OF FINAL JUDGMENT.

Notwithstanding any other provision of law or of any judicial order, no person shall be subject to the provisions of the Modification of Final Judgment solely by reason of having acquired commercial mobile service or private mobile service assets or operations previously owned by a Bell operating company or an affiliate of a Bell operating company.

TITLE III—AN END TO REGULATION

SEC. 301. TRANSITION TO COMPETITIVE PRICING.

(a) PRICING FLEXIBILITY.—

(1) IN GENERAL.—The Commission and the States shall provide to telecommunications carriers price flexibility in the rates charged consumers for the provision of telecommunications services within one year after the date of enactment of this Act. The Commission or a State may establish the rate consumers may be charged for services included in the definition of universal service, as well as the contribution, if any, that all carriers must contribute for the preservation and advancement of universal service. Pricing flexibility implemented pursuant to this section for the purpose of allowing a regulated telecommunications provider to respond to competition by repricing services subject to competition shall not have the effect of using noncompetitive services to subsidize competitive services.

(2) CONSUMER PROTECTION.—The Commission and the States shall ensure that rates for telephone service remain just, reasonable, and affordable as competition develops for telephone exchange service and telephone exchange access service. Until sufficient competition exists in a market, the Commission or a State may establish the rate that a carrier may charge for any such service if such rate is necessary for the protection of consumers. Any such rate shall cease to be regulated whenever the Commission or a State determines that it is no longer necessary for the protection of consumers. The Commission shall establish cost allocation guidelines for facilities owned by an essential telecommunications carrier that are used for the provision of both services included in the definition of universal service and video programming sold by such carrier directly to subscribers, if such allocation is necessary for the protection of consumers.

(3) RATE-OF-RETURN REGULATION ELIMINATED.—

(A) In instituting the price flexibility required under paragraph (1) the Commission and the States shall establish alternative forms of regulation for Tier 1 telecommunications carriers that do not include regulation of the rate of return earned by such carrier as part of a plan that provides for any or all of the following—

(i) the advancement of competition in the provision of telecommunications services;

(ii) improvements in productivity;

(iii) improvements in service quality;

(iv) measures to ensure customers of noncompetitive services do not bear the risks associated with the provision of competitive services;

(v) enhanced telecommunications services for educational institutions; or

(vi) any other measures Commission or a State, as appropriate, determines to be in the public interest.

(B) The Commission or a State, as appropriate, may apply such alternative forms of regulation to any other telecommunications carrier that is subject to rate of return regulation under this Act.

(C) Any such alternative form of regulation—

(i) shall be consistent with the objectives of preserving and advancing universal service, guaranteeing high quality service, ensuring just, reasonable, and affordable rates, and encouraging economic efficiency; and

(ii) shall meet such other criteria as the Commission or a State, as appropriate, finds to be consistent with the public interest, convenience, and necessity.

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for intrastate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

(b) TRANSITION PLAN REQUIRED.—If the Commission or a State adopts rules for the distribution of support payments under section 253 of the Communications Act of 1934, as amended by this Act, such rules shall include a transition plan to allow essential telecommunications carriers to provide for an orderly transition from the universal service support mechanisms in existence upon the date of enactment of this Act and the support mechanisms established by the Commission and the States under this Act or the Communications Act of 1934 as amended by this Act. Any such transition plan shall—

(1) provide a phase-in of the price flexibility requirements under subsection (a) for an essential telecommunications carrier that is also a rural telephone company; and

(2) require the United States Government and the States, where permitted by law, to modify any regulatory requirements (including conditions for the repayment of loans and the depreciation of assets) applicable to carriers designated as essential telecommunications carriers in order to more accurately reflect the conditions that would be imposed in a competitive market for similar assets or services.

(c) DUTY TO PROVIDE SUBSCRIBER LIST INFORMATION.—

(1) IN GENERAL.—A carrier that provides local exchange telephone service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person requesting such information for the purpose of publishing directories in any format.

(2) SUBSCRIBER LIST INFORMATION DEFINED.—As used in this subsection, the term "subscriber list information" means any information—

(A) identifying the listed names of subscribers of a carrier and such subscribers' listed telephone numbers, addresses, or primary advertising classifications, as such classifications are assigned at the time of the establishment of service, or any combination of such names, numbers, addresses, or classifications; and

(B) that the carrier or an affiliate has published, caused to be published, or accepted for publication in a directory in any format.

(d) CONFIDENTIALITY.—A telecommunications carrier has a duty to protect the confidentiality of proprietary information of, and relating to, other common carriers and customers, including common carriers reselling the telecommunications services provided by a telecommunications carrier. A telecommunications carrier that receives such information from another carrier for purposes of provisioning, billing, or facilitating the resale of its service shall use such information only for such purpose, and shall not use such information for its own marketing efforts. Nothing in this subsection prohibits a carrier from using customer information obtained from its customers, either directly or indirectly through its agents—

(1) to provide, market, or bill for its services; or

(2) to perform credit evaluations on existing or potential customers.

(e) REGULATORY RELIEF.—

(1) STREAMLINED PROCEDURES FOR CHANGES IN CHARGES, CLASSIFICATIONS, REGULATIONS, OR PRACTICES.—

(A) Section 204(a) (47 U.S.C. 204(a)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (2)(A) and inserting "5 months";

(ii) by striking "effective," and all that follows in paragraph (2)(A) and inserting "effective."; and

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

"(3) A local exchange carrier may file with the Commission a new or revised charge, classification, regulation, or practice on a streamlined basis. Any such charge, classification, regulation, or practice shall be deemed lawful and shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which it is filed with the Commission unless the Commission takes action under paragraph (1) before the end of that 7-day or 15-day period, as is appropriate.".

(B) Section 208(b) (47 U.S.C. 208(b)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (1) and inserting "5 months"; and

(ii) by striking "filed," and all that follows in paragraph (1) and inserting "filed.".

(2) EXTENSIONS OF LINES UNDER SECTION 214; ARMIS REPORTS.—Notwithstanding section 305, the Commission shall permit any local exchange carrier—

(A) to be exempt from the requirements of section 214 of the Communications Act of 1934 for the extension of any line; and

(B) to file cost allocation manuals and ARMIS reports annually, to the extent such carrier is required to file such manuals or reports.

(3) FOREBEARANCE AUTHORITY NOT LIMITED.—Nothing in this subsection shall be construed to limit the authority of the Commission or a State to waive, modify, or forebear from applying any of the requirements to which reference is made in paragraph (1) under any other provision of this Act or other law.

SEC. 302. BIENNIAL REVIEW OF REGULATIONS; ELIMINATION OF UNNECESSARY REGULATIONS AND FUNCTIONS.

(a) BIENNIAL REVIEW.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 258 the following new section:

"SEC. 259. REGULATORY REFORM.

"(a) BIENNIAL REVIEW OF REGULATIONS.—In every odd-numbered year (beginning with 1997), the Commission, with respect to its regulations under this Act, and a Federal-State Joint Board established under section 410, for State regulations—

"(1) shall review all regulations issued under this Act, or under State law, in effect at the time of the review that apply to operations or activities of providers of any telecommunications services; and

"(2) shall determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between the providers of such service.

"(b) EFFECT OF DETERMINATION.—The Commission shall repeal any regulation it determines to be no longer necessary in the public interest. The Joint Board shall notify the Governor of any State of any State regulation it determines to be no longer necessary in the public interest.

"(c) CLASSIFICATION OF CARRIERS.—In classifying carriers according to 47 CFR 32.11 and in establishing reporting requirements pursuant to 47 CFR part 43 and 47 CFR 64.903, the Commission shall adjust the revenue requirements to account for inflation as of the release date of the Commission's Report and Order in CC Docket No. 91-141, and annually thereafter. This subsection shall take effect on the date of enactment of the Telecommunications Act of 1995.".

(b) ELIMINATION OF UNNECESSARY COMMISSION REGULATIONS AND FUNCTIONS.—

(1) REPEAL SETTING OF DEPRECIATION RATES.—The first sentence of section 220(b) (47 U.S.C. 220(b)) is amended by striking "shall prescribe for such carriers" and inserting "may prescribe, for such carriers as it determines to be appropriate,".

(2) USE OF INDEPENDENT AUDITORS.—Section 220(c) (47 U.S.C. 220(c)) is amended by adding at the end thereof the following: "The Commission may obtain the services of any person licensed to provide public accounting services under the law of any State to assist with, or conduct, audits under this section. While so employed or engaged in conducting an audit for the Commission under this section, any such person shall have the powers granted the Commission under this subsection and shall be subject to subsection (f) in the same manner as if that person were an employee of the Commission.".

(3) SIMPLIFICATION OF FEDERAL-STATE COORDINATION PROCESS.—The Commission shall simplify and expedite the Federal-State coordination process under section 410 of the Communications Act of 1934.

(4) PRIVATIZATION OF SHIP RADIO INSPECTIONS.—Section 385 (47 U.S.C. 385) is amended by adding at the end thereof the following: "In accordance with such other provisions of law as apply to Government contracts, the Commission may enter into contracts with any person for the purpose of carrying out such inspections and certifying compliance with those requirements, and may, as part of any such contract, allow any such person to accept reimbursement from the license holder for travel and expense costs of any employee conducting an inspection or certification.".

(5) MODIFICATION OF CONSTRUCTION PERMIT REQUIREMENT.—Section 319(d) (47 U.S.C. 319(d)) is amended by striking the third sentence and inserting the following: "The Commission may waive the requirement for a construction permit with respect to a broadcasting station in circumstances in which it deems prior approval to be unnecessary. In those circumstances, a broadcaster shall file any related license application within 10 days after completing construction.".

(6) LIMITATION ON SILENT STATION AUTHORIZATIONS.—Section 312 (47 U.S.C. 312) is amended by adding at the end the following:

"(g) If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.".

(7) EXPEDITING INSTRUCTIONAL TELEVISION FIXED SERVICE PROCESSING.—The Commission shall delegate, under section 5(c) of the Communications Act of 1934, the conduct of routine instructional television fixed service cases to its staff for consideration and final action.

(8) DELEGATION OF EQUIPMENT TESTING AND CERTIFICATION TO PRIVATE LABORATORIES.—Section 302 (47 U.S.C. 302) is amended by adding at the end the following:

"(e) The Commission may—

"(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

"(2) accept as prima facie evidence of such compliance the certification by any such organization; and

"(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.".

(9) MAKING LICENSE MODIFICATION UNIFORM.—Section 303(f) (47 U.S.C. 303(f)) is amended by striking "unless, after a public hearing," and inserting "unless".

(10) PERMIT OPERATION OF DOMESTIC SHIP AND AIRCRAFT RADIOS WITHOUT LICENSE.—Section 307(e) (47 U.S.C. 307(e)) is amended by—

(A) striking "service and the citizens band radio service" in paragraph (1) and inserting "service, citizens band radio service, domestic ship radio service, domestic aircraft radio service, and personal radio service"; and

(B) striking "service' and 'citizens band radio service'" in paragraph (3) and inserting "service', 'citizens band radio service', 'domestic ship radio service', 'domestic aircraft radio service', and 'personal radio service'".

(11) EXPEDITED LICENSING FOR FIXED MICROWAVE SERVICE.—Section 309(b)(2) (47 U.S.C. 309(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (G) as (A) through (F), respectively.

(12) ELIMINATE FCC JURISDICTION OVER GOVERNMENT-OWNED SHIP RADIO STATIONS.—

(A) Section 305 (47 U.S.C. 305) is amended by striking subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively.

(B) Section 382(2) (47 U.S.C. 382(2)) is amended by striking "except a vessel of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Canal Company,".

(13) MODIFICATION OF AMATEUR RADIO EXAMINATION PROCEDURES.—

(A) Section 4(f)(H)(N) (47 U.S.C. 4(f)(4)(B)) is amended by striking "transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses," and inserting "transmission".

(B) The Commission shall modify its rules governing the amateur radio examination process by eliminating burdensome record maintenance and annual financial certification requirements.

(14) STREAMLINE NON-BROADCAST RADIO LICENSE RENEWALS.—The Commission shall modify its rules under section 309 of the Communications Act of 1934 (47 U.S.C. 309) relating to renewal of nonbroadcast radio licenses so as to streamline or eliminate comparative renewal hearings where such hearings are unnecessary or unduly burdensome.

SEC. 303. REGULATORY FORBEARANCE.

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 259 the following new section:

"SEC. 260. COMPETITION IN PROVISION OF TELECOMMUNICATIONS SERVICE.

"(a) REGULATORY FLEXIBILITY.—Notwithstanding section 332(c)(1)(A) of this Act, the Commission shall forbear from applying any regulation or any provision of this Act to a telecommunications carrier or service, or class of carriers or services, in any or some of its or their geographic markets if the Commission determines that—

"(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that carrier or service are just and reasonable and are not unjustly or unreasonably discriminatory;

"(2) enforcement of such regulation or provision is not necessary for the protection of consumers or the preservation and advancement of universal service; and

"(3) forbearance from applying such regulation or provision is consistent with the public interest.

"(b) COMPETITIVE EFFECT TO BE WEIGHED.—In making the determination under subsection (a)(3), the Commission shall consider whether forbearance from enforcing the regulation or provision will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services. If the Commission determines that such forbearance will promote competition among providers of telecommunications services, that determination may be the basis for a Commission finding that forbearance is in the public interest.

"(c) END OF REGULATION PROCESS.—Any telecommunications carrier, or class of telecommunications carriers, may submit a petition to the Commission requesting that the Commission exercise the authority granted under this section with respect to that carrier or those carriers, or any service offered by that carrier or carriers. Any such petition shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within 90 days after the Commission receives it, unless the 90-day period is

extended by the Commission. The Commission may extend the initial 90-day period by an additional 60 days if the Commission finds that an extension is necessary to meet the requirements of subsection (a). The Commission may grant or deny a petition in whole or in part and shall explain its decision in writing.

"(d) LIMITATION.—Except as provided in section 251(i)(3), the Commission may not waive the unbundling requirements of section 251(b) or 255(b)(2) under subsection (a) until it determines that those requirements have been fully implemented.".

SEC. 304. ADVANCED TELECOMMUNICATIONS INCENTIVES.

(a) IN GENERAL.—The Commission and each State commission with regulatory jurisdiction over telecommunications services shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, or other regulating methods that remove barriers to infrastructure investment.

(b) INQUIRY.—The Commission shall, within 2 years after the date of enactment of this Act, and regularly thereafter, initiate a notice of inquiry concerning the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) and shall complete the inquiry within 180 days after its initiation. In the inquiry, the Commission shall determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. If the Commission's determination is negative, it shall take immediate action under this section, and it may preempt State commissions that fail to act to ensure such availability.

(c) DEFINITIONS.—For purposes of this section—

(1) COMMUNICATIONS ACT TERMS.—Any term used in this section which is defined in the Communications Act of 1934 shall have the same meaning as it has in that Act.

(2) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term "advanced telecommunications capability" means high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications.

(3) ELEMENTARY AND SECONDARY SCHOOLS.—The term "elementary and secondary schools" means elementary schools and secondary schools, as defined in paragraphs (14) and (25), respectively, of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 305. REGULATORY PARITY.

Within 3 years after the date of enactment of this Act, and periodically thereafter, the Commission shall—

(1) issue such modifications or terminations of the regulations applicable to persons offering telecommunications or information services under title II, III, or VI of the Communications Act of 1934 as are necessary to implement the changes in such Act made by this Act;

(2) in the regulations that apply to integrated telecommunications service providers, take into account the unique and disparate histories associated with the development and relative market power of such providers, making such modifications and adjustments as are necessary in the regulation of such providers as are appropriate to enhance competition between such providers in light of that history; and

(3) provide for periodic reconsideration of any modifications or terminations made to such regulations, with the goal of applying the same set of regulatory requirements to all integrated telecommunications service providers, regardless of which particular telecommunications or information service may have been each provider's original line of business.

SEC. 306. AUTOMATED SHIP DISTRESS AND SAFETY SYSTEMS.

Notwithstanding any provision of the Communications Act of 1934 or any other provision of law or regulation, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators. This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition.

SEC. 307. TELECOMMUNICATIONS NUMBERING ADMINISTRATION.

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 260 the following new section:

"SEC. 261. TELECOMMUNICATIONS NUMBERING ADMINISTRATION.

"(a) INTERIM NUMBER PORTABILITY.—In connection with any interconnection agreement reached under section 251 of this Act, a local exchange carrier shall make available interim telecommunications number portability, upon request, beginning on the date of enactment of the Telecommunications Act of 1995.

"(b) FINAL NUMBER PORTABILITY.—In connection with any interconnection agreement reached under section 251 of this Act, a local exchange carrier shall make available final telecommunications number portability, upon request, when the Commission determines that final telecommunications number portability is technically feasible.

"(c) NEUTRAL ADMINISTRATION OF NUMBERING PLANS.—

"(1) NATIONWIDE NEUTRAL NUMBER SYSTEM COMPLIANCE.— A telecommunications carrier providing telephone exchange service shall comply with the guidelines, plan, or rules established by an impartial entity designated or created by the Commission for the administration of a nationwide neutral number system.

"(2) OVERLAY OF AREA CODES NOT PERMITTED.—All telecommunications carriers providing telephone exchange service in the same telephone service area shall be permitted to use the same numbering plan area code under such guideline, plan, or rules.

"(d) COSTS.—The cost of establishing neutral number administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.".

SEC. 308. ACCESS BY PERSONS WITH DISABILITIES.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 261 the following new section:

"SEC. 262. ACCESS BY PERSONS WITH DISABILITIES.

"(a) DEFINITIONS.—As used in this section—

"(1) DISABILITY.—The term 'disability' has the meaning given to it by section 3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)(A)).

"(2) READILY ACHIEVABLE.—The term 'readily achievable' has the meaning given to it by section 301(9) of that Act (42 U.S.C. 12181(9)).

"(b) MANUFACTURING.—A manufacturer of telecommunications equipment and customer premises equipment shall ensure that the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.

"(c) TELECOMMUNICATIONS SERVICES.—A provider of telecommunications service shall ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.

"(d) COMPATIBILITY.—Whenever the requirements of subsections (b) and (c) are not readily achievable, such a manufacturer or provider shall ensure that the equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.

"(e) GUIDELINES.—Within 18 months after the date of enactment of the Telecommunications Act of 1995, the Architectural and Transportation Barriers Compliance Board shall develop guidelines for accessibility of telecommunications equipment and customer premises equipment in conjunction with the Commission, the National Telecommunications and Information Administration and the National Institute of Standards and Technology. The Board shall review and update the guidelines periodically.

"(f) CLOSED CAPTIONING.—

"(1) IN GENERAL.—The Commission shall ensure that—

"(A) video programming is accessible through closed captions, if readily achievable, except as provided in paragraph (2); and

"(B) video programming providers or owners maximize the accessibility of video programming previously published or exhibited through the provision of closed captions, if readily achievable, except as provided in paragraph (2).

"(2) EXEMPTIONS.—Notwithstanding paragraph (1)—

"(A) the Commission may exempt programs, classes of programs, locally produced programs, providers, classes of providers, or services for which the Commission has determined that the provision of closed captioning would not be readily achievable to the provider or owner of such programming;

"(B) a provider of video programming or the owner of any program carried by the provider shall not be obligated to supply closed captions if such action would be inconsistent with a binding contract in effect on the date of enactment of the Telecommunications Act of 1995 for the remaining term of that contract (determined without regard to any extension of such term), except that nothing in this subparagraph relieves a video programming provider of its obligation to provide services otherwise required by Federal law; and

"(C) a provider of video programming or a program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such a petition upon a showing that the requirements contained in this section would not be readily achievable.

"(g) REGULATIONS.—The Commission shall, not later than 24 months after the date of enactment of the Telecommunications Act of

1995, prescribe regulations to implement this section. The regulations shall be consistent with the guidelines developed by the Architectural and Transportation Barriers Compliance Board in accordance with subsection (e).

"(h) ENFORCEMENT.—The Commission shall enforce this section. The Commission shall resolve, by final order, a complaint alleging a violation of this section within 180 days after the date on which the complaint is filed with the Commission.".

(b) VIDEO DESCRIPTION.—Within 18 months after the date of enactment of this Act, the Commission shall commence a study of the feasibility of requiring the use of video descriptions on video programming in order to ensure the accessibility of video programming to individuals with visual impairments. For purposes of this subsection, the term "video description" means the insertion of audio narrative descriptions of a television program's key visual elements into natural pauses between the program's dialogue.

SEC. 309. RURAL MARKETS.

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 262 the following new section:

"SEC. 263. RURAL MARKETS.

"(a) STATE AUTHORITY IN RURAL MARKETS.—Except as provided in section 251(i)(3), a State may not waive or modify any requirements of section 251, but may adopt statutes or regulations that are no more restrictive than—

"(1) to require an enforceable commitment by each competing provider of telecommunications service to offer universal service comparable to that offered by the rural telephone company currently providing service in that service area, and to make such service available within 24 months of the approval date to all consumers throughout that service area on a common carrier basis, either using the applicant's facilities or through its own facilities and resale of services using another carrier's facilities (including the facilities of the rural telephone company), and subject to the same terms, conditions, and rate structure requirements as those applicable to the rural telephone company currently providing universal service;

"(2) to require that the State must approve an application by a competing telecommunications carrier to provide services in a market served by a rural telephone company and that approval be based on sufficient written public findings and conclusions to demonstrate that such approval is in the public interest and that there will not be a significant adverse impact on users of telecommunications services or on the provision of universal service;

"(3) to encourage the development and deployment of advanced telecommunications and information infrastructure and services in rural areas; or

"(4) to protect the public safety and welfare, ensure the continued quality of telecommunications and information services, or safeguard the rights of consumers.

"(b) PREEMPTION.—Upon a proper showing, the Commission may preempt any State statute or regulation that the Commission finds to be inconsistent with the Commission's regulations implementing this section, or an arbitrary or unreasonably discriminatory application of such statute or regulation. The Commission shall act upon any bona fide petition filed under this subsection within 180 days of receiving such petition. Pending such action, the Commission may, in the public interest, suspend or modify application of any statute or regulation to which the petition applies.".

SEC. 310. TELECOMMUNICATIONS SERVICES FOR HEALTH CARE PROVIDERS FOR RURAL AREAS, EDUCATIONAL PROVIDERS, AND LIBRARIES.

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 263 the following:

"SEC. 264. TELECOMMUNICATIONS SERVICES FOR CERTAIN PROVIDERS.

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS FOR RURAL AREAS.—A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services, including instruction relating to such services, at rates that are reasonably comparable to rates charged for similar services in urban areas to any public or nonprofit health care provider that serves persons who reside in rural areas. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the difference, if any, between the price for services provided to health care providers for rural areas and the price for similar services provided to other customers in comparable urban areas treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(2) EDUCATIONAL PROVIDERS AND LIBRARIES.—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools, and libraries universal services (as defined in section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount treated as a service obligation as part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(b) UNIVERSAL SERVICE MECHANISMS.—The Commission shall include consideration of the universal service provided to public institutional telecommunications users in any universal service mechanism it may establish under section 253.

"(c) ADVANCED SERVICES.—The Commission shall establish rules—

"(1) to enhance, to the extent technically feasible and economically reasonable, the availability of advanced telecommunications and information services to all public and nonprofit elementary and secondary school classrooms, health care providers, and libraries;

"(2) to ensure that appropriate functional requirements or performance standards, or both, including interconnection standards, are established for telecommunications carriers that connect such public institutional telecommunications users with the public switched network;

"(3) to define the circumstances under which a telecommunications carrier may be required to connect its network to such public institutional telecommunications users; and

"(4) to address other matters as the Commission may determine.

"(d) DEFINITIONS.—

"(1) ELEMENTARY AND SECONDARY SCHOOLS.—The term 'elementary and secondary schools' means elementary schools and secondary schools, as defined in paragraphs (14) and (25), respectively, of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) UNIVERSAL SERVICE.—The Commission may in the public interest provide a separate definition of universal service under section 253(b) for application only to public institutional telecommunications users.

"(3) HEALTH CARE PROVIDER.—The term 'health care provider' means—

"(A) Post-secondary educational institutions, teaching hospitals, and medical schools.

"(B) Community health centers or health centers providing health care to migrants.

"(C) Local health departments or agencies.

"(D) Community mental health centers.

"(E) Not-for-profit hospitals.

"(F) Rural health clinics.

"(G) Consortia of health care providers consisting of one or more entities described in subparagraphs (A) through (F).

"(4) PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USER.—The term 'public institutional telecommunications user' means an elementary or secondary school, a library, or a health care provider as those terms are defined in this subsection.

"(e) TERMS AND CONDITIONS.—Telecommunications services and network capacity provided under this section may not be sold, resold, or otherwise transferred in consideration for money or any other thing of value.

"(f) ELIGIBILITY OF COMMUNITY USERS.—No entity listed in this section shall be entitled for preferential rates or treatment as required by this section, if such entity operates as a for-profit business, is a school as defined in section 264(d)(1) with an endowment of more than $50,000,000, or is a library not eligible for participation in State-based plans for Library Services and Construction Act Title III funds.".

SEC. 311. PROVISION OF PAYPHONE SERVICE AND TELEMESSAGING SERVICE.

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by adding after section 264 the following new section:

"SEC. 265. PROVISION OF PAYPHONE SERVICE AND TELEMESSAGING SERVICE.

"(a) NONDISCRIMINATION SAFEGUARDS.—Any Bell operating company that provides payphone service or telemessaging service—

"(1) shall not subsidize its payphone service or telemessaging service directly or indirectly with revenue from its telephone exchange service or its exchange access service; and

"(2) shall not prefer or discriminate in favor of its payphone service or telemessaging service.

"(b) DEFINITIONS.—As used in this section—

"(1) The term 'payphone service' means the provision of telecommunications service through public or semi-public pay telephones, and includes the provision of service to inmates in correctional institutions.

"(2) The term 'telemessaging service' means voice mail and voice storage and retrieval services, any live operator services used to record, transcribe, or relay messages (other than telecommunications relay services), and any ancillary services offered in combination with these services.

"(c) REGULATIONS.—Not later than 18 months after the date of enactment of the Telecommunications Act of 1995, the Commission shall complete a rulemaking proceeding to prescribe regulations to carry out

this section. In that rulemaking proceeding, the Commission shall determine whether, in order to enforce the requirements of this section, it is appropriate to require the Bell operating companies to provide payphone service or telemessaging service through a separate subsidiary that meets the requirements of section 252.".

SEC. 312. DIRECT BROADCAST SATELLITE.

(a) DBS SIGNAL SECURITY.—Section 705(e)(4) (47 U.S.C. 605(e)(4)) is amended by inserting "satellite delivered video or audio programming intended for direct receipt by subscribers in their residences or in their commercial or business premises," after "programming,".

(b) FCC JURISDICTION OVER DIRECT-TO-HOME SATELLITE SERVICES.—Section 303 (47 U.S.C. 303) is amended by adding at the end thereof the following new subsection:

"(v) Have exclusive jurisdiction to regulate the provision of direct-to-home satellite services. For purposes of this subsection, the term 'direct-to-home satellite services' means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises, or used in the initial uplink process to the direct-to-home satellite.".

TITLE IV—OBSCENE, HARRASSING, AND WRONGFUL UTILIZATION OF TELECOMMUNICATIONS FACILITIES

SEC. 401. SHORT TITLE.

This title may be cited as the "Communications Decency Act of 1995".

SEC. 402. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT OF 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications—

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communications;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication;

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

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

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years, or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to a person who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section: *Provided, however*, That nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act.

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.".

SEC. 403. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "$100,000".

SEC. 404. BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "$10,000" and inserting "$100,000".

SEC. 405. SEPARABILITY.

(a) If any provision of this title, including amendments to this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 406. ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

Section 228(c)(7) (47 U.S.C. 228(c)(7)) is amended—

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

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon and "or"; and

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

"(E) the calling party being assessed, by virtue of being asked to connect or otherwise transfer to a pay-per-call service, a charge for the call.".

SEC. 407. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

Part IV of title VI (47 U.S. C. 551 et seq.) is amended by adding at the end the following:

"SEC. 640. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

"(a) REQUIREMENT.—In providing video programming unsuitable for children to any subscriber through a cable system, a cable operator shall fully scramble or otherwise fully block the video and audio portion of each channel carrying such programming upon subscriber request and without any

charge so that one not a subscriber does not receive it.

"(b) DEFINITION.—As used in this section, the term 'scramble' means to rearrange the content of the signal of the programming so that the programming cannot be received by persons unauthorized to receive the programming.".

SEC. 408. SCRAMBLING OF SEXUALLY EXPLICIT ADULT VIDEO SERVICE PROGRAMMING.

(a) REQUIREMENT.—Part IV of title VI (47 U.S.C. 551 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 641. SCRAMBLING OF SEXUALLY EXPLICIT ADULT VIDEO SERVICE PROGRAMMING.

"(a) REQUIREMENT.—In providing sexually explicit adult programming or other programming that is indecent and harmful to children on any channel of its service primarily dedicated to sexually-oriented programming, a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel or programming does not receive it.

"(b) IMPLEMENTATION.—Until a multichannel video programming distributor complies with the requirement set forth in subsection (a), the distributor shall limit the access of children to the programming referred to in that subsection by not providing such programming during the hours of the day (as determined by the Commission) when a significant number of children are likely to view it.

"(c) DEFINITION.—As used in this section, the term 'scramble' means to rearrange the content of the signal of the programming so that audio and video portions of the programming cannot be received by persons unauthorized to receive the programming.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

SEC. 409. CABLE OPERATOR REFUSAL TO CARRY CERTAIN PROGRAMS.

(a) PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNELS.—Section 611(e) (47 U.S.C. 531(e)) is amended by inserting before the period the following: ", except a cable operator may refuse to transmit any public access program or portion of a public access program which contains obscenity, indecency, or nudity".

(b) CABLE CHANNELS FOR COMMERCIAL USE.—Section 612(c)(2) (47 U.S.C. 532(c)(2)) is amended by striking "an operator" and inserting "a cable operator may refuse to transmit any leased access program or portion of a leased access program which contains obscenity, indecency, or nudity".

SEC. 410. RESTRICTIONS ON ACCESS BY CHILDREN TO OBSCENE AND INDECENT MATERIAL ON ELECTRONIC INFORMATION NETWORKS OPEN TO THE PUBLIC.

(a) AVAILABILITY OF TAG INFORMATION.—In order—

(1) to encourage the voluntary use of tags in the names, addresses, or text of electronic files containing obscene, indecent, or mature text or graphics that are made available to the public through public information networks in order to ensure the ready identification of files containing such text or graphics;

(2) to encourage developers of computer software that provides access to or interface with a public information network to develop software that permits users of such software to block access to or interface with text or graphics identified by such tags; and

(3) to encourage the telecommunications industry and the providers and users of public information networks to take practical actions (including the establishment of a board consisting of appropriate members of such industry, providers, and users) to develop a highly effective means of preventing the access of children through public information networks to electronic files that contain such text or graphics,

the Secretary of Commerce shall take appropriate steps to make information on the tags established and utilized in voluntary compliance with this subsection available to the public through public information networks.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the tags established and utilized in voluntary compliance with this section. The report shall—

(1) describe the tags so established and utilized;

(2) assess the effectiveness of such tags in preventing the access of children to electronic files that contain obscene, indecent, or mature text or graphics through public information networks; and

(3) provide recommendations for additional means of preventing such access.

(c) DEFINITIONS.—In this section:

(1) The term "public information network" means the Internet, electronic bulletin boards, and other electronic information networks that are open to the public.

(2) The term "tag" means a part or segment of the name, address, or text of an electronic file.

TITLE V—PARENTAL CHOICE IN TELEVISION

SEC. 501. SHORT TITLE.

This title may be cited as the "Parental Choice in Television Act of 1995".

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) On average, a child in the United States is exposed to 27 hours of television each week and some children are exposed to as much as 11 hours of television each day.

(2) The average American child watches 8,000 murders and 100,000 acts of other violence on television by the time the child completes elementary school.

(3) By the age of 18 years, the average American teenager has watched 200,000 acts of violence on television, including 40,000 murders.

(4) On several occasions since 1975, The Journal of the American Medical Association has alerted the medical community to the adverse effects of televised violence on child development, including an increase in the level of aggressive behavior and violent behavior among children who view it.

(5) The National Commission on Children recommended in 1991 that producers of television programs exercise greater restraint in the content of programming for children.

(6) A report of the Harry Frank Guggenheim Foundation, dated May 1993, indicates that there is an irrefutable connection between the amount of violence depicted in the television programs watched by children and increased aggressive behavior among children.

(7) It is a compelling National interest that parents be empowered with the technology to block the viewing by their children of television programs whose content is overly violent or objectionable for other reasons.

(8) Technology currently exists to permit the manufacture of television receivers that are capable of permitting parents to block television programs having violent or otherwise objectionable content.

SEC. 503. RATING CODE FOR VIOLENCE AND OTHER OBJECTIONABLE CONTENT ON TELEVISION.

(a) SENSE OF CONGRESS ON VOLUNTARY ESTABLISHMENT OF RATING CODE.—It is the sense of Congress—

(1) to encourage appropriate representatives of the broadcast television industry and the cable television industry to establish in a voluntary manner rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming;

(2) to encourage such representatives to establish such rules in consultation with appropriate public interest groups and interested individuals from the private sector; and

(3) to encourage television broadcasters and cable operators to comply voluntarily with such rules upon the establishment of such rules.

(b) REQUIREMENT FOR ESTABLISHMENT OF RATING CODE.—

(1) IN GENERAL.—If the representatives of the broadcast television industry and the cable television industry do not establish the rules referred to in subsection (a)(1) by the end of the 1-year period beginning on the date of the enactment of this Act, there shall be established on the day following the end of that period a commission to be known as the Television Rating Commission (hereafter in this section referred to as the "Television Commission"). The Television Commission shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(2) MEMBERS.—

(A) IN GENERAL.—The Television Commission shall be composed of 5 members appointed by the President, by and with the advice and consent of the Senate, of whom—

(i) three shall be individuals who are members of appropriate public interest groups or are interested individuals from the private sector; and

(ii) two shall be representatives of the broadcast television industry and the cable television industry.

(B) NOMINATION.—Individuals shall be nominated for appointment under subparagraph (A) not later than 60 days after the date of the establishment of the Television Commission.

(D) TERMS.—Each member of the Television Commission shall serve until the termination of the commission.

(E) VACANCIES.—A vacancy on the Television Commission shall be filled in the same manner as the original appointment.

(2) DUTIES OF TELEVISION COMMISSION.—The Television Commission shall establish rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming.

(3) COMPENSATION OF MEMBERS.—

(A) CHAIRMAN.—The Chairman of the Television Commission shall be paid at a rate

equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the commission.

(B) OTHER MEMBERS.—Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the commission.

(4) STAFF.—

(A) IN GENERAL.—The Chairman of the Television Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties. The employment of an executive director shall be subject to confirmation by the commission.

(B) COMPENSATION.—The Chairman of the Television Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(5) CONSULTANTS.—The Television Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The commission shall give public notice of any such contract before entering into such contract.

(6) FUNDING.—There is authorized to be appropriated to the Commission such sums as are necessary to enable the Commission to carry out its duties under this Act.

SEC. 504. REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.

(a) REQUIREMENT.—Section 303 (47 U.S.C. 303), as amended by this Act, is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus—

"(1) be equipped with circuitry designed to enable viewers to block the display of channels during particular time slots; and

"(2) enable viewers to block display of all programs with a common rating.".

(b) IMPLEMENTATION.—In adopting the requirement set forth in section 303(w) of the Communications Act of 1934, as added by subsection (a), the Federal Communications Commission, in consultation with the television receiver manufacturing industry, shall determine a date for the applicability of the requirement to the apparatus covered by that section.

SEC. 505. SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.

(a) REGULATIONS.—Section 330 (47 U.S.C. 330) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide performance standards for blocking technology. Such rules shall require that all such apparatus be able to receive transmitted rating signals which conform to the signal and blocking specifications established by the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers.".

(b) CONFORMING AMENDMENT.—Section 330(d), as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

TITLE VI—NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

SEC. 601. SHORT TITLE.

This title may be cited as the "National Education Technology Funding Corporation Act of 1995".

SEC. 602. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) CORPORATION.—There has been established in the District of Columbia a private, nonprofit corporation known as the National Education Technology Funding Corporation which is not an agency or independent establishment of the Federal Government.

(2) BOARD OF DIRECTORS.—The Corporation is governed by a Board of Directors, as prescribed in the Corporation's articles of incorporation, consisting of 15 members, of which—

(A) five members are representative of public agencies representative of schools and public libraries;

(B) five members are representative of State government, including persons knowledgeable about State finance, technology and education; and

(C) five members are representative of the private sector, with expertise in network technology, finance and management.

(3) CORPORATE PURPOSES.—The purposes of the Corporation, as set forth in its articles of incorporation, are—

(A) to leverage resources and stimulate private investment in education technology infrastructure;

(B) to designate State education technology agencies to receive loans, grants or other forms of assistance from the Corporation;

(C) to establish criteria for encouraging States to—

(i) create, maintain, utilize and upgrade interactive high capacity networks capable of providing audio, visual and data communications for elementary schools, secondary schools and public libraries;

(ii) distribute resources to assure equitable aid to all elementary schools and secondary schools in the State and achieve universal access to network technology; and

(iii) upgrade the delivery and development of learning through innovative technology-based instructional tools and applications;

(D) to provide loans, grants and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such districts and libraries;

(E) to leverage resources to provide maximum aid to elementary schools, secondary schools and public libraries; and

(F) to encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance, including assistance to States, if needed, to establish State education technology agencies.

(b) PURPOSE.—The purpose of this title is to recognize the Corporation as a nonprofit corporation operating under the laws of the District of Columbia, and to provide authority for Federal departments and agencies to provide assistance to the Corporation.

SEC. 603. DEFINITIONS.

For the purpose of this title—

(1) the term "Corporation" means the National Education Technology Funding Corporation described in section 602(a)(1);

(2) the terms "elementary school" and "secondary school" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

(3) the term "public library" has the same meaning given such term in section 3 of the Library Services and Construction Act.

SEC. 604. ASSISTANCE FOR EDUCATION TECHNOLOGY PURPOSES.

(a) RECEIPT BY CORPORATION.—Notwithstanding any other provision of law, in order to carry out the corporate purposes described in section 602(a)(3), the Corporation shall be eligible to receive discretionary grants, contracts, gifts, contributions, or technical assistance from any Federal department or agency, to the extent otherwise permitted by law.

(b) AGREEMENT.—In order to receive any assistance described in subsection (a) the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(1) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate purposes described in section 602(a)(3);

(2) to review the activities of State education technology agencies and other entities receiving assistance from the Corporation to assure that the corporate purposes described in section 602(a)(3) are carried out;

(3) that no part of the assets of the Corporation shall accrue to the benefit of any member of the Board of Directors of the Corporation, any officer or employee of the Corporation, or any other individual, except as salary or reasonable compensation for services;

(4) that the Board of Directors of the Corporation will adopt policies and procedures to prevent conflicts of interest;

(5) to maintain a Board of Directors of the Corporation consistent with section 602(a)(2);

(6) that the Corporation, and any entity receiving the assistance from the Corporation, are subject to the appropriate oversight procedures of the Congress; and

(7) to comply with—

(A) the audit requirements described in section 605; and

(B) the reporting and testimony requirements described in section 606.

(c) CONSTRUCTION.—Nothing in this title shall be construed to establish the Corporation as an agency or independent establishment of the Federal Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the Federal Government.

SEC. 605. AUDITS.

(a) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(1) IN GENERAL.—The Corporation's financial statements shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants who are members of a nationally recognized accounting firm and who are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORTING REQUIREMENTS.—The report of each annual audit described in paragraph (1) shall be included in the annual report required by section 606(a).

(b) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to fully disclose—

(i) the amount and the disposition by such recipient of the proceeds of such assistance;

(ii) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance. Representatives of the Comptroller General shall also have such access for such purpose.

SEC. 606. ANNUAL REPORT; TESTIMONY TO THE CONGRESS.

(a) ANNUAL REPORT.—Not later than April 30 of each year, the Corporation shall publish an annual report for the preceding fiscal year and submit that report to the President and the Congress. The report shall include a comprehensive and detailed evaluation of the Corporation's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Corporation deems appropriate.

(b) TESTIMONY BEFORE CONGRESS.—The members of the Board of Directors, and officers, of the Corporation shall be available to testify before appropriate committees of the Congress with respect to the report described in subsection (a), the report of any audit made by the Comptroller General pursuant to this title, or any other matter which any such committee may determine appropriate.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SPECTRUM AUCTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the National Telecommunications and Information Administration of the Department of Commerce recently submitted to the Congress a report entitled "U.S. National Spectrum Requirements" as required by section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923);

(2) based on the best available information the report concludes that an additional 179 megahertz of spectrum will be needed within the next ten years to meet the expected demand for land mobile and mobile satellite radio services such as cellular telephone service, paging services, personal communication services, and low earth orbiting satellite communications systems;

(3) a further 85 megahertz of additional spectrum, for a total of 264 megahertz, is needed if the United States is to fully implement the Intelligent Transportation System currently under development by the Department of Transportation;

(4) as required by part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) the Federal Government will transfer 235 megahertz of spectrum from exclusive government use to non-governmental or mixed governmental and non-governmental use between 1994 and 2004;

(5) the Spectrum Reallocation Final Report submitted to Congress under section 113 of the National Telecommunications and Information Administration Organization Act by the National Telecommunications and Information Administration states that, of the 235 megahertz of spectrum identified for reallocation from governmental to non-governmental or mixed use—

(A) 50 megahertz has already been reallocated for exclusive non-governmental use,

(B) 45 megahertz will be reallocated in 1995 for both exclusive non-governmental and mixed governmental and non-governmental use,

(C) 25 megahertz will be reallocated in 1997 for exclusive non-governmental use,

(D) 70 megahertz will be reallocated in 1999 for both exclusive non-governmental and mixed governmental and non-governmental use, and

(E) the final 45 megahertz will be reallocated for mixed governmental and non-governmental use by 2004;

(6) the 165 megahertz of spectrum that are not yet reallocated, combined with 80 megahertz that the Federal Communications Commission is currently holding in reserve for emerging technologies, are less than the best estimates of projected spectrum needs in the United States;

(7) the authority of the Federal Communications Commission to assign radio spectrum frequencies using an auction process expires on September 30, 1998;

(8) a significant portion of the reallocated spectrum will not yet be assigned to non-governmental users before that authority expires;

(9) the transfer of Federal governmental users from certain valuable radio frequencies to other reserved frequencies could be expedited if Federal governmental users are permitted to accept reimbursement for relocation costs from non-governmental users; and

(10) non-governmental reimbursement of Federal governmental users relocation costs would allow the market to determine the most efficient use of the available spectrum.

(b) EXTENSION AND EXPANSION OF AUCTION AUTHORITY.—Section 309(j) (47 U.S.C. 309(j)) is amended—

(1) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) GENERAL AUTHORITY.—If mutually exclusive applications or requests are accepted for any initial license or construction permit which will involve a use of the electromagnetic spectrum, then the Commission shall grant such license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection. The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission for public safety radio services or for licenses or construction permits for new terrestrial digital television services assigned by the Commission to existing terrestrial broadcast licensees to replace their current television licenses.";

(2) by striking paragraph (2) and renumbering paragraphs (3) through (13) as (2) through (12), respectively; and

(3) by striking "1998" in paragraph (10), as renumbered, and inserting in lieu thereof "2000".

(c) REIMBURSEMENT OF FEDERAL RELOCATION COSTS.—Section 113 of the National Telecommunications and Information Administration Act (47 U.S.C. 923) is amended by adding at the end the following new subsections:

"(f) RELOCATION OF FEDERAL GOVERNMENT STATIONS.—

"(1) IN GENERAL.—In order to expedite the efficient use of the electromagnetic spectrum and notwithstanding section 3302(b) of title 31, United States Code, any Federal entity which operates a Federal Government station may accept reimbursement from any person for the costs incurred by such Federal entity for any modification, replacement, or reissuance of equipment, facilities, operating manuals, regulations, or other expenses incurred by that entity in relocating the operations of its Federal Government station or stations from one or more radio spectrum frequencies to any other frequency or frequencies. Any such reimbursement shall be deposited in the account of such Federal entity in the Treasury of the United States. Funds deposited according to this section shall be available, without appropriation or fiscal year limitation, only for the operations of the Federal entity for which such funds were deposited under this section.

"(2) PROCESS FOR RELOCATION.—Any person seeking to relocate a Federal Government station that has been assigned a frequency within a band allocated for mixed Federal and non-Federal use may submit a petition for such relocation to NTIA. The NTIA shall limit the Federal Government station's operating license to secondary status when the following requirements are met—

"(A) the person seeking relocation of the Federal Government station has guaranteed reimbursement through money or in-kind payment of all relocation costs incurred by the Federal entity, including all engineering, equipment, site acquisition and construction, and regulatory fee costs;

"(B) the person seeking relocation completes all activities necessary for implementing the relocation, including construction of replacement facilities (if necessary and appropriate) and identifying and obtaining on

the Federal entity's behalf new frequencies for use by the relocated Federal Government station (where such station is not relocating to spectrum reserved exclusively for Federal use); and

"(C) any necessary replacement facilities, equipment modifications, or other changes have been implemented and tested to ensure that the Federal Government station is able to successfully accomplish its purposes.

"(3) RIGHT TO RECLAIM.—If within one year after the relocation the Federal Government station demonstrates to the Commission that the new facilities or spectrum are not comparable to the facilities or spectrum from which the Federal Government station was relocated, the person seeking such relocation must take reasonable steps to remedy any defects or reimburse the Federal entity for the costs of returning the Federal Government station to the spectrum from which such station was relocated.

"(g) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified for reallocation for mixed Federal and non-Federal use in the Spectrum Reallocation Final Report shall, to the maximum extent practicable through the use of the authority granted under subsection (f) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use. Notwithstanding the timetable contained in the Spectrum Reallocation Final Report, the President shall seek to implement the reallocation of the 1710 to 1755 megahertz frequency band by January 1, 2000. Subsection (c)(4) of this section shall not apply to the extent that a non-Federal user seeks to relocate or relocates a Federal power agency under subsection (f).

"(h) DEFINITIONS.—For purposes of this section—

"(1) FEDERAL ENTITY.—The term 'Federal entity' means any Department, agency, or other element of the Federal Government that utilizes radio frequency spectrum in the conduct of its authorized activities, including a Federal power agency.

"(2) SPECTRUM REALLOCATION FINAL REPORT.—The term 'Spectrum Reallocation Final Report' means the report submitted by the Secretary to the President and Congress in compliance with the requirements of subsection (a).".

(d) REALLOCATION OF ADDITIONAL SPECTRUM.—The Secretary of Commerce shall, within 9 months after the date of enactment of this Act, prepare and submit to the President and the Congress a report and timetable recommending the reallocation of the two frequency bands (3625–3650 megahertz and 5850–5925 megahertz) that were discussed but not recommended for reallocation in the Spectrum Reallocation Final Report under section 113(a) of the National Telecommunications and Information Administration Organization Act. The Secretary shall consult with the Federal Communications Commission and other Federal agencies in the preparation of the report, and shall provide notice and an opportunity for public comment before submitting the report and timetable required by this section.

(e) BROADCAST AUXILIARY SPECTRUM RELOCATION.—

(1) ALLOCATION OF SPECTRUM FOR BROADCAST AUXILIARY USES.—Within one year after the date of enactment of this Act, the Commission shall allocate the 4635–4685 megahertz band transferred to the Commission under section 113(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(b)) for broadcast auxiliary uses.

(2) MANDATORY RELOCATION OF BROADCAST AUXILIARY USES.—Within 7 years after the date of enactment of this Act, all licensees of broadcast auxiliary spectrum in the 2025–2075 megahertz band shall relocate into spectrum allocated by the Commission under paragraph (1). The Commission shall assign and grant licenses for use of the spectrum allocated under paragraph (1)—

(A) in a manner sufficient to permit timely completion of relocation; and

(B) without using a competitive bidding process.

(3) ASSIGNING RECOVERED SPECTRUM.—Within 5 years after the date of enactment of this Act, the Commission shall allocate the spectrum recovered in the 2025–2075 megahertz band under paragraph (2) for use by new licensees for commercial mobile services or other similar services after the relocation of broadcast auxiliary licensees, and shall assign such licenses by competitive bidding.

SEC. 702. RENEWED EFFORTS TO REGULATE VIOLENT PROGRAMMING.

(a) FINDINGS.—The Senate finds that:

(1) Violence is a pervasive and persistent feature of the entertainment industry. According to the Carnegie Council on Adolescent Development, by the age of 18, children will have been exposed to nearly 18,000 televised murders and 800 suicides.

(2) Violence on television is likely to have a serious and harmful effect on the emotional development of young children. The American Psychological Association has reported that children who watch "a large number of aggressive programs tend to hold attitudes and values that favor the use of aggression to solve conflicts". The National Institute of Mental Health has stated similarly that "violence on television does lead to aggressive behavior by children and teenagers".

(3) The Senate recognizes that television violence is not the sole cause of violence in society.

(4) There is a broad recognition in the United States Congress that the television industry has an obligation to police the content of its own broadcasts to children. That understanding was reflected in the Television Violence Act of 1990, which was specifically designed to permit industry participants to work together to create a self-monitoring system.

(5) After years of denying that television violence has any detrimental effect, the entertainment industry has begun to address the problem of television violence. In the spring of 1994, for example, the network and cable industries announced the appointment of an independent monitoring group to assess the amount of violence on television. These reports are due out in the fall of 1995 and winter of 1996, respectively.

(6) The Senate recognizes that self-regulation by the private sector is generally preferable to direct regulation by the Federal Government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the entertainment industry should do everything possible to limit the amount of violent and aggressive entertainment programming, particularly during the hours when children are most likely to be watching.

SEC. 703. PREVENTION OF UNFAIR BILLING PRACTICES FOR INFORMATION OR SERVICES PROVIDED OVER TOLL-FREE TELEPHONE CALLS.

(a) FINDINGS.—Congress makes the following findings:

(1) Reforms required by the Telephone Disclosure and Dispute Resolution Act of 1992 have improved the reputation of the pay-per-call industry and resulted in regulations that have reduced the incidence of misleading practices that are harmful to the public interest.

(2) Among the successful reforms is a restriction on charges being assessed for calls to 800 telephone numbers or other telephone numbers advertised or widely understood to be toll free.

(3) Nevertheless, certain interstate pay-per-call businesses are taking advantage of an exception in the restriction on charging for information conveyed during a call to a "toll-free" number to continue to engage in misleading practices. These practices are not in compliance with the intent of Congress in passing the Telephone Disclosure and Dispute Resolution Act.

(4) It is necessary for Congress to clarify that its intent is that charges for information provided during a call to an 800 number or other number widely advertised and understood to be toll free shall not be assessed to the calling party unless the calling party agrees to be billed according to the terms of a written subscription agreement or by other appropriate means.

(b) PREVENTION OF UNFAIR BILLING PRACTICES.—

(1) IN GENERAL.—Section 228(c) (47 U.S.C. 228(c)) is amended—

(A) by striking out subparagraph (C) of paragraph (7) and inserting in lieu thereof the following:

"(C) the calling party being charged for information conveyed during the call unless—

"(i) the calling party has a written agreement (including an agreement transmitted through electronic medium) that meets the requirements of paragraph (8); or

"(ii) the calling party is charged for the information in accordance with paragraph (9); or"; and

(B) by adding at the end the following new paragraphs:

"(8) SUBSCRIPTION AGREEMENTS FOR BILLING FOR INFORMATION PROVIDED VIA TOLL-FREE CALLS.—

"(A) IN GENERAL.—For purposes of paragraph (7)(C), a written subscription does not meet the requirements of this paragraph unless the agreement specifies the material terms and conditions under which the information is offered and includes—

"(i) the rate at which charges are assessed for the information;

"(ii) the information provider's name;

"(iii) the information provider's business address;

"(iv) the information provider's regular business telephone number;

"(v) the information provider's agreement to notify the subscriber of all future changes in the rates charged for the information; and

"(vi) the subscriber's choice of payment method, which may be by direct remit, debit, prepaid account, phone bill or credit or calling card.

"(B) BILLING ARRANGEMENTS.—If a subscriber elects, pursuant to subparagraph (A)(vi), to pay by means of a phone bill—

"(i) the agreement shall clearly explain that charges for the service will appear on the subscriber's phone bill;

"(ii) the phone bill shall include, in prominent type, the following disclaimer:

'Common carriers may not disconnect local or long distance telephone service for failure to pay disputed charges for information services.'; and

"(iii) the phone bill shall clearly list the 800 number dialed.

"(C) USE OF PINS TO PREVENT UNAUTHORIZED USE.—A written agreement does not meet the requirements of this paragraph unless it requires the subscriber to use a personal identification number to obtain access to the information provided, and includes instructions on its use.

"(D) EXCEPTIONS.—Notwithstanding paragraph (7)(C), a written agreement that meets the requirements of this paragraph is not required—

"(i) for calls utilizing telecommunications devices for the deaf;

"(ii) for services provided pursuant to a tariff that has been approved or permitted to take effect by the Commission or a State commission; or

"(iii) for any purchase of goods or of services that are not information services.

"(E) TERMINATION OF SERVICE.—On receipt by a common carrier of a complaint by any person that an information provider is in violation of the provisions of this section, a carrier shall—

"(i) promptly investigate the complaint; and

"(ii) if the carrier reasonably determines that the complaint is valid, it may terminate the provision of service to an information provider unless the provider supplies evidence of a written agreement that meets the requirements of this section.

"(F) TREATMENT OF REMEDIES.—The remedies provided in this paragraph are in addition to any other remedies that are available under title V of this Act.

"(9) CHARGES IN ABSENCE OF AGREEMENT.—A calling party is charged for a call in accordance with this paragraph if the provider of the information conveyed during the call—

"(A) clearly states to the calling party the total cost per minute of the information provided during the call and for any other information or service provided by the provider to which the calling party requests connection during the call; and

"(B) receives from the calling party—

"(i) an agreement to accept the charges for any information or services provided by the provider during the call; and

"(ii) a credit, calling, or charge card number or verification of a prepaid account to which such charges are to be billed.

"(10) DEFINITION.—As used in paragraphs (8) and (9), the term 'calling card' means an identifying number or code unique to the individual, that is issued to the individual by a common carrier and enables the individual to be charged by means of a phone bill for charges incurred independent of where the call originates."

(2) REGULATIONS.—The Federal Communications Commission shall revise its regulations to comply with the amendment made by paragraph (1) not later than 180 days after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF "PAY-PER-CALL SERVICES" UNDER TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT.—Section 204(1) of the Telephone Disclosure and Dispute Resolution Act (15 U.S.C. 5714(1)) is amended to read as follows:

"(1) The term 'pay-per-call services' has the meaning provided in section 228(j)(1) of the Communications Act of 1934, except that the Commission by rule may, notwithstanding subparagraphs (B) and (C) of such section, extend such definition to other similar services providing audio information or audio entertainment if the Commission determines that such services are susceptible to the unfair and deceptive practices that are prohibited by the rules prescribed pursuant to section 201(a).".

SEC. 704. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request for information relevant to a legitimate law enforcement investigation of the governmental entity for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).".

SEC. 705. TELECOMMUTING PUBLIC INFORMATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings—

(1) Telecommuting is the practice of allowing people to work either at home or in nearby centers located closer to home during their normal working hours, substituting telecommunications services, either partially or completely, for transportation to a more traditional workplace;

(2) Telecommuting is now practiced by an estimated two to seven million Americans, including individuals with impaired mobility, who are taking advantage of computer and telecommunications advances in recent years;

(3) Telecommuting has the potential to dramatically reduce fuel consumption, mobile source air pollution, vehicle miles traveled, and time spent commuting, thus contributing to an improvement in the quality of life for millions of Americans; and

(4) It is in the public interest for the Federal Government to collect and disseminate information encouraging the increased use of telecommuting and identifying the potential benefits and costs of telecommuting.

(b) TELECOMMUTING RESEARCH PROGRAMS AND PUBLIC INFORMATION DISSEMINATION.—The Secretary of Transportation, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarading—

(1) the establishment of successful telecommuting programs; and

(2) the benefits and costs of telecommuting.

(c) REPORT.—Within one year of the date of enactment of this Act, the Secretary of Transportation shall report to Congress its findings, conclusions, and recommendations regarding telecommuting developed under this section.

SEC. 706. AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(6) of the Communications Act of 1934, as added by section 203(a) of this Act, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, or enter into a joint venture or partnership with any cable system described in subsection (b) within the local exchange carrier's telephone service area.

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system serving no more than 20,000 cable subscribers of which no more than 12,000 of those subscribers live within an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3 (kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

REGULATORY TRANSITION ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. WARNER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 219) entitled "An Act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations, including enactment of a new law or laws to require (1) that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights, and (2) for those Federal regulations that are subject to risk analysis and risk assessment that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures, will be promoted if a moratorium on new rulemaking actions is imposed and an inventory of such action is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—Until the end of the moratorium period, a Federal agency may not take any regulatory rulemaking action, unless an exception is provided under section 5. Beginning 30 days after the date of the enactment of this Act, the effectiveness of any regulatory rulemaking action taken or made effective during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium period, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKINGS.—Not later than 30 days after the date of the enactment of this Act, the President shall conduct an inventory and publish in the Federal Register a list of all regulatory rulemaking actions covered by subsection (a) taken or made effective during the moratorium period but before the date of the enactment.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any regulatory rulemaking actions authorized or required to be taken before the end of the moratorium period is extended for 5 months or until the end of the moratorium period, whichever is later.

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of the enactment of this Act, the President shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EMERGENCY EXCEPTIONS; EXCLUSIONS.

(a) EMERGENCY EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and submits a copy thereof to the appropriate committees of each House of the Congress;

(2) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds in writing that a waiver for the action is (A) necessary because of an imminent threat to health or safety or other emergency, or (B) necessary for the enforcement of criminal laws; and

(3) the Federal agency head publishes the finding and waiver in the Federal Register.

(b) EXCLUSIONS.—The head of an agency shall publish in the Federal Register any action excluded because of a certification under section 6(3)(B).

(c) CIVIL RIGHTS EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status except such rulemaking actions that establish, lead to, or otherwise rely on the use of a quota or preference based on age, race, religion, gender, national origin, or handicapped or disability status.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) FEDERAL AGENCY.—The term "Federal agency" means any agency as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) MORATORIUM PERIOD.—The term "moratorium period" means the period of time—

(A) beginning November 20, 1994; and

(B) ending on the earlier of—

(i) the first date on which there have been enacted one or more laws that—

(I) require that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights; and

(II) for those Federal regulations that are subject to risk analysis and risk assessment, require that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures; or

(ii) December 31, 1995;

except that in the case of a regulatory rulemaking action with respect to determining that a species is an endangered species or a threatened species under section 4(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(1)) or designating critical habitat under section 4(a)(3) of that Act (16 U.S.C. 1533(a)(3)), the term means the period of time beginning on the date described in subparagraph (A) and ending on the earlier of the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out the Endangered Species Act of 1973, or December 31, 1996.

(3) REGULATORY RULEMAKING ACTION.—

(A) IN GENERAL.—The term "regulatory rulemaking action" means any rulemaking on any rule normally published in the Federal Register, including—

(i) the issuance of any substantive rule, interpretative rule, statement of agency policy, notice of inquiry, advance notice of proposed rulemaking, or notice of proposed rulemaking, and

(ii) any other action taken in the course of the process of rulemaking (except a cost benefit analysis or risk assessment, or both).

(B) EXCLUSIONS.—The term "regulatory rulemaking action" does not include—

(i) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens;

(ii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to matters relating to military or foreign affairs functions, statutes implementing international trade agreements, including all agency actions required by the Uruguay Round Agreements Act, or agency management, personnel, or public property, loans, grants, benefits, or contracts;

(iii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to a routine administrative function of the agency;

(iv) any agency action that—

(I) is taken by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises; and

(II) the head of the agency certifies would meet the standards for an exception or exclusion described in this Act; or

(v) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States.

(4) RULE.—The term "rule" means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term does not include the approval or prescription, on a case-by-case or consolidated case basis, for the future of rates, wages, corporation, or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor, or of valuations, costs, or accounting, or practices bearing on any of the foregoing, nor does it include any action taken in connection with the safety of aviation or any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds. Such term also does not include granting an application for a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction (including any agency action which establishes, modifies, or conducts a regulatory program for a recreational or subsistence activity, including but not limited to hunting, fishing, and camping, if a Federal law prohibits the recreational or subsistence activity in the absence of the agency action) or taking any action necessary to permit new or improved applications of technology or allow the manufacture, distribution, sale, or use of a substance or product.

(5) RULEMAKING.—The term "rulemaking" means agency process for formulating, amending, or repealing a rule.

(6) LICENSE.—The term "license" means the whole or part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

(7) IMMINENT THREAT TO HEALTH OR SAFETY.—The term "imminent threat to health or safety" means the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period.

SEC. 7. LIMITATION ON CIVIL ACTIONS.

No private right of action may be brought against any Federal agency for a violation of this Act. This prohibition shall not affect any private right of action or remedy otherwise available under any other law.

SEC. 8. RELATIONSHIP TO OTHER LAW; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. REGULATIONS TO AID BUSINESS COMPETITIVENESS.

Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103-465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103-182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate,

taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7230).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1993 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licenses utilizing competitive bidding procedures to provide personal communications services—

(A) taken under section 309(j) of the Communications Act and with respect to which a final rule was published on December 7, 1994 (59 Fed. Reg. 63210); or

(B) taken under sections 3(n) and 332 of the Communications Act and with respect to which a final rule was published on December 2, 1994 (59 Fed. Reg. 61828).

(7) WIDE-AREA SPECIALIZED MOBILE RADIO LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to provide for competitive bidding for wide-area specialized mobile radio licenses, taken under section 309(j) of the Communications Act and with respect to which a proposed rule was published on February 14, 1995 (60 Fed. Reg. 8341).

(8) IMPROVED TRADING OPPORTUNITIES FOR REGIONAL EXCHANGES.—A regulatory rulemaking action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7718).

SEC. 10. DELAYING EFFECTIVE DATE OF RULES WITH RESPECT TO SMALL BUSINESSES.

(a) DELAY EFFECTIVENESS.—For any rule resulting from a regulatory rulemaking action that is suspended or prohibited by this Act, the effective date of the rule with respect to small businesses may not occur before six months after the end of the moratorium period.

(b) SMALL BUSINESS DEFINED.—In this section, the term "small business" means any business with 100 or fewer employees.

Mr. WARNER. Mr. President, I move that the Senate disagree to the House amendment, request a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. The motion was agreed to, and the Presiding Officer (Mr. THOMAS) appointed Mr. NICKLES, Mr. STEVENS, Mr. THOMPSON, Mr. GRASSLEY, Mr. GLENN, Mr. LEVIN, and Mr. REID conferees on the part of the Senate.

ORDERS FOR MONDAY, JUNE 19, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, June 19, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, there then be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak for up to 5 minutes each; further, that at the hour of 1 o'clock the Senate resume consideration of S. 440, the National Highway System bill.

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

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the cloture vote on the motion to proceed to the highway bill previously scheduled for 3 p.m. on Monday has been vitiated. Senators should also be aware that no rollcall votes will occur during Monday's session of the Senate. However, the majority leader fully expects amendments to be offered to the bill and those votes would be postponed until Tuesday to a time to be determined by the two leaders.

ADJOURNMENT UNTIL MONDAY, JUNE 19, 1995

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:09 p.m., adjourned until Monday, June 19, 1995, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, June 16, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BURTON of Indiana].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 16, 1995.

I hereby designate the Honorable DAN BURTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

With hearts of gratitude and praise, O gracious God, we offer our thanks for Your Word that points us in the right way, that accompanies us in the valley of the shadow, that never abandons us though we forget or despise, that inspires and encourages us no matter what the concern, that forgives us and pardons us of all guilt, that reminds us that in all the moments of life we are never alone, for Your Word of faith and hope and love is with us always. 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 gentleman from American Samoa [Mr. FALEOMAVAEGA] come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA 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. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 17. Concurrent resolution authorizing the use of the Capitol Grounds for the exhibition of the RAH-66 Comanche helicopter.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will accept five 1-minutes from each side.

IN DEFENSE OF DEFENSE

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

Mr. HEFLEY. Mr. Speaker, I think it is fair to say that the defense budget has not been a high priority for Mr. Clinton. I think it is important, however, for us to remember that the greatest portion of the defense dollars that are spent are not spent on SDI nor on the B-2 bomber.

We spend the biggest share of our defense dollars on people, the young enlisted personnel who catapult the F-14's off carriers, control military satellites, man Patriot missile batteries, and land on beaches from Normandy to Somalia. These men and women who travel in harm's way for our sake are the ones who are hurt by inadequate defense spending.

We have begun yesterday and again today the process of rebuilding our national defenses. Because of our fiscal crisis, it won't be as much as some of us would like but it is a down payment. Remember, most defense goes to the men and women who protect us every day. That is what you will find in today's military construction appropriation bill.

Mr. Speaker, history has proven to us that when we see the daylight of peace on the horizon, we tend to disarm and bask in the sunshine. We need to remember that the darkness of war can be only a few hours away.

DO NOT BALANCE THE BUDGET ON THE BACKS OF OUR CHILDREN AND SENIOR CITIZENS

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

Mr. LEWIS of Georgia. Mr. Speaker, we are all in agreement, Democrats and Republicans; we must put the financial affairs of our country back in order. Our huge national debt, the legacy of the Reagan and Bush administrations, must be eliminated.

The question, Mr. Speaker, is how to cut and what to cut. The Republicans in Congress want to cut school lunches for our children, cut our student's college loans and cut Medicare for our senior citizens. This is how the Republicans propose to balance the budget.

Students will have to pay thousands more to attend college and our parents and grandparents will have to spend an extra $1,000 per year for their health care.

At the same time the Republicans propose giving a tax break to the wealthiest people in America, the super rich, the top 1 percent. This approach, is wrong, just plain wrong.

Mr. Speaker, when are the Republicans in this House going to realize that the American people want to get the financial affairs of this country in order, but not on the backs of our children and senior citizens and not while giving tax breaks to the richest people in America.

GET ON THE REFORM BANDWAGON

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

Mr. LAHOOD. Mr. Speaker, in New Hampshire this past weekend, President Clinton agreed with Speaker GINGRICH that Medicare is in trouble. In his own words, he said, "We cannot leave the system the way it is. There have to be some changes."

Mr. Speaker, it is nice to see the President of the United States recognizes a problem that affects millions of senior citizens in our country. However, I can't help thinking how nice it would be now to actually see Democrats produce some solutions to these problems.

Unfortunately, the Democrats around here have no ideas on how to fix the current Medicare crisis. Instead, they stand up day after day to whine and moan and complain about Republican actions on Medicare.

It would be nice to see the Democrats divert some of their energy into helping us develop solutions to preserve and protect Medicare. Join the President, join the Republicans. Let's preserve and protect a very good Medicare system. Stop whining, stop complaining, get on the reform bandwagon.

REPORT ON RESOLUTION TO ESTABLISH A "CORRECTIONS CALENDAR IN THE HOUSE OF REPRESENTATIVES

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report

(Rept. No. 104–144) on the resolution (H. Res. 168) amending clause 4 of rule XIII of the rules of the House to abolish the Consent Calendar and to establish in its place a Corrections Calendar, which was referred to the House Calendar and ordered to be printed.

MEDICARE

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

Mr. TIAHRT. Mr. Speaker, for the last 30 years or so, most of the laws made by Congress assumed that Government was more efficient and more wise than any other institution in the country.

For instance, Medicare was implemented in the 1960's and was designed to provide health care, primarily to the elderly, based on the idea that Government could best distribute health care resources.

Since the creation, Medicare spending has increased dramatically. In fact, Medicare part B has increased 5,400 percent since the creation of the program. Medicare is in such bad shape that even members of the President's own Cabinet admit that Medicare will be bankrupt in 7 years.

Mr. Speaker, buried deep in the philosophy of programs like Medicare is the assumption that Government has all the answers. It does not. It is time for the American people, both Republicans and Democrats, to work together to save Medicare. It is not too late to preserve and protect it before it goes broke.

WHERE'S THE BEEF?

(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, for years Washington politicians have been asking, Where's the beef? I can honestly answer this morning, we found the beef. It is grazing on the beltway, 12 errant bovines on the beltway, running around recklessly, grazing at will, and some people say they are just restless, it is the breeding season.

I say, Mr. Speaker, they are looking for the budget. The President has one, the House has one, the Senate has one. The truth is the American people know there is a lot of bovine flatulence down here, and the American people want to know where the cash cow really is.

I say let's develop a budget that creates some jobs. Where's the beef politically? Sad to say, it is on the beltway.

IMPROVING CHILD-PROOF MEDICINE CAPS

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

Mr. FRELINGHUYSEN. Mr. Speaker, yesterday was a rare example of how Government can work with industry—instead of against them—on regulations that will improve safety. I am referring to the decision by the Consumer Product Safety Commission on child-proof medicine caps.

New Jersey is home to 15 major pharmaceutical companies with over 83 facilities statewide. The industry employs over 56,000 New Jerseyans and contributes close to $10 billion to our State's economy.

Child-proof caps have become so hard to remove—especially for our elderly—that adults leave the bottles open or switch the drugs to pill boxes, where kids can easily get into them. The result was that more children were ingesting dangerous substances.

In February, during a VA–HUD appropriations hearing, I asked that the commission work with industry to fix this problem. Yesterday's ruling does just that.

Mr. Speaker, I congratulate the commission and industry for working together. This is a win-win result and I am glad that I was able to play a part. This rule should improve child safety and make older Americans' lives easier—what could be better?

FIXING A BROKEN MEDICARE SYSTEM

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

Mr. HOKE. Mr. Speaker, it is part of American conventional wisdom that if it ain't broke, then don't fix it, but Medicare is broke because it is going broke. The Medicare board of trustees said in March in their 1995 annual report on Medicare, that the program is severely out of financial balance and is expected to be exhausted in 2001.

It is broke because it is going broke. We have a responsibility to fix it. That is what this debate is all about. If you look at the numbers that we are talking about, the way that we fix it is in terms of numbers. We increase the spending from $4,800 per recipient per year to $6,400 per recipient per year. In other words, we go from about $400 a month per person to about $550 a month per person. But the real challenge is working out the details of how that is done.

I am confident that we can do that. I am confident that based on where the private sector has gone to squeeze out money in the medical system, that we can do it. But what we need is the help of the Democrats, we need the help of the President, we need the help of the public. We need our own people, and we need to all work together to come up with a solution that will in fact fix this system.

IN SUPPORT OF THE PRESIDENT'S BUDGET

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

Mr. MORAN. Mr. Speaker, I rise in support of the budget that our President introduced this week. It is a thoughtful, fiscally responsible, and compassionate approach to the most difficult challenge that faces this governing body.

The President has included those items that are least justifiable in terms of the Federal role. It goes after the corporate tax subsidies, the most egregious ones. It follows up on the down payment we made on balancing the budget in 1993, the Omnibus Budget and Reconciliation Act, by keeping the spending caps on domestic discretionary programs.

Most importantly, it reforms the health care system. It has the insurance reforms that we have reached consensus on, that need to be made. It does not take money from the recipients of our programs in the way that most of the Medicare cuts that are included in the Republican budget do.

But what it does is to go after the providers, the providers that, in fact, have been taking most of the increase in health care costs, the insurers, the facilities, and even some of the physicians. What we need is a reform that affects everyone, where everyone contributes a reasonable share to balancing the budget, to achieving what has got to be our Nation's foremost objective. The President's plan does that in 10 years, it does it in a responsible way, one that my colleagues on both sides of the aisle ought to support.

PERMISSION FOR COMMITTEE ON COMMERCE AND COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Commerce, and Committee on Economic and Educational Opportunities.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

Mr. NADLER. Mr. Speaker, reserving the right to object, we have been consulted about this request. We have no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 167

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. 1817) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1996, 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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.

SEC. 2. (a) For purposes of sections 302 and 311 of the Congressional Budget Act of 1974 as they apply in the House of Representatives to the Committee on Appropriations and to the consideration of general appropriation bills, amendments thereto, or conference reports thereon, the Congress shall be considered to have adopted House Concurrent Resolution 67 in the form adopted by the House on May 18, 1995.

(b) The allocations of spending and credit responsibilities to the Committee on Appropriations that are depicted in House Report 104–120, beginning on page 144, shall be considered as the allocations required by section 602(a) of that Act to be included in the joint explanatory statement of the managers on a conference report to accompany a concurrent resolution on the budget.

(c) This section shall cease to apply upon final adoption by the House and the Senate of a concurrent resolution on the budget for fiscal year 1996.

□ 1020

The SPEAKER pro tempore (Mr. BURTON of Indiana). The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 167 is an open rule providing for the consideration of H.R. 1817, the Military Construction Appropriations Act for Fiscal Year 1996. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 2 of rule XXI, prohibiting unauthorized appropriations and legislation in an appropriations bill, and also waives clause 6 of rule XXI, prohibiting reappropriations, against provisions of the bill.

Additionally, the rule provides that the spending and credit allocations to the Committee on Appropriations contained in the House-passed budget resolution shall apply for budget act enforcement purposes until final adoption of a budget resolution. Under the rule, the chair may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule allows one motion to recommit.

Mr. Speaker, the waivers provided in this rule are necessary since the defense authorization bill has not yet become law. I'm not aware of any objection to such waivers, and there was bipartisan support for this rule by the Appropriations Subcommittee on Military Construction and by the Rules Committee.

Mr. Speaker, this is a special occasion that deserves proper recognition. As Members know, our colleague from Nevada, BARBARA VUCANOVICH, is the chair of the Appropriations Subcommittee on Military Construction. She is the first woman to chair an appropriations subcommittee in 40 years. And all I can say, Mr. Speaker, it is about time and I cannot think of anyone more deserving of this distinction than Mrs. VUCANOVICH. She has served this Congress with dedication and commitment for over 12 years, and she is one of the most highly respected Members of the House. I applaud her hard work and bipartisan spirit in working together with the ranking minority member, BILL HEFNER, in bringing forward this first of the 13 appropriation bills. They did an outstanding job of addressing the important housing needs, base realignment and closure costs, and construction requirements of the military.

Mr. Speaker, it is estimated that about one-eighth of all military families living off-base reside in substandard housing. Additionally, more than one-half of the on-base family housing units are unsuitable and in need of significant repair. We've all heard stories of military families whose standard of living is so low they qualify for food stamps. This is deplorable, and we have an obligation to ensure an adequate lifestyle for those patriotic, dedicated men and women who have chosen to serve this country and are willing to put their lives on the line to defend America.

About 72 percent of the projects in this bill are for the construction of new barracks, family housing, and child development centers—money well spent, in my opinion.

Mr. Speaker, this open rule will allow all Members to fully participate in the amendment process, and I urge its adoption.

Mr. Speaker, I submit the following materials for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of June 15, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	29	74
Modified Closed[3]	49	47	10	26
Closed[4]	9	9	0	0
Totals:	104	100	39	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 15, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Natl. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1517	MilCon Appropriations FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, as my colleague has described, House Resolution 167 is the rule waiving points of order against provisions of the bill, H.R. 1817, the Military Construction Appropriations Act for Fiscal Year 1996. The rule is essentially an open rule with 1 hour of general debate. If does provide waivers of clause 2 of rule XXI to allow unauthorized appropriations in the bill, as well as clause 6 of rule XXI prohibiting reappropriations. It also provides that figures in the House-passed budget resolution shall apply until final adoption of the budget resolution. There was no substantial opposition to these provisions from witnesses in yesterday's Rules Committee hearing.

In the Rules Committee hearing, however, Representatives BREWSTER and HARMAN did request an amendment known as the deficit reduction lockbox amendment. This would have allowed any savings obtained through floor votes to go into a special deficit reduction trust fund. Given the interest that many of us have in deficit reduction, I believe the Rules Committee should have made the Brewster-Harman amendment in order. Our ranking minority member, Representative JOE MOAKLEY, did offer the lockbox measure as an amendment to the rule. However, it unfortunately lost 8 to 3, with no Republican support.

Mr. Speaker, this bill appropriates approximately $11.2 billion for fiscal year 1996 for military construction, family housing, and base realignments and closures for the Department of Defense. The bill appropriates approximately $4.3 billion for family housing, $3.89 billion for base realignment and closure costs, $2.8 billion for military construction, and $161 million for NATO security.

Also included in the bill is approximately $18.5 million in funding for several projects at Wright-Patterson Air Force Base, which is partially located in my congressional district. I am pleased that the committee approved these funds which will continue several projects, including an electrical upgrade at the base. Mr. Speaker, these projects are important to Wright-Patterson Air Force Base, and to the community of Dayton, OH, which has been a world leader in aviation since the days of the Wright brothers. I commend my colleagues for including them.

Mr. Speaker, under the normal rules of the House, any amendment which does not violate any House rules could be offered to H.R. 1817. The rule was passed out of the House Rules Committee by voice vote, and I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the chairman emeritus for yielding me the time. The rule certainly has been adequately explained by both the gentleman from Tennessee [Mr. QUILLEN] and the gentleman from Ohio [Mr. HALL], so I will not get into that. I will speak to the bill itself.

Mr. Speaker, the military construction bill this rule makes in order will have a major impact on the morale and the quality of life of our young men and women who serve in our military today, and that is so critically important in maintaining a high quality of recruits, especially when we have to depend on an all-voluntary military as we do today.

We presently face a seriously worsening situation with respect to military housing, and this is a problem that simply must be solved if we are going to keep these young men and women in the service.

We cannot hope to recruit and then retain a high-caliber all-volunteer force if our service men and women are consigned to live in housing that we would not let our own families live in. This is how bad it is.

An estimated one-eighth of all military families residing off-base today are living in substandard housing, and that is terrible. More than half of all of our on-base family housing units are considered unsuitable and in need of significant repair.

Mr. Speaker, these are shocking and absolutely unacceptable conditions. I am pleased to note that funding in this

bill for family housing is up 23 percent over last year. We found the money. This is so vital for the 60 percent of our service personnel who are married.

I am pleased to see that this bill provides the seed money for a 5-year pilot project involving the private sector to replace or renovate most or all of the on-base family housing units that are in dire need of repair today.

With Armed Forces composed entirely of volunteers, we find that our military personnel are staying in the service longer, they are marrying while in service, many of them are trying to raise families, and that is the way it should be.

There is an increase in this bill for the building and renovating of barracks that are used by our military personnel who are not married. This situation also needs to be addressed, because half of all existing barracks today are 30, 40, 50, and even 60 years old, and they are in a deplorable condition. We have a deficit on top of that of 160,000 barracks spaces to provide for quarters for these people.

So, I am just really grateful for the many good and necessary improvements made in this bill. I want to thank the gentlewoman from Nevada [Mrs. VUCANOVICH] and all of the members of her subcommittee for bringing a really quality product to the floor today. The investment we make today to improve the quality of life for our military personnel will pay off in the future, because we will find it much easier to recruit and retain and keep these good people that are serving us.

Having said all of that, I just want to again repeat what my good friend, the gentleman from Tennessee [Mr. QUILLEN], said about the gentlewoman from Nevada [Mrs. VUCANOVICH]. In bringing the military construction bill to the floor this week, my good friend from Nevada, who was formerly from my area up in upstate New York, the gentlewoman from Nevada, will become the first women in 40 years to manage an appropriations bill in the House of Representatives. That is significant.

And as best as the staff of the Committee on Appropriations can tell, she will be only the second woman in the entire history of the House to have that responsibility. So, we salute the gentlewoman, let her come down here, and let us get this good bill going.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I rise in very strong opposition to this rule for a variety of reasons, starting with the fact that this bill itself is unbelievably $2.5 billion above last year, even while we are told that we have to reach a balanced budget which requires us to cut most programs in the budget over a 7-year period by about 30 percent.

It is to me incredibly irresponsible to be suggesting that we can raise any appropriation bill by more than 20 percent in a single year, given the budget squeeze we are facing.

But I think there is an even more basic reason to oppose this rule and that is because this rule would, in its passage, have it deemed that we had already passed the budget resolution when in fact that is not the case.

This bill is coming to the floor 2 weeks after the first appropriation bill came to the floor last year. There is still no budget which has been adopted by the majority party. This is the latest in 10 years that the Congress has been without the adoption of a budget.

Because we are still not operating under a budget, this rule would have the House, in essence, declare that it is simply the House budget resolution which is going to govern the appropriation process for the rest of the year, when we know full well that that resolution is going to have to be compromised with the Senate and a different set of numbers will be reached.

An added problem is that the budget priorities under which we are acting, and under which this bill is brought to the floor, are in fact grossly warped. While this bill is going to be $2.5 billion above last year, the Labor-Health-Education appropriation bill will be about $10 billion below last year, cutting a $70 billion bill to $60 billion.

You will see a savaging of the Low-Income Heating Assistance Program. You will see a merciless squeezing of job training programs, of health appropriations, including a potentially very large squeeze on the National Institutes of Health. It just seems to me that that is an incredibly warped set of priorities.

I tried in the full Committee on Appropriations to get a different set of 602 allocations adopted for the subcommittee so that we could produce a different set of priorities. Instead of the outlandishly high military budget which is being enforced under this process, I suggested we simply go to what I would call Domenici-plus-one, which would say that we would limit defense expenditures to $1 billion above that provided in the Senate budget resolution. That is hardly a left-wing proposition.

That level was supported by a number of well-known conservatives in the Senate who I would name if House rules allowed me to; conservatives in both parties. It would have allowed us, by limiting that defense expenditure to those levels, to provide $900 million in additional support for law enforcement programs under Commerce-Justice, it would have allowed us to provide $1 billion more for highway construction that will be allowed under the proposal which was presented by the majority.

We would be allowed to provide $2 billion more to the VA–HUD bill to protect veterans' medical services and to help low-income seniors who otherwise are going to be clobbered in housing budgets.

It would have allowed $100 million more to be used to toughen immigration enforcement. It would have allowed a saving of about a half-billion dollars on the squeeze that will otherwise be put in national parks, and it would have allowed us to reduce the incredible reductions which are going to be forced on student assistance, on biomedical research, and grants to local school districts and fuel-assistance programs as I indicated.

But because this resolution deems us to be operating under the House budget resolution, and because under that House budget resolution these warped set of priorities have been adopted, we cannot proceed to produce a more balanced set of appropriation bills if we proceed under this approach.

I want to make clear, I am not talking about spending one additional dime above the spending levels suggested by the Republican Party, by the majority party. What I am suggesting is that the way the dollars are allocated under the ceiling which we are all going to have to live with is grossly warped and this resolution, by deeming us to be operating under that procedure, simply guarantees that we cannot make any improvements in the situation.

I do not think we ought to do that. I think this rule ought to be defeated so that the entire proposal can be recommitted to the Committee on Appropriations so that the committee can produce a different set of numbers which provide a greater sense of mercy and justice for working families who are trying to help their kids go through school, for families who have health problems, for workers who need retraining, rather than sticking to the spending priorities which we are going to be required to stick to under this proposal.

□ 1040

So I would urge you to defeat the previous question on the rule, defeat the rule, send this whole proposition back to the Committee on Appropriations so we can produce a much more balanced set of spending priorities in a very tight fiscal year.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, this rule makes in order an amendment to cut out what is a relatively small amount of money to purchase land for the construction of the U.S. Army Museum.

Now, if this were another time, if we were not all so much aware of the fiscal realities, the Army would have gone about this in the way that the other armed services have and, in fact, every other nation has, and build it with public funds. But the Army is not asking for public funds to build the U.S. Army Museum. The museum is going to cost about $72 million, and the Army is going to raise that through

private donations. That is the kind of thing we have been encouraging the public sector to do, not to spend any money that is not absolutely necessary.

The small amount of money, however, that is in this appropriations bill, and we appreciate the fact that the chairperson of the appropriations bill, the gentlewoman from Nevada [Mrs. VUCANOVICH], included it, is necessary because we cannot possibly raise enough money to purchase the land immediately and it has to be purchased immediately. Equitable Real Estate, that owns it, has plans to develop two highrise office buildings on this site.

Now, let me describe where it is because all of you have seen this site. It is on the gateway to Washington, DC. It is kitty-corner to the Jefferson Memorial, across the river, and it is on a line between the Washington Monument, the Jefferson Memorial, and what would be the Army Museum. It is a small piece of land, just to the east of the 14th Street Bridge. Everyone will see it as they enter Washington.

The small amount of money that is necessary will enable us to purchase this land at a very reasonable cost, and then the Army will go about raising money for the museum.

The Army has about 500,000 artifacts to show. Most of them are warehoused. Nobody can see them. Many of them are priceless. The Army has a story to tell, the history of the United States, how the Army secured this Nation's liberty through war and sustained it through preparation for war in a responsible manner, and all of those junctures where the Army made major decisions are going to be highlighted in this museum. It will have an inestimable value for the esprit de corps, not just of the Army but of all the armed services.

And we know that there will be 20 million American citizens who will be visiting this museum every year. It has perpetual value. That is why this small amount of money is very important, and it is important that we include it in an appropriations bill, not vote for the amendment that would eliminate it.

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

Mr. MORAN. I yield to the gentleman from Missouri.

Mr. SKELTON. I certainly agree with your position on the Army Museum. As a matter of fact, it is only an appropriation to buy the land because all else is going to be built by donations. Is that not correct?

Mr. MORAN. That is correct, I say to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Is it not also correct that all of the other services have a national type of museum but the U.S. Army does not?

Mr. MORAN. They do. And it is ironic that the Army has the most to show, things dating back to the Revolutionary War, the Civil War, the War of 1812, unbelievable things that this country has no awareness of the fact that we have these and would like to show them to the public.

Mr. SKELTON. I certainly agree and compliment you on your position.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I rise today in strong opposition to this rule and would urge my deficit hawk colleagues to oppose this rule as well.

There has been much discussion in this Chamber about the importance of deficit reduction and balancing the budget. Mr. Speaker, this House needs to put its money where its mouth is.

This rule restricts the Brewster-Harman lockbox amendment, which would guarantee all savings achieved from cuts in this bill would go solely for deficit reduction—savings could not be used for additional spending.

Mr. Speaker, if this House votes to cut a program on the floor, then I feel—as I think a majority of this House feels—that those savings should go only to deficit reduction, not be spent somewhere else. The Brewster-Harman lockbox amendment would guarantee this savings.

Only a few months ago, this House overwhelmingly voted to pass the lockbox amendment, 418 to 5. With that kind of support, Mr. Speaker, I am disappointed the Rules Committee did not continue the commitment of deficit reduction. Instead, they restricted the Brewster-Harman lockbox from this bill.

This is the first of 13 appropriations bills to come to the House floor this year. We must not wait any longer by letting millions of discretionary dollars slip into the wasteland of Federal spending. Let us make our cuts count.

Vote "no" on this rule, and let us send H.R. 1817 back to the Rules Committee and make the Brewster-Harman lockbox in order.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Deficit hawks listen up: I am the Harman of Brewster-Harman, and this is the vote you have been waiting for.

By excluding the lockbox, the Committee on Rules is telling us that on the first appropriations bill of the season we are not prepared, let me repeat, not prepared, to force cuts to go to deficit reduction.

A little later today we are going to consider at least two cuts to this bill. Should they pass, I am telling you now that without the lockbox, they will not, hear me, not go to deficit reduction.

Why not? The answer is that the appropriators, both sides, and this is not a partisan claim, do not want to lose the ability to use saved money for other pet projects.

Let me explain how the lockbox, which an overwhelming majority of this House has already supported, works. It works this way: If we cut money from an appropriations bill and we do not at the same time on the public record reprogram it to something else, that money automatically goes into what we call a lockbox. When the House passes its bill, the lockbox contains our cuts. When the Senate passes its bill, the lockbox contains the Senate's cuts. And then in conference the conferees are limited, limited by this mechanism to coming up with a bottom-line figure that is somewhere between the House and the Senate cuts. In other words, the money cut cannot be reprogrammed. They money cut goes to deficit reduction.

This concept is overwhelmingly popular out in the land and, in fact, it is probably a better mechanism, or at least a faster mechanism, than the balanced budget amendment because it goes into effect immediately with enactment of the appropriations bill.

And I say that as a strong supporter in this Congress, and in the last Congress, of the balanced budget amendment.

Let me conclude by saying this: Casting tough votes means casting votes that could hurt at home, and this is the case for me. Most people here know, and I always say it, I represent the aerospace center of the universe, California's 36th Congressional District. I am a strong defense hawk. I spoke for and voted for the plus-ups in the defense budget because I believe in them. I certainly believe in spending on military construction.

But I also believe in two other things, and they are relevant today. One is candor. If we are serious about cutting the deficit, let us do it. And the second one is making sure that when I stand here and say that something really is deficit reduction, it really is.

And so I tell my constituents right now that by doing this, by voting against this rule and by voting against this bill, I am fighting for you because I am fighting for deficit reduction and candor in this House.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, Members of the House, I rise in strong opposition not only to the rule but to this bill, and I say, "Wake up, America. Stay tuned America," because under this bill and the next defense appropriation bill, we are going to spend a whole bunch of money. We are going to have increases in that spending, and at the same time, under the Republican budget, you are going to see cuts, drastic cuts, radical cuts in Medicare for our senior citizens. We are going to see programs such as the heating assistance for the poor in my district cut out

completely, but we are going to see, like I said, spending increases in defense.

There is no shared sacrifice here. The reasons that you have to cut the Medicare as they cut Medicare is not only the defense increases but also because they have in their budget a big tax break for the wealthy, a $20,000 tax break, $20,000 a year for people making over $250,000. That is not strengthening Medicare. That is not improving Medicare. That is not making Medicare any better. That is making it harder on my senior citizens, my rural hospitals.

I have got rural hospitals out there that right now estimate that it is going to be over a million-dollar loss in revenue to them by the end of this century just because you can give tax breaks to the wealthy and you can increase defense spending.

Mr. Speaker, I strongly oppose this movement of the Republican radical majority in order to take it out of the hides of the elderly and give it to our defense spending and to the wealthy.

For that reason, I oppose the rule, and I oppose the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I am concerned about this rule because it does not allow the lockbox. It does not allow us to vote on the lockbox.

I am concerned about that because I have an amendment which would delete $14 million from this bill which would go to build or to purchase land here in Washington, DC, for another Army Museum. This is another.

Another Army Museum, folks, would be the 49th Army Museum in this country. I cannot understand why we want to build a 49th museum right here in Washington when we have got American men and women who are needing training, who have family housing that is just unacceptable.

I think too many people have been talking to the generals and the brass, and they ought to get out there and talk to the men and women who serve in this Army and they ought to talk to the American taxpayer.

Mr. Speaker, I just think it is a shame, and I cannot wait for us to vote on the cutting of the money for the Army Museum, but I sure wish it was being locked into deficit reduction or could be sent somewhere else, like family housing.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I am going to vote with my distinguished chairman, the gentleman from Ohio [Mr. HALL], on the previous question, but that is not because I am opposed to this rule. I want to commend the chairman. I will support the rule, and I will give the procedural vote to my party.

But I want to say this: Pigs get fat, hogs get slaughtered.

There is a way to go about this business in this whole process, and I want to thank the Committee on Appropriations for funding the three projects I had requested at the Air Force base, reserve base in Vienna, OH, to my ranking member, the gentleman from North Carolina [Mr. HEFNER], and all the chairmen responsible, the gentlewoman from Nevada [Mrs. VUCANOVICH], thank you, but you see, I did it the right way. I requested it. And then it was evaluated, and then it was scrutinized, justified, then it was authorized, and then it went to the appropriators, and I showed that process, and I showed the importance of it and the merit of it, and it was funded.

And the process can work if we first authorize, justify, scrutinize.

And I am going to support this bill. As long as the appropriators are including those issues that are properly addressed through the authorizing process, you will have my vote.

I appreciate that, and I want to thank the chairman from Ohio for giving me the time.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I hesitate to stand up and speak right now because I am so agitated.

But, you know, I hear all of these new-found deficit hawks up here talking. And I have the National Taxpayers Union ratings here for the last 16 years, and I guess we know who the deficit hawks are and who are not. I do not have much faith in new deficit hawks because if they were really deficit hawks, they would be up here voting for cuts day in and day out, like you do, Mr. Acting Speaker.

As a matter of fact, later this afternoon I am going to be introducing a piece of legislation that is about as thick as my briefcase is here. It is $840 billion in spending cuts, and I am telling you it cuts just about everything and it brings the deficit under control that is killing this country, that is literally ruining the country.

We are going to give this, this bill which is this thick, we are going to give it to all of the appropriators and to any other of the 435 Members. They can take little pieces of the bills as these appropriations bills come down and all of the other bills and the reconciliation, and they can take it, you can, Mr. Speaker, or I can, anyone can take one little section. It is all there in legislative language, so all Members have got to do is come to me or come to the bill drafting office, and they have it there for you. They will give it to you, the specific amendment you want.

So the point is, let us see who the real deficit hawks are.

Now, I happen to support the Army Museum because it is a small amount of money. Somebody said, "Well, $14 million is not a small amount of money." But it is because it is the seed money which will bring the Army Museum about.

I do not see amendments up here wiping out the Korean War Memorial. We are going to have an opening on April 27. We are going to have those who served in the military during the Korean war. We are going to have them coming to Washington. It is going to be a great day because we are going to honor those Korean war veterans. I did not serve in combat myself. I served in the United States Marine Corps during that period of time. It is going to be so gratifying to see that war memorial finished for those veterans who did, especially for the lives lost there.

All of these artifacts that the Army has, my good friend, the gentleman from Virginia [Mr. MORAN] was talking about, what is wrong with having a museum for the people who served, whether in World War I or World War II or the Korean war or the Vietnam war? Why can they not have a place to come? I think it is terribly important.

The bill also then allows for the volunteers to come out and raise money, like we did for the Korean War Memorial, like we did there.

I am going to tell you one thing: I hope no Republican votes for that cut when it is offered by the gentleman from Alabama [Mr. BROWDER] or anybody else. I expect them to let that bill pass and let us get that war memorial built.

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

Mr. SOLOMON. I yield to the gentleman from Alabama.

Mr. BROWDER. Would my friend tell me, do you know whether the Citizens Against Government Waste favor that expenditure for these, for this Army Museum, or oppose it, the Citizens Against Government Waste?

Mr. SOLOMON. I have got their ratings for however long they have been in effect. Yes, you are right, they do, and maybe the National Taxpayers Union. But sometimes they flake off, you know, too. They do it sometimes on some of these silly environmental laws sometimes. We know where this thing stands.

I want every Republican to come to this floor and vote against the Browder amendment, and I hope some good Democrats over there do, too. I know a few that will.

Mr. BROWDER. I thank the gentleman for admitting that the Citizens Against Government Waste are opposed to this museum.

Mr. SOLOMON. Now let me make one more point. We are trying to leave here by 2 o'clock at the request of all of the family-friendly Members, as my colleagues know. Where is my good friend, the gentleman from Indiana [Mr. ROEMER]? He is up here every Friday wanting us to be family friendly, and we

want to be. We are trying to get out of here at 2 o'clock this afternoon because there are a lot of Members who really need to go home this weekend to talk about Medicare and other things to their senior citizens. They are going to miss those planes if we go much longer.

Now there is a previous question coming on something called the lockbox. Now I happen to be a strong supporter of the lockbox, but the truth of the matter is, if we allow that amendment to go through today, it would be knocked out on a point of order even if the previous question is defeated, even if it is defeated. So it is a wasted vote. My colleagues would be wasting the time of the Democrats and the Republicans.

I say to my colleagues, If you don't like the way the rule is written, it's an open rule. Any Member can offer any kind of germane amendment that he wants if you don't like that, then vote against the rule. That's your prerogative, but don't waste the body's time with this previous question that's going to add another 35 to 40 minutes to the debate today, and all of these Members are not going to be able to get home on time for the weekend and do those kinds of things for their constituents.

So I would urge my colleagues, please support the previous question and vote how you want to on the rule. That's your prerogative.

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

Mr. SOLOMON. I yield to the former chairman of the Committee on Veterans' Affairs, a great American, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman very much, and, about the Browder amendment, it should be pointed up in this war museum that the gentleman from Alabama is trying to eliminate there will be a section in there honoring the National Guard and Reserve, and I point out that in World War II, the 29th Division, it was a National Guard Division, that 2,000 young men, National Guardsmen, lost their lives landing at Omaha Beach, and they will be honored in this museum, and they ought to know that, and I appreciate the gentleman yielding to me.

Mr. SOLOMON. Well, they most certainly will, and when that museum opens, I want to go with the gentleman to be the first ones to visit.

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

Mr. MONTGOMERY. I yield to my very good friend, the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding.

Let me just ask my colleagues from New York on the Browder amendment: Isn't it true we're going to get over $5 in contributions for every dollar we invest in this museum?

Mr. SOLOMON. Absolutely, because the American people live by the words "pride, patriotism and volunteerism." The gentleman is absolutely right.

Mr. DAVIS. And I understand there are over 500,000 artifacts sitting out there now, and some of these, frankly, face the fact that they could be lost over time if we do not find a permanent place for them.

Mr. SOLOMON. They could be lost, and also they could deteriorate and be destroyed.

Mr. DAVIS. And I guess the last question to ask is: The particular piece of property that we have in mind is, of course, adjacent to the Capitol and Arlington Cemetery in those areas, but we may lose this piece if we don't act within this next year; isn't that correct?

Mr. SOLOMON. It could very well be so. We almost even did not get the space for the Korean War Memorial.

Mr. DAVIS. Well, I plan to join the gentleman from New York [Mr. SOLOMON] in opposing the amendment.

Mr. SOLOMON. I thank the gentleman for his support.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I think this is a good bill, and I support the bill.

Let us set one thing straight for the Committee on Rules. They could have crafted a rule that would have done no harm to this bill, that would have made in order the lockbox amendment. That is a pretty bold assessment that they are putting up here. It could have been in order, would have done no harm to this bill, and it would have done what the people who had signed on to the lockbox amendment long ago wanted. It was absolutely done away with in the budget considerations, so let us not say it would have been out of order. It could have been in order but for the rule that was crafted. They could have crafted a rule that would have made it in perfect order for the lockbox amendment to be offered in this bill, and it would have done no damage to the military construction bill.

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

Mr. QUILLEN. I yield to the gentleman from New York.

Mr. SOLOMON. Let me just say that the gentleman just does not understand the rule, that if the previous question were defeated and do not interrupt me, if the previous question were defeated, and then this was brought back to make this in order, it would, in my opinion, still be subject to a point of order. I cannot speak for the Parliamentarian, but from all previous precedents I know that that would be ruled out of order, and it would not be back here.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would only say, Mr. Speaker, that that was not the question. If we could have passed the amendment in the Committee on Rules yesterday that was voted down, I believe 8 to 3, it would have been in order to offer this amendment with the proper waivers, and that was the question that he asked, not if, in fact, we defeat this previous question.

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

Mr. HALL of Ohio. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I do not understand a lot of things around here, but I do understand rules. I have been in this House for 20 years, so for the gentleman to tell me I do not understand the rules is a little bit ludicrous.

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

Mr. HALL of Ohio. I yield to the gentleman from New York.

Mr. SOLOMON. I just tell the gentleman I have been here for just about as long, and, if he looks at all these rules here, we can all stand a little learning sometime.

Mr. HALL of Ohio. Mr. Speaker, I do not have any more speakers. I would only say that I would urge my colleagues to defeat the previous question, and, if the previous question is defeated, I would offer an amendment that would make in order the Brewster-Harman deficit reduction lockbox amendment.

Mr. Speaker, I ask unanimous consent that my amendment be printed in the RECORD at this point.

The SPEAKER pro tempore (Mr. BURTON of Indiana). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Proposed amendment to House Resolution 167: At the end of the resolution, add the following:

"SEC. 3. Before consideration of any other amendment, it shall be in order to consider, any rule of the House to the contrary notwithstanding, an amendment on the subject of the deficit reduction lockbox to be offered by Representative Brewster of Oklahoma and Representative Harman of California and submitted to be printed in the CONGRESSIONAL RECORD no later than June 16, 1995."

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

Mr. QUILLEN. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 223, nays 180, not voting 31, as follows:

[Roll No. 386]

YEAS—223

Allard
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—180

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—31

Ackerman
Archer
Baker (LA)
Chapman
Clay
Clayton
Collins (IL)
Coyne
Dickey
Dooley
Doolittle
Ehrlich
Flake
Gallegly
Gephardt
Hayes
Jefferson
Kleczka
Largent
Matsui
Mineta
Moakley
Parker
Pelosi
Schumer
Smith (NJ)
Stokes
Thornton
Torkildsen
Tucker
Yates

□ 1126

Mr. WARD and Mr. VISCLOSKY changed their vote from "yea" to "nay."

Mr. RADANOVICH and Mr. TAYLOR of Mississippi changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on the resolution.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 155, not voting 34, as follows:

[Roll No. 387]

AYES—245

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker

Walsh	Weller	Wolf
Wamp	White	Young (AK)
Watts (OK)	Whitfield	Young (FL)
Weldon (FL)	Wicker	Zeliff
Weldon (PA)	Wilson	

NOES—155

Andrews	Geren	Neal
Baesler	Gibbons	Oberstar
Baldacci	Gonzalez	Obey
Barcia	Gordon	Olver
Barrett (WI)	Green	Orton
Becerra	Gutierrez	Owens
Beilenson	Hall (TX)	Pallone
Bentsen	Hamilton	Pastor
Berman	Harman	Payne (NJ)
Bishop	Hastings (FL)	Payne (VA)
Bonior	Hilliard	Peterson (FL)
Borski	Hinchey	Peterson (MN)
Boucher	Holden	Pomeroy
Brewster	Hoyer	Poshard
Browder	Jackson-Lee	Rahall
Brown (CA)	Jacobs	Reed
Brown (FL)	Johnson (SD)	Reynolds
Brown (OH)	Johnson, E. B.	Richardson
Bryant (TX)	Johnston	Rivers
Cardin	Kanjorski	Rose
Clement	Kaptur	Roybal-Allard
Clyburn	Kennedy (MA)	Rush
Collins (MI)	Kennedy (RI)	Sabo
Condit	Kennelly	Sanders
Conyers	Kildee	Sawyer
Costello	Klink	Schroeder
Danner	LaFalce	Scott
de la Garza	Lantos	Skaggs
DeFazio	Levin	Slaughter
DeLauro	Lewis (GA)	Spratt
Dellums	Lincoln	Stark
Deutsch	Lipinski	Stenholm
Dingell	Lofgren	Studds
Dixon	Lowey	Stupak
Doggett	Luther	Tanner
Doyle	Manton	Thompson
Durbin	Markey	Thurman
Edwards	Martinez	Towns
Engel	Mascara	Velazquez
Eshoo	McCarthy	Vento
Evans	McDermott	Visclosky
Farr	McHale	Volkmer
Fattah	McKinney	Ward
Fazio	Meehan	Watt (NC)
Fields (LA)	Meek	Waxman
Filner	Menendez	Williams
Foglietta	Mfume	Wise
Frank (MA)	Miller (CA)	Woolsey
Franks (NJ)	Minge	Wyden
Frost	Mink	Wynn
Furse	Moran	Zimmer
Gejdenson	Nadler	

NOT VOTING—34

Ackerman	Gallegly	Royce
Baker (LA)	Gephardt	Schumer
Chapman	Hayes	Smith (NJ)
Clay	Jefferson	Stokes
Clayton	Kleczka	Thornton
Collins (IL)	Largent	Torkildsen
Coyne	Lewis (CA)	Torres
Dickey	Maloney	Tucker
Dooley	Matsui	Waters
Ehlers	Mineta	Yates
Ehrlich	Moakley	
Flake	Pelosi	

□ 1135

Mr. HALL of Ohio changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, due to an unavoidable absence, today I missed rollcall vote No. 386, ordering the previous question, and rollcall vote No. 387, on House Resolution 167. Had I been present, I would have voted "aye" on each of those rollcall votes.

PERSONAL EXPLANATION

Mr. EHRLICH. Mr. Speaker, on rollcall Nos. 386 and 387, I was unavoidably detained by official business in my district.

Had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. BURTON of Indiana). Pursuant to House Resolution 167 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. 1817.

□ 1136

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. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BARRETT of Nebraska 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 gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes, and the gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I would like to congratulate the gentlewoman and inform the membership that not only is this bill historic, but, in fact, the moment we are about to experience here with the gentlewoman from Nevada [Mrs. VUCANOVICH], the chair of the Subcommittee on Military Construction handling this bill, is a truly historic moment for women and for men in our country, because, in fact, as she moves this bill today, this will only be the second time in the 200-year history of our country that a woman has chaired any of the subcommittees of the Committee on Appropriations, which is an exclusive committee.

The last such woman to handle such a bill was Julia Butler Hansen of Washington State who, at the age of 67, retired from this institution and chaired the Subcommittee on Interior and Related Agencies at the end of her career.

I just want to congratulate the gentlewoman. The road here is still a difficult one for women and to rise and chair one of the most exclusive subcommittees is truly an honor. We are proud of you. Good luck with the bill and congratulations to the people of Nevada for sending you here.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman for those remarks. All we need to do now is get along with this and get this done.

Mr. Chairman, it is my pleasure to present to the House the recommendations for the military construction appropriations bill for fiscal year 1996. The funding contained in this bill reflects only 4 percent of the total defense authorization passed by the House yesterday, totals $11.2 billion, and is within the subcommittee's 602(b) allocation for both budget authority and outlays. This represents a $500 million increase over the President's request and a $2.5 billion increase over fiscal year 1995.

Only recently has public attention been given to the problems our subcommittee has been citing for several years: the quality and deficit of military family housing for our military personnel, the necessity for support facilities for our service members and their families, and the importance of providing an adequate working environment to improve productivity and readiness. The committee has heard testimony from many different spectrums regarding these problems—and, we continue to feel strongly that the funds in this bill significantly contribute to the readiness and retention of our military personnel.

The appropriation and authorization committees have worked closely to provide for the number one priority of the military—quality of life for the men, women and their families, who voluntarily serve. Not one single project is included in this bill that was not included in the authorization bill which passed yesterday.

There is no question that there is a crisis in providing adequate housing. I cannot emphasize enough what an important role this plays in retention and readiness. This is the number one concern of our military personnel. Many barracks still contain gang latrines, suffer from inadequate heating and cooling, corroded pipes, electrical systems which fail and peeling lead-based paint. Continuous maintenance is required. Over 600,000 men and women are living in troop housing and about one half of the barracks were built 30 or more years ago, with an average age of 40 years. Of this inventory, over one fourth are considered substandard, and the Department estimates it will take up to 40 years at a cost of $8.5 billion to correct these deficiencies.

The situation with family housing is not much better. Two-thirds of the 350,000 family housing units in DOD's inventory are over 30 years old and require a substantial annual investment

to meet maintenance requirements. Over the years, the majority of these homes have gone without adequate maintenance and repair and a current backlog in excess of $2 billion. This coupled with nearly 30 years and another $3 billion to eliminate the deteriorated and failing inventory pose a serious problem to the services. The committee recognizes that a combination of several different approaches will be necessary to help meet housing needs. A total of $4.3 billion, or 40 percent of this bill, is devoted to construction and operations and maintenance of the existing inventory. In addition, $22 million is included to fund Secretary Perry's top priority to begin the implementation of a pilot project to encourage private sector initiatives to help eliminate the family housing crisis. The challenge to help resolve this problem is for a sustained overall commitment, by Congress and the administration, at funding levels that will reduce the deficits and increase the quality of living conditions in a reasonable period of time.

This bill is not just about housing, it is also about necessary support facilities for our service members and their families—facilities that are growing more important with increased deployments; and, the importance of providing an adequate working environment to improve productivity and readiness. The bill provides needed facilities, worldwide, to support air, sea, and land operations for our forces; and, those facilities necessary to maintain a vast array of weapons and equipment. Twenty-five percent of this bill, or $2.8 billion, is devoted to military construction for these facilities. Also included under the military construction accounts is $636 million to address the substandard facilities our troops must live in; $207 million for environmental compliance; $179 million for medical related facilities; $108 million for chemical demilitarization and $57 million for child development centers.

In addition, a significant portion of this appropriation—35 percent or $3.9 billion, is to fund base realignment and closures. The implementation of base closures requires large upfront costs to ensure the eventual savings. Over 51 percent of the increase in this bill is applied toward the base closure accounts. This amount of funding will keep closures on schedule, includes $785 million for implementation of the 1995 round now under consideration, and devotes $457 million for environmental restoration at closed bases.

Mr. Chairman, in conclusion, I would like to thank the members of the subcommittee for their help in bringing this bill to the floor. We have worked in a bipartisan manner to produce a bill which begins to address the military's priorities. I want to express my deep appreciation to Mr. HEFNER for his commitment to this bill. When he was chairman of this subcommittee, he worked hard to provide badly needed quality of life improvements and many other programs that contribute to the well-being of our forces. He did this at a time these programs were not in the press and of such a high priority. As the ranking member, he has continued this commitment—his cooperation and insights into the problems we confront have been invaluable.

Mr. Chairman, I realize we are asking our colleagues to vote for a substantial increase. I hope as we debate this bill today they keep in mind that we are only talking about 4 percent of the total defense budget. But this $11.2 billion directly supports the men and women in our Armed Forces—it increases productivity, readiness and recruitment—all very vital to a strong national defense. Mr. Chairman, I ask my colleagues to join us in support of this bill.

MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 1817)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Military construction, Army	550,476,000	472,724,000	625,608,000	+75,132,000	+152,884,000
Military construction, Navy	395,110,000	498,086,000	598,243,000	+203,133,000	+100,157,000
Military construction, Air Force	516,813,000	495,888,000	578,841,000	+62,028,000	+83,188,000
Military construction, Defense-wide	504,118,000	857,405,000	728,332,000	+224,214,000	-129,073,000
Total, Active components	1,966,517,000	2,313,670,000	2,521,024,000	+554,507,000	+207,154,000
Military construction, Army National Guard	188,062,000	18,480,000	72,537,000	-115,525,000	+54,057,000
Military construction, Air National Guard	249,058,000	86,847,000	118,367,000	-130,789,000	+32,520,000
Military construction, Army Reserve	57,370,000	42,963,000	42,963,000	-14,407,000	
Military construction, Naval Reserve	22,748,000	7,890,000	19,635,000	-3,093,000	+11,735,000
Military construction, Air Force Reserve	57,068,000	27,002,000	31,502,000	-25,564,000	+4,500,000
Total, Reserve components	574,302,000	182,012,000	284,924,000	-289,378,000	+102,912,000
Total, Military construction	2,530,819,000	2,495,682,000	2,805,948,000	+275,129,000	+310,066,000
NATO Security Investment Program	119,000,000	179,000,000	161,000,000	+42,000,000	-18,000,000
Family housing, Army:					
Construction	170,002,000	43,600,000	126,400,000	-43,602,000	+82,800,000
Operation and maintenance	1,013,708,000	1,337,686,000	1,337,686,000	+323,688,000	
Total, Family housing, Army	1,183,710,000	1,381,086,000	1,463,986,000	+280,266,000	+82,900,000
Family housing, Navy and Marine Corps:					
Construction	267,465,000	465,765,000	531,299,000	+263,834,000	+65,534,000
Operation and maintenance	937,599,000	1,048,329,000	1,048,329,000	+110,730,000	
Total, Family housing, Navy	1,205,064,000	1,514,094,000	1,579,618,000	+374,554,000	+65,534,000
Family housing, Air Force:					
Construction	277,444,000	249,003,000	294,503,000	+17,059,000	+45,500,000
Operation and maintenance	824,845,000	849,213,000	863,213,000	+38,368,000	+14,000,000
Total, Family housing, Air Force	1,102,289,000	1,098,216,000	1,157,716,000	+55,427,000	+59,500,000
Family housing, Defense-wide:					
Construction	350,000	3,772,000	3,772,000	+3,422,000	
Operation and maintenance	29,031,000	30,467,000	30,467,000	+1,436,000	
Total, Family housing, Defense-wide	29,381,000	34,239,000	34,239,000	+4,858,000	
Department of Defense Family Housing Improvement Fund 1/		22,000,000	22,000,000	+22,000,000	
Homeowners Assistance Fund, Defense		75,566,000	75,566,000	+75,566,000	
Total, Family housing	3,520,444,000	4,125,221,000	4,333,155,000	+812,711,000	+207,934,000
Construction	(715,261,000)	(792,030,000)	(955,964,000)	(+240,703,000)	(+163,934,000)
Operation and maintenance	(2,805,183,000)	(3,295,805,000)	(3,279,605,000)	(+474,422,000)	(+14,000,000)
Family Housing Improvement Fund		(22,000,000)	(22,000,000)	(+22,000,000)	
Homeowners Assistance Fund		(75,566,000)	(75,566,000)	(+75,566,000)	
Base realignment and closure accounts:					
Part I	87,600,000			-87,600,000	
Part II	265,700,000	964,843,000	964,843,000	+699,143,000	
(By transfer)	(133,000,000)			(-133,000,000)	
Part III	2,322,858,000	2,148,480,000	2,148,480,000	-174,378,000	
Part IV		784,569,000	784,569,000	+784,569,000	
Total, Base realignment and closure accounts	2,676,158,000	3,897,892,000	3,897,892,000	+1,221,734,000	
Procurement: General provisions 2/	-10,421,000			+10,421,000	
FY 1995 Emergency Supplemental (P.L. 104-6)	-100,800,000			+100,800,000	
Grand total	8,735,400,000	10,697,995,000	11,197,995,000	+2,462,595,000	+500,000,000
Appropriations	(8,735,400,000)	(10,697,995,000)	(11,197,995,000)	(+2,462,595,000)	(+500,000,000)
(By transfer)	(133,000,000)			(-133,000,000)	

1/ Budget amendment submitted 6/2/95 (H.Doc. 104-80).

2/ Budget amendment submitted 3/15/94 (H.Doc. 103-220, page 10).

□ 1145

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

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman for those kind remarks.

Mr. Chairman, in general, I want to rise in support of this bill, and, of course, to complement the recommendations made by Chairwoman VUCANOVICH and the way in which the bill was put together. As chairman of this subcommittee I have in the past emphasized providing adequate funding for quality of life projects. For years many people would pay lip service to the concept of addressing our family housing and barracks deficits. We on this subcommittee understand perhaps better than any other group of Members, that providing our men and women in the military with a decent place to live and raise their families is the key to readiness and retention, and we are actually doing something about it in this bill.

I applaud the chairwomen's continuing of this theme as she developed the recommendations for fiscal year 1996. The quality of life projects included in this bill will reduce the deficit of adequate barracks and family housing spaces, and will provide additional child care capacity in many locations.

At Fort Bragg and Pope Air Force Base several vitally needed projects have been funded. In particular the folks at Fort Bragg will benefit from a vitally needed new health clinic. The current facility is a two-story World War II building with no handicapped access and conditions that make it impossible to maintain sanitary operations. In addition two badly needed barracks projects have been funded along with a staging area complex. This will increase the readiness of our vital forces stationed at Fort Bragg.

It is my understanding that the bill is $500 million above the President's request, and that this is based on the House budget resolution which added several billion to the President's request for Defense. The final number for Defense spending is pending before the Budget Committee's in their conference, and therefore the ability of the subcommittee to retain that $500 million in additional funds is in some doubt. While I understand the committee's action to spend these additional funds, we will find ourselves with some difficult choices later on in the process.

The bill recommends $11.2 billion in budget authority, and is consistent with the section 602(b) allocation. The bill contains most of the individual projects recommended in the authorization bill just passed by the House, and contains no unauthorized projects.

Of the funds added to the President's request $202 million are for barracks, $207 million is for family housing, $34 million is for child development centers, and $80 million is for medical programs and active component projects. Of the funds added to the bill 72 percent are for these quality of life items.

There may be some amendments to this bill which cuts all or a portion of these added projects. I will oppose those amendments. After all the years of rhetoric on improving living and working conditions in the military, its time to act and approve this funding.

Finally, I want to compliment Mrs. VUCANOVICH for the way in which this bill was put together. The needs of many Members from both sides of the aisle were taken into account in the formulation of the bill, and it reflects a bipartisan effort. I would highly recommend that Members support the bill.

I would also like to congratulate the staff that has worked so hard and so diligently to put this bill together.

Mr. Chairman, I would urge support of this bill.

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

Mrs. VUCANOVICH. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. HEFLEY], chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of H.R. 1817, the military construction appropriations bill for fiscal year 1996.

Just yesterday, the House passed H.R. 1530, the National Defense Authorization Act for the coming year. Three hundred Members supported this measure. The House should also give similar support to this bill.

As the chairman of the Subcommittee on Military Installations and Facilities, I can assure the House that this bill squarely addresses one of the most serious problems confronting the Department of Defense and the people who serve in our Nation's military services. That problem is the quality and availability of adequate troop housing and military family housing.

There is no question that there is a crisis in military housing. Over 600,000 single enlisted personnel are assigned to on-base troop housing facilities. The average age of barracks and dormitories is over 40 years. One-fourth of these facilities is considered substandard.

The situation in family housing is not much better. Approximately 218,000—or two thirds—of the homes in the housing inventory of the Department of Defense are classified inadequate. One-quarter of the homes in the DOD inventory is over 40 years old and two-thirds are over 30 years old. This aging military family stock has extremely high maintenance and repair needs.

To put something tangible behind these dry statistics, I have here some examples of the problem we are trying to fix.

The first photo was taken at the U.S. Air Force Base in Incirlik, Turkey. This is military family housing. If anything this illustrates what we are trying to deal with here.

This is a picture of family housing for junior enlisted personnel at NAS Lemoore in California. These homes are about 40 years old and are structurally unsound.

This is family housing at the Naval Training Center, Great Lakes, IL.

It looks like a country that has been controlled by communism for 40 years, does it not? The buildings are falling apart, the wires are exposed. Again, this is family housing for our people we ask to serve in the armed services.

If you are in the armed services, where would you like to be stationed? The garden spot? Would that be Hawaii? Would you like to go to Hawaii to serve if you are in the armed services? If you do, this may be the way that your family is required to live. This is housing in Hawaii.

Is there any doubt that the present military housing situation is unacceptable? The Secretary of Defense has recognized that; the authorizing committee has recognized it; and so does the Appropriations Committee. Together, we are determined to put us on a path toward fixing the problem.

Mr. Chairman, I just received a letter from the Secretary of Defense, Dr. William Perry. Let me just share this with the Members:

> In light of the House completion of its consideration of fiscal year 1996 DOD authorization bill and today's debate on the fiscal year 1996 Military Construction Appropriations Act, let me again express my personal appreciation for the Members' support of your housing improvement initiative. Your leadership has been invaluable in moving this important program forward.
>
> Our effort to improve family housing is the cornerstone of our effort to enhance the quality of life of those men and women who serve so valiantly in our armed forces. Your actions and those of your Committee on Appropriations counterpart have given us the momentum we need to address the serious deficiencies that exist today.

Mr. Chairman, at the outset of the session, Chairman VUCANOVICH and I agreed that improving the quality of life for military personnel and their families would be our top priority. We also agreed that there would be no—and I stress no—unauthorized appropriations in the military construction budget. Working with our colleagues on the two subcommittees, especially Mr. ORTIZ and Mr. HEFNER, the two ranking members, we settled on a series of tough criteria to judge proposed projects.

Even more importantly, we reached a joint agreement on Milcon for the coming year which we have recommended to the House. The authorization bill is the appropriations bill. The degree of coordination, cooperation, and bipartisan spirit with which we have approached our work is unprecedented

since I have been in Congress. This has not been a business-as-usual process; and this is not a business-as-usual bill.

Working with the military services, we have identified a number of unfunded and badly needed quality of life improvements in housing, child care, and health care facilities that can be executed next year. We have funded solely those projects where the need is the greatest and the dollars can immediately be put to use. We have agreed on a strong quality of life package, and I would encourage every Member of this body to support this package. It does a great deal for those we ask to defend our Nation.

Mr. HEFNER. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, I thank the gentleman for yielding time to me. I would like to also congratulate the gentlewoman from Nevada [Mrs. VUCANOVICH] for her leadership in the presenting of this appropriation bill.

Mr. Chairman, I am offering an amendment regarding the appropriations of $14 million for an Army museum, or for land to buy, to purchase land that the Army museum will be built on. That is the issue here.

Let me tell the Members what this is not about. This is not about Democrat versus Republican. This is not about whether you are pro-defense or anti-defense. We have good people who are for this bill and for this museum.

□ 1200

There are some good people who are championing this. The question here is do we need to be spending taxpayer dollars for this purchase at this time?

There are several reasons why I think that we should oppose this purchase:

First, the Army already has 48 museums in the United States. I ask them in hearings, do you have any other museums? They tell me we have 48. But they want one here in the Washington, DC area so that they can have it in the monument corridor. I don't think we need a 49th museum at this price to the taxpayer.

Second, in effect we are doing this spending for a museum that does not contribute to national security, and we are doing it with money that we do not have, since we are running the deficit deeper for this purpose.

Third, in a time of budgetary restraint, it is unreasonable to make this expenditure of public funds when private donations sufficient to cover the purchase are apparently available and are a more appropriate source of funding.

It has been said that this is not going to cost the taxpayer dollars because it is going to come from private donations. I imagine that is going to be a tax-exempt private entity that is going to be doing this, so the taxpayers are going to be underwriting it. Plus, the taxpayers are being asked to spend $14 million to buy the land. I ask, the $70 million that they are going to raise privately to pay for the museum, why can we not use that money to buy the land?

Next, should the Army, in fact, be unable to raise these private contributions required to build the museum, then the Government would simply be adding more land to its inventory without any benefit to the public.

The question of whether this land is going to be available: We have got to buy it now or we will lose it. It has been sitting out there since 1987. The same companies have owned it.

CBO estimates that my amendment saves $14 million in budget authority and $2.2 million in outlays.

I would like to close, Mr. Chairman, by reading one paragraph from a letter from the Citizens Against Government Waste. This letter is just issued today, the Citizens Against Government Waste. They say:

> Finally, in the case of the land acquisition for yet another Army museum, we move to an unusual military theater of operations, the theater of the absurd. This will be Army museum number 49. How many museums do we really need while we're going another $180 billion in debt next year?

"Moreover,"—Mr. Chairman, I wish we would pay attention to this, this is the Citizens Against Government Waste—"we believe there are questions of impropriety in a building site buyout that looks likes a bailout of a major corporation with taxpayer dollars." I hope that the Members of this body will pay attention to this.

If we need a new museum, it should be paid for by private funds, and not now when we are telling the taxpayers we have got to dig deeper, and we are telling the men and women in the military that we can't help them with the readiness any more or with housing any more, but we can do this. I think we should stop talking to the generals and start talking to the men and women in our military, and start talking to the American taxpayer.

Mr. MOORHEAD. Mr. Chairman, will the gentlewoman from Nevada, distinguished chairman of the Subcommittee on Military Construction of the Committee Appropriations, yield for a colloquy?

Mrs. VUCANOVICH. I will be very happy to yield to the gentleman.

Mr. MOORHEAD. Mr. Chairman, I commend the gentlewoman for her efforts in the military construction appropriations bill to put forth a military construction program that will increase the quality of life for our military troops as well as revitalize our national security posture.

I would like to reiterate the concerns I have already expressed about the U.S. Marine Corps Reserve Center in my district in Pasadena, CA, which is the home of the 4th Low Altitude Air Defense Battalion, a frontline unit, several units of which were mobilized in Desert Storm. Here is a perfect example for a center which is run down, old, and probably unsafe.

In my discussions with the Marine Corps, they have expressed a desire to stay in Pasadena if we could demonstrate to them that we could solve their concern about inadequate and dilapidated facilities. The city of Pasadena is willing to forgo the rent that has been paid in order to keep the center where it is. What is needed is approximately $6 million to renovate the center. This is a primary example of what can be done in a cost-effective manner to revitalize existing military facilities.

Do you believe it is possible that this project may at some point in the future be included in some way as part of the military construction appropriation? I intend to continue to work with the authorizing committee of both Houses, and I hope we will be able to work together to ensure that projects such as this are included in the construction improvements put forth in fiscal year 1996 by this legislation.

Mrs. VUCANOVICH. I would like to assure the gentleman that we understand his concern and will continue to look into this matter. If the gentleman will keep us informed of his efforts with the authorizing committee, we will work together to try and find a solution.

Mr. MOORHEAD. I thank the gentlewoman very much.

Mrs. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CALLAHAN], vice chairman of the subcommittee.

Mr. CALLAHAN. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I want to compliment the gentlewoman from Nevada [Mrs. VUCANOVICH] as well as the gentleman from North Carolina [Mr. HEFNER] for the professionalism they have displayed in handling this bill.

The gentlewoman from Nevada has taken members of her subcommittee all over the country and all over the world looking at the terrible conditions our military people are living in. The trips she took us on were not pleasurable trips because we had to face the families of American servicemen who live in these squalid conditions. We had to look at broken pipes, and electrical connections that were even dangerous.

It is ironic that this time last year when this bill was before the House, there was very little controversy. I do not think there is going to be a big controversy on the fact that we are trying to better the quality of life for the men and women who protect us in the military.

Ironically, last year the only debate we had on housing was whether or not

to give the Russians over $150 million to build houses for their retired military officers. It is great that this year instead we are concentrating primarily on one of the most important things that this Congress can do, and that is to show the men and women who have come to us, and all the officers and all the people that represent the Government that have come to us and told us, "We need to recognize this tremendous dilemma we are in and we need to do something about it."

This bill does just that. It is a compliment to the ranking member and to our chairwoman and this brilliant staff she has assimilated in order to draft this legislation. Let me tell you, the Nation should be proud.

I know that every person in the military who is watching this program today is going to be appreciative of what we are doing for them and appreciative of the fact that the entire effort of this measure is to better their living conditions and to ensure they have a safe and a pleasurable place to live so they can do what they are supposed to be doing and not worrying about whether or not their family is safe at home or whether or not their roofs are leaking.

I compliment all of you today. I am proud to be a part of this subcommittee that has drafted this legislation. I know that my colleague from Alabama is concerned about minor parts of this bill, but let me tell all Members, this is a good bill just the way it is written and I think we ought to adopt it just the way it is written.

I thank the chairwoman for giving me the opportunity to express this, and thank the chairwoman and the ranking member for their compassionate understanding of the needs of these great men and women who serve us so well.

Mr. HEFNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of H.R. 1817, and commend the chairwoman and the ranking member for their outstanding work.

Mr. HEFNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I support the military construction appropriations bill, and particularly its commitment to family housing improvements.

In this aspect, the bill dovetails perfectly with what we have already passed in the Defense authorization bill.

That should be no surprise, because members and staff of both committees have worked very closely on this. As a result, both bills fund family housing above current levels, as well as above the administration request.

All of us have been concerned about military family housing problems over the last few years.

This is a critical component of readiness and quality of life that has not always had sufficient attention.

As outlined in my committee's report, we believe there are critical shortfalls in both quality and quantity.

Modernization and new construction have not progressed at the pace necessary to maintain our normal high standards.

Another aspect of the issue is that the All-Volunteer Force creates different kinds of housing needs.

Our military is in transition. It is no longer primarily made up of single men living in the barracks.

We have far more servicemembers—men and women—who have families and children.

Their housing needs are obviously different from those of people who served in the military even a few short years ago.

We have an obligation to keep up with this transition by ensuring that the great people who serve in the military have quality housing.

These issues are so important that I ask you: Oppose any effort to reduce our commitments to better housing.

Our military people and their families deserve the best we have to offer.

Mr. HEFNER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank my good friend, the gentleman from North Carolina, for yielding me the time.

Mr. Chairman, I appreciate the perspective of my friend, the gentleman from Alabama. In fact, if the information that he believes to be the case were true, I would agree with him that we ought not go forward and build a surplus museum that represents a corporate buyout, but that is hardly the case. It could not be further from the case, in fact.

The reality is that this is a one-time opportunity, once in our lifetimes, probably in the history of our capital area, where we have one last opportunity to purchase the last major site in what is called the monumental corridor.

There is one last site left. It is kitty-corner to the Jefferson Memorial. It is on the gateway into the Capital. It is on line with the Washington Monument and Jefferson Memorial, and the private corporation that owns it wants to build high-rise office buildings on it. That is where the money is, that is where the profit is. If we do not act right now, they will do just that.

Every time we drive into the Nation's Capital, we see these big corporate office buildings at the edge of the river just before we cross the Potomac River, we will know that that is the site where we should have the U.S. Army Museum.

We have to act now. We cannot wait to raise private funds. That is what the Army would prefer to do. They do not want to have to pay for this with public funds, even though the other services pay for their national museums with public funds, and every other Nation has an Army museum that they have paid for with public funds. We need public funds only for the site acquisition, because it has to be done immediately if we are to preserve this site. That is why we need it.

The Army is going to raise $72 million. We are not asking for the money to build the U.S. Army Museum. We are only asking for the money we need right now. In fact, it is less money than the administration requested and was authorized this past week in the national security authorization.

The money has been authorized. It is not going to any kind of pork project. We have to get it now. It is a small downpayment on what will serve this country into perpetuity.

Mr. Chairman, we have 48 museums around the country, I grant you that, but they are small museums, built for specific purposes. There is no national Army museum. In fact, the 20 million people that come to the Nation's Capital are going to realize the history of this country when they go to this Army museum, and all of us are going to be proud for the vote that we take today to protect this money, to make this small down payment.

There is no other way that we can show the 500,000 artifacts that have been created throughout our Nation's history, 220 years of collecting these priceless artifacts. We have got the Spanish American War uniforms, 19th century brick casements with 32-pounder guns. We have got a signal flag that was used at Little Round Top during the Battle of Gettysburg.

The purpose of this is to instill greater citizenship among the people who visit the Nation's Capital, and in fact to provide the Army with the kind of pride and esprit de corps that they deserve. All those families and relatives and friends of people who have served in the Army ought to have that opportunity when they come to the Nation's Capital, to see these priceless artifacts, to see the development of the United States Army, to recognize the importance we put on those people who have served this country.

In fact, we have more people who served in the United States Army than any of the other services, and none of the other services obviously are opposed to this. But we need to educate our citizens as well. People are losing a sense of history in this country. That is one of the reasons we are losing some of our civility, as well, as a society.

□ 1215

This museum will show our Nation what people sacrificed to bring us to where we are. And much of that sacrifice occurred within the ranks of the United States Army.

We have compelling reasons to keep this money in, and I would urge my colleagues to defeat the Browder amendment, to leave the small amount of money in.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a member of our subcommittee and president of the Republican freshman class.

Mr. WICKER. Mr. Chairman, I thank the chairwoman for yielding me this time.

I rise in strong support of the military construction appropriation bill, and I want to take special note of the fact that every single dollar contained in the bill is for authorized projects.

In addition, the budget resolution set a funding goal for this appropriation and the bill meets that goal. I hasten to add that this appropriation bill is part of an overall spending plan that gives us a balanced budget by the year 2002.

The bill provides funding for military housing, airfield construction, infrastructure, for NATO, and base realignment and closure.

Our bill provides $4.3 billion for family housing, an area where, sadly, Congress has proven to be far shortsighted over the past few years. We intend to make up for that oversight today.

The men and women to serve in our Armed Forces, Mr. Chairman, have truly earned the right to a decent place to sleep and eat and their husbands, wives, and children who are left behind when they are called away at a moment's notice also have earned the right to expect better treatment from their Government.

Further, it is true that our appropriation exceeds President Clinton's request by $208 billion. Mr. Chairman, we do not have to be ashamed that we are demonstrating a greater commitment than the President has to the quality of life of those who serve in our Armed Forces. The committee simply put a higher priority on military quality of life than the President did. That is nothing to back down from.

In conclusion, Mr. Chairman, let me say this is a good bill. We have based it on sound principles. And I remind my colleagues again that every single dollar appropriated has been authorized. The committee has prioritized the needs of our Defense Department and those who serve in uniform and their families. I encourage my colleagues to support this bill and urge my colleagues to vote aye on final passage.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, we are in a situation here in the summer of 1995 where we are attempting to figure out how will we balance the budget. We had the fortunate occurrence earlier this week with the President making a commitment to join with Congress to balance the budget in a time certain.

This exercise is not going to be easy. It is going to require sacrifice in all areas of the country, in all activities that the Federal Government sponsors. And if we do not truly have shared sacrifice, we sap, we undermine, the willingness, the ability of others in this great Nation to join in this deficit-reduction budget-balancing effort.

This is the first of several appropriations bills to come before the U.S. House of Representatives. The question I submit is not really can we justify, one way or another, individual projects in this bill which are being identified for elimination. To be sure, we can.

All of us like museums. All of us like to welcome guests to our Nation's Capital and point out the fine features. All of us want to support our men and women in the Armed Forces.

All of us want to make sure that we have bases that are the best equipped in the world. But we cannot afford to do everything that each of us would like to do. The question is where do we draw the line? How do we draw the line? And I submit, Mr. Chairman, that we need to draw the line in consultation with the President and using common sense.

Is a museum something that we can afford when we are trying to balance the budget? If that museum is on a site owned by the private sector and that site has been valued at just over $10 million by the assessor in Virginia, why are we prepared to pay $14 million to the private landowner?

If we have housing facilities that are costing more than $200,000 a unit, let us ask: Is there not a way that we can do this better?

If we have facilities that are being built at bases and these facilities have not been requested by the Defense Department and by the administration, why do we need to do them this year? These are examples of things that are in this bill that we need to eliminate.

We need to send a message, not only to those men and women in this body that are composing the appropriations bills, but to the rest of the Nation, that balancing the budget is a top priority.

We cannot afford to increase by 28 percent military construction from 1994 to 1995, we cannot afford to increase by $500 million military construction in this bill over and above what the Defense Department and the White House has requested.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER], a member of the Committee on National Security.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the military construction appropriations bill.

This bill mirrors the authorization bill we passed yesterday, providing a much-needed boost to our military's quality of life.

For years, one administration after another has scrimped on the quality of life of our troops to pay for other priorities. In addition, we have been investing large sums in recent military construction bills to accommodate the base closure process. In fact, some 35 percent of this bill goes to base closure. While base closure investments will enable military consolidations that will reap significant dividends down the road, they also have had the effect of further squeezing our military personnel. The shortchanging of these personnel is finally coming home to roost.

Today, 60 percent of our military personnel are married, versus 40 percent only 20 years ago. Quality of life issues matter more and more. When coupled with the strains of extended deployments and uncertainties about military careers, substandard housing and other deficiencies mean that too many of our most talented military personnel are voting with their feet and leaving the military. We must act if we want to ensure that our fighting forces remain the best and the brightest.

Today we have an opportunity to do that. The bill before us includes a desperately needed $4.3 billion for military family housing. This funding is intended to help address the severe shortage of adequate military housing that exists today—a shortage that affects some 300,000 military families.

In my district, Naval Station Mayport has not seen an investment in new or renovated housing for 11 years. Some 1,300 military families—roughly 8,000 military personnel and their dependents—are waiting for base housing that is not available.

As one chief petty officer at Mayport recently said about living on-base, "when I'm gone for six months straight, the base is its own little community, totally self-sufficient with everything my family needs, and an excellent security force. There is . . . a support system for my family while I'm gone."

Mr. Chairman, I hope my colleagues will not continue to shortchange our military personnel and their loved ones today by opposing this legislation. I urge their support for this bill.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I first would like to speak out in strong support of this legislation. As someone who represents 45,000 Army soldiers, I want to say thank you to the gentlewoman from Nevada [Mrs. VUCANOVICH], the chairman of the subcommittee, and the gentleman from North Carolina [Mr. HEFNER], the ranking member, for having made a commitment to provide the quality of life for our military families that they so greatly deserve.

I would also like to speak out against the Browder amendment, which would strike the funding for any Army Museum.

I sometimes vote with Citizens Against Government Waste; I oftentimes vote with that organization. But

I take offense that they would call the proposed National Army Museum a theater of the absurd. For any organization to call a museum that would be a tribute to the hundreds of thousands of men and women who served our Nation and been willing to put their lives on the line for our freedoms, for them to call such a tribute to those men and women that is absolutely unfair and unconscionable.

What is a museum? I think a museum is an education tool. In the case of the Army Museum, it could be a retention tool. It could be a source of pride for every young man or woman serving in the U.S. Army today or any person who has ever served in the U.S. Army.

Now, people can poke fun at museums and make them sound like pork-barrel projects. I want to tell the Members, of all the experiences I have had in Washington, DC, perhaps none has been more meaningful to me personally than the 3½ hours I spent one day with my wife in the Holocaust Museum, for it was through that experience that a citizen of this country, born after the end of World War II, learned firsthand of the horror of World War II and the horror of tyranny at its worst at the hands of Adolf Hitler.

The Holocaust Museum did not glorify war and it did not glorify the Holocaust. Rather, it showed me and the thousands of schoolchildren who have visited since that our Nation must do everything possible to see that something like that tragedy never occurs again in the history of this world.

I believe an Army Museum can serve the same purpose. Such a museum would not glorify war, it would glorify those who sacrificed their full measure of devotion to see their country can have the opportunities and the freedoms that you and I enjoy today.

Such an Army Museum would also educate millions of young schoolchildren, 4 million of whom come to this Nation's Capital each and every year, and educate those children that our Nation must do everything possible to see that we prevent war, that war, in fact, is not a glorious thing as sometime it is shown to be on television, but war is a devastating experience to all those involved with it and all those affected by it.

So, Mr. Chairman and Members, I urge support not only for this legislation, but I would request your vote against the Browder amendment. Our Nation and our Army soldiers deserve a National Army Museum.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise in strong support of H.R. 1817, the fiscal year 1996 Military Construction Appropriations Act. This bill represents a reasoned approach toward addressing the shortage of quality housing within the Department of Defense. It also works to ensure the quality of life for the men and women who serve in the military. Approximately two-thirds of the family housing units in the Department's inventory are over 30 years old and require extensive maintenance. Furthermore, roughly one-half of all military barracks are also over 30 years old, with an average age of nearly 40 years. We should not expect the brave men and women in our Armed Forces to live in these conditions.

However, there is another compelling reason to support this bill. Recognizing the pressing needs of single military parents, dual military couples, and military personnel with civilian employed spouses, the Military Construction Subcommittee more than doubled the funding for child development centers. This is a significant step toward meeting the Defense Department's established goal of providing quality child care.

Nowhere is this pressing need more visible than at the U.S. Military Academy, which is located in the district I represent. H.R. 1817 provides funding for a single story, standard design child development center to provide child care for over 300 children. Although there is a lengthy waiting list, the current facilities at West Point accommodate just over one-half that amount.

The present child development center is a 3-floor warehouse constructed in 1885, 100 years ago. The part-day preschool is located in a World War II-era wood building. Both facilities have structural problems that are simply to uneconomical to repair. Clearly, those working to prepare the U.S. Army's future leaders deserve the peace of mind of knowing that their children are receiving quality child care, in decent facilities.

Mr. Chairman, H.R. 1817 provides vital funding to improve the child development center problem at West Point and numerous other military facilities throughout the Nation. It also addresses the housing crisis throughout the Department of Defense in a reasonable, fiscally responsible manner. All of the projects in the bill have been authorized and the total appropriation is consistent with the budget resolution that this Chamber passed. Without the funding provided by this bill, we run the risk of eroding the readiness and morale of our troops. We cannot allow that to happen. I urge my colleagues to support the bill. Our service men and women deserve nothing less.

□ 1230

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS], who is a member of the Committee on National Security.

Mr. DICKS. Mr. Chairman, I want to compliment our new chairman of the Military Construction Subcommittee for the outstanding job that she has done in this new responsibility. She has been a long-time member of this subcommittee, and the gentleman from North Carolina [Mr. HEFNER], the ranking Democrat.

For many years, I served on the Military Construction Subcommittee and we had cut to a minimum, and I think cut too deeply, into the funding for military construction and for quality of life, and if we are talking about the readiness and the training of our people, you have got to have the physical facility on these defense bases. You have got to have housing. You have got to have the educational and training facilities. You have got to have physical training facilities. These things all are important to the sailors, to the Army, the Marine Corps people, and the bottom line here is you can make some very big mistakes by cutting back on these kinds of things, these quality-of-life items.

What happens is the people then bolt, and they leave the services, and you have a major retention problem.

I can remember Admiral Hayworth coming up in 1979 to the defense subcommittee, which I have been a member of for 17 years. He says, "I am here to talk about what we have got to do to keep people in the services, and if we continue to let these facilities get worse and we do not deal with these problems in housing, physical training, all of these things that are important to the modern-era sailor and the modern-era person in the military, then they leave the services."

So I urge today that we support this bill, that we oppose the amendments that are aimed at taking out housing and training facilities, foundry at Philadelphia, so essential to maintaining some ability in the Government sector to producing propellers that is crucial to doing that important kind of work.

Let us support the committee and vote down these ill-considered amendments.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON], a member of the Committee on National Security.

Mr. SAXTON. Mr. Chairman, I rise in strong support of the 1996 military construction appropriations bill. I want to commend both Chairwoman VUCANOVICH and Chairman HEFLEY for their fine work.

In particular, I want to commend the two chairs for their initiative in addressing what we all agree is a tremendous problem, the widespread shortage and poor condition of military housing. In testimony before the milcon subcommittees this year, defense officials stated that, at current program levels, it will take years and in some cases decades to provide sufficient housing to our service men and women. As an initial down payment toward addressing this problem, this bill contains an additional $425 million for the construction

and improvement to military housing and troop housing. This addition will allow for the construction of nearly 1,200 family housing units, 20 new barracks, as well as substantial renovations to family and single family housing.

I know that the construction of roads and buildings does not grab the headlines like weapons procurement or foreign policy debates. But for the young soldier and his or her family who need clean, affordable housing, this bill can make a real impact in their daily life and may, in fact, make the difference as to whether they remain a "military family" or leave the service.

As a member of the National Security Subcommittee on Military Installations and Facilities, I have seen firsthand the very real commitment to our military of both Chairwoman VUCANOVICH and Chairman HEFLEY and the ranking members, Mr. HEFNER and Mr. ORTIZ. This bill reflects their wise leadership and I strongly encourage my colleagues to support it.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I have before me a letter from the Council for Citizens Against Government Waste. In this letter, there is a description of the proposed Army Museum as "the theater of the absurd." Mr. Chairman, every American should resent those words.

I was privileged to be part of the congressional delegation that represented America at the D-day commemoration last year, the hundreds of graves near Normandy.

I have also been, years ago, to the scene of another army defense, a place called Corregidor.

And for someone to write the words "the theater of the absurd," when you wish to commemorate brave and outstanding heroism of the past, is absurd itself.

Those men and women who wear uniforms today and have worn the uniform in the past make it possible for people like this to write words like this in a free land.

Mr. Chairman, in a larger sense, someone a few moments ago spoke of sacrifice. Let us not forget we ask sacrifice of the young men and young women in uniform.

For them to live in substandard housing is wrong. It is a disgrace. We should give them the very best that we possibly can.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I rise in strong support of the bill.

In the past several months, I have worked with both the Authorizing and Appropriations Committees on this bill and have been extremely impressed with their professionalism and commitment to producing a bill that provides the greatest possible quality of life improvements for our military personnel and their families.

I am curious about the concerns of the sponsors of the amendments to this bill based on my experiences with these two committees. While I am not a member of either the National Security Committee or the Military Construction Subcommittee, nor is anyone from the State of Iowa.

However, when the community of Sioux City presented the committee with the critical need for resurfacing the runway used by the 185th Air National Guard—a runway that is almost 10 years overdue for reconstruction—the committee listened to the case, agreed it was a priority, and included it in the bill.

The Military Construction Appropriations Committee evaluates projects on their merits. Sometimes that might result in a few changes from the administration's request, but this bill is under budget, it is properly authorized, and it was put together by a chairwoman whose only concern is producing the best possible bill.

I am as tough on unnecessary military spending as any Member of this Congress, but the facts concerning the critical needs in this area speak for themselves.

Thanks to Chairwoman VUCANOVICH, the families of pilots who fly in the 185th will not have to worry whether their loved ones will be working under unsafe conditions any longer.

I applaud her work and support this bill.

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

I support this bill, and I will oppose amendments to this bill, and I plan to vote against the Browder amendment to cut funds for the museum.

But I would like to make a couple of statements. I have been, or was, chairman of the military construction for many, many years. With my ranking minority member at the time, the gentleman from Ohio [Mr. REGULA], we started this quality-of-life movement. Many years ago we visited bases all over this country and we found conditions that these people were living in were atrocious.

I would just like to make this point: I wish over the years that across the river the higher-ups and the generals would have made as much a priority of quality of life for our men and women in the service as they have gone to bat for this museum that we are considering here today.

As chairman of this committee, I remember years ago we did one museum for the Navy, and it was all paid for out of private funds. There was no taxpayers' money involved.

I guess what I just would like to say is that I am glad we are moving in the direction we now have on our committee. We have a committee here that looks after the living conditions of our men and women in service, and I would just hope that our generals in the Pentagon, both active and retired, would put as much a priority on the quality of life for our men and women in the service, as they do for a shrine here in Washington for the exploits of our brave servicemen over the years.

I plan to reluctantly vote against this particular amendment from the gentleman from Alabama. But I just wanted to say those few words because it perturbs me when I see the emphasis being so much on this one particular issue, while over the years the quality of life has been ignored before this committee over many, many years.

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

Mrs. VUCANOVICH. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I stand today as a strong supporter of the military and of our national defense. I have a brother and a father who are retired military.

I also will support final passage of the bill. But I am a member of the Committee on the Budget, and as such have spent the last few months working on the budget and cutting spending, et cetera.

I have a question on one of the amendments today relative to two particular requests that I understand were not requested by the military, by the Navy, in the appropriations bill. One of them is $6 million for a foundry renovation and modernization in a shipyard which had been closed by the Base Closing Commission and, as I said, was not requested. The other is $10.4 million earmarked for a physical fitness center in another shipyard that already has a physical fitness center. So, since the Navy did not request this, my question, very simply, is: I would like to ask that this amendment be supported for eliminating these two projects.

Mrs. VUCANOVICH. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in strong support of H.R. 1817, the Military Construction Appropriations Act. Allow me first to congratulate the chairwoman on her hard work. This bill is about quality of life for our members of the armed services.

H.R. 1817 employs sage and sound reasoning. Everything contained in this bill was authorized, and is fully consistent with the House-passed budget resolution. But more importantly, this bill addresses the crisis of military facilities. The main concern of this legislation, as should be the case, is the quality of life for the men, women, and their families, who serve in the Armed Forces. This is not a pork bill.

This is a necessary bill. The past decade of declining defense budgets have

come at a steep cost. Readiness and morale have suffered drastically. H.R. 1817 addresses this concern—300,000 military families lack adequate housing. Nearly two-thirds of all on-base housing is substandard. It is important to note that a full 40 percent of all funds in this bill will go directly to family housing.

In addition, this bill contains important and necessary funds for Camp Blanding, a National Guard installation in my district, as part of the funding for critical construction projects. These projects are required and necessary. They would be used to replace the waste water treatment system, which was built in the late 1930's. The existing system has already been in service for 15 years past its life expectancy. Furthermore, Camp Blanding has been issued a letter of noncompliance by the Department of Environmental Regulation for inadequate chlorine residuals. Their water exceeds the national secondary drinking water regulation's maximum contamination level for iron. Mr. Chairman, the amazing thing is that Camp Blanding is not an aberration, but typical of bases across the country. At the very least, our fighting forces need—they deserve—access to clean drinking water.

The military value of such projects should be obvious. Camp Blanding's inadequate facilities must be upgraded to meet military and environmental standards. But more importantly, Camp Blanding's facilities must be upgraded because we owe it to our Nation's soldiers. They should not be forced to live in substandard and inadequate quarters. Mr. Chairman, we need to send a message to our forces that we care, that they are important to us. Mr. Chairman, we cannot afford not to pass this bill, for projects like Camp Blanding and all the other bases in similar positions.

This legislation is necessary for the readiness and morale of our Nation's troops. We must pass this legislation to improve the quality of life for our soldiers. They deserve our respect; they have earned it. I urge my colleagues to support this bill. It contains sound principles and strong medicine for an ailing and antiquated base structure.

Mr. Chairman, I urge an "aye" vote on final passage.

Mrs. VUCANOVICH. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise to correct a statement made by the gentlewoman from North Carolina, who stated that a $6 million project is being appropriated for a navy yard in Philadelphia which is being closed.

The fact is the navy yard itself is scheduled for closure, but the propeller shop and foundry is not scheduled. This is what this $6 million is for, improvements to that facility, which is going to remain open and which is needed by the Navy.

Mrs. VUCANOVICH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will read.

The Clerk read as follows:

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $625,608,000, to remain available until September 30, 2000: *Provided,* That of this amount, not to exceed $50,778,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

AMENDMENT OFFERED BY MR. HERGER

Mr. HERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HERGER: Page 2, line 12, strike "$625,608,000" and insert "$611,608,000".

The CHAIRMAN. The gentleman from California [Mr. HERGER] is recognized for 5 minutes in support of his amendment.

Mr. HERGER. Mr. Chairman, I rise to urge my colleagues to support this amendment to the Army's military construction budget.

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

□ 1245

Mr. NADLER. Mr. Chairman, I will object.

Mr. HEFNER. Reserving the right to object, Mr. Chairman, could the gentlewoman withhold that request until the gentleman finishes his remarks and I can find out how many Members want to speak on this bill?

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I am very happy to do that, and we will talk about it in between times.

Mr. NADLER. Mr. Chairman, I will object to it.

The CHAIRMAN. The request is withdrawn.

The Chair recognizes the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise to urge my colleagues to support this amendment to the Army's military construction budget. This amendment eliminates $14 million in taxpayer dollars to purchase 7 acres of private land for the purpose of building a national army museum.

Mr. Chairman, let me be clear, we should always strongly support our military, and I will continue to do so. This amendment does not, in any way, move to belittle the brave Americans that served or trivialize the tremendous sacrifices that they have made for this country. Indeed, I support the building of the A museum dedicated to the soldiers of our Nation's Army—I simply believe it should be built on existing Federal lands.

The issue here is not whether the museum should be built, but rather where it should be built and more importantly can the Federal Government afford the $14 million price tag. I believe the American taxpayer would agree that $2 million an acre is a bit too much. Not only does this land acquisition cost the taxpayer, it denies private ownership and decreases revenues by taking the property off the tax rolls.

The Federal military already owns almost 650,000 acres of land when only 7 of which is needed for the museum. In fact, right here in the Washington area, we have Fort McNair, Fort Meyer, and the property surrounding the Pentagon that could be used to establish this museum. Mr. Chairman, I also understand that there may be a Federal department or two available in the near future. But my point is, I find it difficult to believe that the Army cannot find 7 acres somewhere in this country that would adequately accommodate the building of a museum. I do not see why we should spend additional taxpayer dollars to purchase more land when plenty of Federal property is already available.

If this Nation is to ever reduce the size of Government, then this Congress has to control spending where we can.

Mr. Chairman, this amendment does precisely that. It cuts unnecessary Federal spending and sends a clear message to all Federal agencies, that this Congress is committed to not making the Federal Government any larger than it already is. Why should we allocate scarce taxpayer dollars for more land instead of utilizing abundant existing lands. It simply does not make

fiscal or common sense. I urge my colleagues to save taxpayer dollars and vote in favor of this amendment.

Mr. BROWDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment. My friend, the gentleman from California [Mr. HERGER], has offered his amendment which is similar to the Browder amendment. It is the same amendment. We are both supporting this amendment.

Mr. Chairman, let me make it very clear we have heard some very impassioned pleas today which the gentleman from California [Mr. HERGER] and I will agree that we want to honor American men and women who have served in our military. We are very concerned about this. But what we are saying is that there is a way to do this without having American taxpayers spend this money that increases the national debt for a museum that is the 49th museum in the United States. We have plenty of space for this.

Let me point out a few things:

First, the Army already has 48 museums in the United States. They have them up here in this area. This land is not necessary to have a museum in the Washington area.

Second, in effect we are spending this money that we do not have for a museum that would be the 49th museum.

Third, in a time of budgetary restraint it is unreasonable to make this expenditure of public funds when private donations sufficient to cover the purchase are apparently available.

Fourth, if we do spend this money to get this land, it may be that we just add more land because we may not get the money from the private donations to buy it.

Fifth, the CBO estimates that my amendment saves $14 billion in authority and $2.2 million in outlays.

The Citizens Against Government Waste have written to us today about this issue saying we move through an unusual military theater of operations, the theater of the absurd. A museum is not absurd, and men and women who have fought in the military are not absurd, but this money spent in this way is absurd. How many museums do we really need when we are going $180 billion in debt next year.

This is a very important amendment, Mr. Chairman, and I really do wish that people would talk to American men and women and American taxpayers rather than the generals who see this as an opportunity to put this monument here in this area, and there is a better way of doing this, and we can send that message to them now and tell them by doing this, by the way, we are creating this money that can be spent on family housing, that can be spent on training, that can be spent on impact aid for children or some other source. I do not know whether it can be done in this budget, in this particular bill, but it can be spent in other areas, and I urge support for this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee recommends approving this project, which was included in the administration's budget request.

General Sullivan, the Chief of Staff of the Army, Lieutant General Dominy, the Director of the Army Staff, and the Honorable Joe Reeder, the Under Secretary of the Army have all relayed that this is the Army's No. 1 priority. They strongly believe that:

The United States is the only major Nation that does not have a national Army museum in its Capital.

The essence of the American Army is the citizen-soldier. The museum will serve as a tribute to those people, telling the story of how they lived, served, and died for the Nation throughout our history, and explaining the reasons for their sacrifice and the high cost of armed conflict.

They further point out that:

It is important for the public to understand the role and mission of a military force in a democracy, and the part citizens play both by serving in the military and by monitoring our Armed Forces.

The museum will have a distinct military value, providing archival research for military historians as well as daily support to the Army's leadership.

After a 10-year search and study of over 60 potential sites, the Army has decided on a site within the extended monumental core of Washington, which will facilitate access for 1 million visitors each year.

Anticipated savings of $2 million per year will be realized by moving the Center of Military History from leased space into Army-owned space.

The Army's proposal is to acquire this site with appropriated funds, and to build the National Museum of the U.S. Army entirely with donated funds.

It is the committee's view that construction of such a facility with nonappropriated funds is entirely fitting, in recognition of the Army's role in the development of the Nation.

Both the Army and the committee have looked very hard at this land acquisition project, and the Army's best estimate is that it can be accomplished for $14 million, rather than the $17 million that was requested. That estimate is the basis for the committee's recommendation.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment. We are speaking about a tribute, tribute to soldiers. It is that simple. What we need to do is to purchase the land so that donations across our country can build this museum as a tribute to our soldiers.

I was struck by what the gentleman from Virginia said a few moments ago, that we are losing our sense of history. We in this country must regain that sense of history, particularly for the young people, those who come to Washington, those that wish to learn, those that are impressionable, because, if they see what their forefathers, particularly the soldier forefathers, thought the Army's 220-year history has done, has done for freedom, they will have a better understanding of not just the Army, but of our Nation.

We have an obligation to our soldiers. We have an obligation to our veterans, and especially those Americans who lost loved ones in uniform, to show how America's soldiers lived, and served, and died for our Nation throughout the Army's entire history.

We have an obligation as well to ensure that our society and the military do not grow apart. There is a real problem should that happen. In 1950, there were 3.9 soldiers for every 1,000. In 1996, there will be less than 2 soldiers for every 1,000 citizens. We need for Americans, young people and older folks as well, who have no contact with our Nation's Army, to understand the role, and the best place would be in a museum of this sort.

I oppose the amendment.

Mr. MCHUGH. Mr. Chairman, I move to strike the requisite number of words.

Let me start off by offering my congratulations to the gentlewoman from Nevada [Mrs. VUCANOVICH] for a remarkable job in presenting a very fair and balanced, and I think effective, piece of legislation.

Mr. Chairman, one of the more important skills, it seems to me, that any legislator should possess is the ability to separate emotions from merits, and I would suggest that this amendment is a true test of that skill. I want to assure the Chair and the Members of this body that I have the utmost respect for both the gentleman from Alabama, as well as the gentleman from California. But I would also suggest that on this occasion we differ, because this amendment, while very long on emotion, Mr. Chairman, falls very short on the merits, and I wanted to associate myself with the words of the gentleman from Texas [Mr. EDWARDS] when he said that he respected the Citizens Against Government Waste. I am proud to say that I have earned their taxpayer hero award in the past. I have my little hat that I like to wear on important occasions. But my respect does not cloak them in a gown of infallibility, and indeed on this issue they are dead wrong.

Let me make just a few points about some of the things that we raised in their letter that they circulated this morning. The first, that the Army already has 48 museums, is misleading at best. Most of these facilities are nothing more than a room set aside in some

remote facility, some remote post across the United States, same kinds of rooms that are set aside in virtually every branch of the military and cannot, by any reasonable stretch of the imagination, be considered a true museums of the magnitude and scope that is considered here. The second is when they suggest that there is an impropriety or a corporate bailout involved here, and I think that kind of suggestion is simply outrageous. The fact of the matter is that the Army studied this proposal very thoroughly. They considered 60 sites, and it should be noted that this proposal is not just endorsed by the Army. It is, in fact, endorsed by the National Capital Planning Commission. It is endorsed by the Commission on Fine Arts. It is endorsed by the National Park Service, and to my friend from California who stated his concern about local tax base and tax revenues, it is also endorsed by Arlington County, which suggests that perhaps Arlington County residents understand very well the importance of this facility.

Mr. Chairman, the reasoning of this amendment would have us believe that the Secretary of Defense, that the President of the United States, that the Secretary of Army, that the Chief of Staff of the Army, do not care about the welfare of men and women under their command, do not care about the importance of other issues and quality of life.

□ 1300

Mr. Chairman, that kind of assertion is not just wrong, it is ludicrous, and it is an insult to those good men who have dedicated their lives to the service of this country.

This bill in its inclusion of funds for the National Museum for the U.S. Army is a recognition that we need, and we certainly deserve that kind of facility, a place where America can go and pay homage and remember the sacrifice that other Americans have made for more than 200 years in the name of liberty and freedom; a place to honor and to ensure that we never forget the glory, we never forget the heroes, but, most importantly, we never forget the sacrifices that are made to obtain and retain democracy.

To reject that need it seems to me, Mr. Chairman, is not an act in service to the U.S. Army. It is rather an insult to every man and women who has ever worn the uniform.

I have heard here today we should go and ask the men and women in the Army what they believe. I have no doubt in my mind that, if asked, they would think and they would say very clearly, this facility is a place that is necessary and a place of reverence to democracy, and they would endorse it wholeheartedly.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would say to the gentleman, as one who is a former member of the U.S. Army——

Mr. MCHUGH. I am not, sir.

Mr. VOLKMER. I am. I wanted you to know I strongly support the amendment. You have asked one, I have told you.

Mr. MCHUGH. Mr. Chairman, reclaiming my time, I would still suggest, in all reverence to the gentleman's service, that I have an Army facility with more than 30,000 people of Army service on it, and I have talked to many of them, and they do support it. It is my belief that that in fact would be almost unanimous across the spectrum. I call for the rejection of this amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Browder amendment.

As a member of the Military Construction Subcommittee I have a deep respect and support for the chair of the subcommittee, Mrs. VUCANOVICH. Along with ranking member HEFNER, Chair VUCANOVICH has brought to the floor a well crafted and very fair bill.

Most importantly, the bill takes a strong stand against the abhorrent living conditions forced upon many military families. The living conditions of our soldiers and their families are a problem that has been ignored by the Department of Defense and the executive branch for decades. It is a problem the Military Construction Subcommittee has historically championed.

When Defense Secretary Perry recently asked to meet with subcommittee members on pressing housing needs, it was a breath of fresh air. Finally, someone at the Pentagon had woken up to the fact that the housing of our troops is woefully inadequate.

There is a $3 billion backlog for family housing. The barracks deficit is $8.5 billion. The Pentagon says the Army's share of the barracks deficit will take 23 years to eliminate.

And then, there are the children of those military families who must live in the housing we provide.

When during subcommittee hearings, I asked the Army what they were doing for the adolescent children of military families. I was informed that, for this year, there will be an $8.5 million program to provide school aged children and adolescents with activities targeted to prevention of at-risk behaviors.

The Army gave a glowing report of computer centers, and sports programs that were supported by this program.

But there is always a last word.

In this case, the final words were: "However, due to limited resources, the Army is not currently funded to continue these programs in fiscal year 1996 and beyond."

This was, and I repeat was, an $8.5 million program to help teens deal successfully with the unique problems they face as children of military personnel.

This was a program the Army chose to highlight as a successful, unique program for troubled adolescents. But the Army's limited resources are forcing its closure.

It is within this context that I support the Browder amendment and that I oppose the Army Museum project.

The Department's request for the museum is $17 million. This request is for land acquisition only—for 7 acres only—that's $2.4 million an acre. Are these 7 acres plated in gold?

How the Defense Department can with any clear conscience come to Congress and discuss with us the emergency of housing conditions, and at the same time request $17 million to purchase 7 acres for a museum, is beyond me. There are thousands of locations, where, at a cost more suited to this Nation's budget situation, the Army could put this museum.

It is unfortunate that this project was included in the bill. To Chair VUCANOVICH's credit, the request was limited to $14 million.

But it should be removed altogether.

Every Member of Congress and every citizen of the United States holds great respect and appreciation for our soldiers in the Army. Every soldier makes a deep, personal sacrifice to protect our Nation's freedom. The Army's legacy deserves honor and respect.

There should be a place for all Americans to go and remember, and to discover, the unique role the Army has played in this great Nation's history. But now is not the time for this project.

Maybe at a different time and a less costly location, but now we face a real housing crisis. This crisis affects those who serve now, today. Programs to help the increasing population of adolescents are being eliminated. These kids are a part of the military family, and they are struggling right now.

I urge my colleagues to support the Browder amendment and dedicate these funds to those serving in the Army today. There will be a time to support this project, but it is not now and it is not at this location.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. It was requested by the U.S. Army. It was the Army that said this was one of their top priorities in order to provide a place which pays tribute to the young men and women who have served so valiantly on behalf of this country in an Army uniform throughout the history of this Nation.

They said they wanted this money, and this was with the blessing of the

administration. They said they needed $17 million as a top priority to purchase land which has become available by a willing seller in the National Capital area, land that is within close proximity to this building. They said that they are going to build a museum funded with private dollars, not Federal dollars, but they need the start-up capital to acquire the land on which that museum would be located.

They said they have been conducting a 10-year search, and that they believe very strongly that on the heels of that search, with this land available and with private funds now in the pipeline to build this museum, that they can in fact do what every other service has done, and that is build a National Museum to represent their service—the U.S. Army.

I do not think it is an unusual or unreasonable request. I agree with everything else that the gentleman that just preceded me said. Unfortunately, we do have a situation in which 60 percent of the facilities available to the young people in uniform today are inadequate, and we are addressing those problems. Some of the very same people that will speak in favor of this bill are going to be decrying other portions of the bill, saying we are spending too much money on trying to provide for the young men and women in the service.

Well, that is what we are doing here. We are providing for these people by just giving them a little opportunity to express their pride in the service they have made for the country. Frankly, not all of them gave that service lightly. Some paid with their limbs, some paid with their health, and some paid with their lives, and it seems to me that it is a small token of our appreciation to purchase the land on which the museum can be built with private funds to thank them for that dedicated service.

So I hope that we will acknowledge that this is not pork-barrel spending. In fact, this committee, the Committee on Appropriations, and this subcommittee under the leadership of the distinguished gentlewoman from Nevada, has worked within their budget caps. We have a bill that conforms to the budget resolution that this Congress adopted just a month ago.

So we are not busting the budget. We are acting in response to what the administration and the Pentagon and the folks in the military uniform wish us to do. I think it is penny wise and pound foolish, as well as pretty mean-spirited, to tell them no, to tell them we are not going to provide land so you can build your museum.

Mr. LUTHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this amendment to strike $14 million from the Army's construction account, funds currently intended to acquire land that has been sitting for years, for a new Army Museum near the Pentagon.

I believe there are many reasons to oppose the military construction appropriations bill, but I can think of no more glaring example of unnecessary spending than this museum. Even for those who support the appropriations measure, the amendment is a common sense effort to improve the final bill. We in Congress must make every effort possible to eliminate spending for programs, no matter the level of funding, which are not justifiable, in order to be able to both balance our budget and have resources available for investments in our Nation's future.

As a new Member of Congress, I have tried to approach this issue objectively by asking some basic questions about priorities. Should an Army Museum get a higher priority than military housing or other assistance for military personnel and their families, at the same time that dozens of military installations are being slated for base closure, is it prudent to spend funds, funds we do not have, to acquire land for an Army Museum?

How would this museum contribute to military readiness or preparedness? Do we have extra money in our country's bank account, or are we in fact already beyond our ready reserve limit?

My conclusion was that it was time for us to be honest with ourselves. This museum, I do not believe, is about preserving artifacts. If it were, we would be helping the many other Army Museums that are literally falling apart in our country, with important artifacts of our history rotting away in those museums.

What we need here today is to have some common sense. That is what the American people are asking us to have. Let us show real respect for our Army personnel. Let us take care of our existing facilities in this country before building another new one.

Finally, with our country's deficit in the condition that it is in today, we have no business thinking about a proposal like this. I am surprised that a proposal like this would be in the bill. Let us take a step today toward changing the way Washington operates. Let us vote for this amendment to eliminate a needless spending project.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. LUTHER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I wish to commend the gentleman for his remarks. I think they are right on target as far as Members of Congress attempting to set priorities and spending patterns of what we are doing up here. Even though the gentleman who is the chairman of the Committee on Appropriations spoke earlier that even though it is within 902 allocation, et cetera, and it is their money, so they can spend it any way they want, well, I do not know. I thought we were up here on taxpayers' business. I thought it was the taxpayers who really we were supposed to be responsible to, not just to each other. That talk sounded to me like it was just like we were responsible only to each other.

As I look at this as a person who thinks about my taxpayers, I heard one earlier person say this morning arguing for this museum that it is only $14 million. "Only $14 million." Well, folks, hey, back home, $14 million is a whole bunch of money. A whole bunch of money. It is not just "only $14 million." And then you add to that, it is for 7 acres—$14 million for 7 acres?

The gentleman from Minnesota, I bet you got a lot of land that your taxpayers would like to sell to the Pentagon at $2 million an acre, do you not?

Mr. LUTHER. I think I could find some of that land.

Mr. VOLKMER. I think I could find a whole bunch of it in my district. That is completely unheard of, to spend this kind of money, taxpayers' money, at the same time when we look at the total picture, not just military construction, when we look at the total picture, we are going to have complete cut-out of low income energy assistance for your people and my people so they can theoretically buy 7 acres of ground to put a museum on for the U.S. Army. Well, as a former member of the U.S. Army, I want to tell you, my priorities are for my taxpayers and my people, not for a museum that we do not think we need at this time.

□ 1315

Mr. HEFNER. Mr. Chairman, I would like to enter into an agreement with the gentlewoman.

Since we have established earlier that the House was going to try to complete their business by 2, if it is agreeable and we can accommodate everybody, I ask unanimous consent that debate on this amendment and all amendments thereto conclude at 15 minutes until 2.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mrs. VUCANOVICH. Mr. Chairman, reserving the right to object, I would like to agree on that on our side, but I think the time should be equally divided between the proponents and the opponents of this amendment.

Mr. HEFNER. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, the request is for this one amendment and all amendments thereto. I do not know of any substitutes or amendments to this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Chair advises that the gentlewoman from Nevada [Mrs. VUCANOVICH], will be recognized for 15 minutes, and the gentleman from California [Mr. HERGER], will be recognized for 15 minutes.

PARLIAMENTARY INQUIRY

Mr. FOGLIETTA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOGLIETTA. Mr. Chairman, if there is going to be a limitation on this amendment and all amendments thereto to end at 1:45 and there are other amendments pending, when will they be considered?

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, it is obvious we are not going to be able to finish this bill today. I would assume that we would come back next Tuesday and continue the bill. This takes us to the time when the House will adjourn for the week, and we will come back on next week and we will have a vote on this one single amendment and get this amendment out of the way. That is what my request was.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman. I just wanted to make that clear.

The CHAIRMAN. The Chair has already allocated the time. The Chair recognizes the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me outline again the purpose of this amendment. The purpose of my amendment was not to eliminate the building of this museum in honor of the Army and those who have fought valiantly for our country over the centuries of our Nation's history. That is not the purpose.

The purpose of this amendment was to save $14 million to allow us to be able to go ahead and construct this museum. I might mention that the Army has indicated that this would not be done with taxpayers' dollars. It would be done by private donations, but to do so on land that the Federal Government already owns, to do so on land, for example, which is adjacent to it, Fort Myer, of which there is ample property to build a museum, or perhaps at the Pentagon on part of their parking lot where, again, there is ample land to build this museum, both of which are directly adjacent to the proposed site.

Again, during a time when we are looking at the $200 billion budget deficits, $14 million is not insignificant, when we can go out and do it with property that already exists, I believe we should do so.

So, again, I would urge the House to vote in favor of this amendment to eliminate this $14 million expenditure but to do so by building, again, this museum on land that already exists, already is owned by the Federal Government.

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

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentlewoman for yielding time to me.

What this is about is that history is important. We have an obligation to continue teaching the lessons of history and remember our military experiences as they have evolved. As our Army becomes smaller, it is more important that we continue that.

This museum will be a recognition of this. To compare this museum with its over 500,000 items and artifacts to the small museums that the Army has scattered across the country is really misleading. The Army museum system today consists of a very disparate collection of localized branch-specific museums. These local collections offer a look at the past from the perspective of their particular area of interest, whether transportation or aviation or logistics, but this museum steps back to look at the experience of the American soldier going back to revolutionary times touched by all aspects of Army life during a long and proud history.

I think we can have a consolidation of some of these smaller museums if this moves ahead. But to get to the money issues that have been addressed, Mr. Chairman, for every dollar in public contribution that will go forward to buying this land, we expect a match of over $5 from the private and volunteer sector coming in. That is money well spent in this particular case.

At a time when the Army is getting one recruit for over 100 contacts it makes, this will be a good effort to increase the contacts the Army makes to over 200,000 people a year. So I rise in opposition to this amendment.

Mr. HERGER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I thank the gentleman for yielding time to me.

I also wanted to commend the gentleman from California for offering this amendment in light of all the opposition that appears to come from members of the Committee on Appropriations on military construction, but I think, as I said previously, we all should stop and think of what we are doing here. We are actually spending $14 million, which is not a small amount of money, for 7 acres of ground, 7 acres.

Now, to me that is a whole bunch, that is $2 million an acre. I do not know where you have to buy land to get it for $2 million an acre, but I guarantee you that the gentleman in the chair, the Chairman, has a whole bunch that he would like to sell to the U.S. Army for $2 million an acre. I have got a whole bunch I would like to sell.

But that is not the bottom line. The bottom line is, we are in a budget-cutting and a cost-cutting mood here and I commend the Congress for that. I believe in a balanced budget, but I also believe we need to establish priorities.

Now, when we go about cutting such things as money for school lunches, when we cut money for senior citizens, when we cut money out of low-income energy assistance, when we cut other programs for other people, then come up and say, now, here is $14 million that you can pay for 7 acres of ground in order to build a museum on, folks, I think if I go back and ask the people of my district about that, I think I know what the answer is going to be. I really think the answer is going to be, no, we would rather have that money spent on maybe a farm program.

Agriculture is taking a big cut under this budget. I would love to have $14 million more back in that agriculture budget. I would love to have $14 million more back in higher education, student loans, grants, I would love to have it there. I think that is more important than $14 million for 7 acres of ground, when I understand in Arlington County, it is only assessed at $10 million. Why are we paying $14 million for 10 million dollars' worth of grounds? The building on it is not any good. We all know that. Anybody that has ever been there knows that it is almost a wasted area.

I just do not understand it, folks. When you establish priorities, I thought that people were more important than things. It appears here the things are going to be more important than people.

It appears that if you listen to all the Members in the debate, that this thing, this museum, and by the way, I am a former member of the U.S. Army, very proud of the fact, but I do not believe that we need to spend our money, this $14 million at this time on this museum.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentlewoman for yielding time to me. It just bothers me when I see some of these Members who every time they mention the word "war," mention the word "military," or "armed forces," all of a sudden, some of these biggest spenders in the Congress all of a sudden become deficit hawks. That really bothers me.

My good friend from Missouri who just spoke is up here worried about this

bill because we are spending too much money. I went over to pull out all of these lists that I carry around with me, because I do not like Members to be inconsistent. I want them to be consistent when they come on the floor. I find my good friend from Missouri [Mr. VOLKMER] listed as one of the biggest spenders in the Congress. And so all of a sudden, he is a deficit hawk.

Now, so much for credibility. Now, I just want to tell you this, I am looking at this report from the Committee on Appropriations, and nobody has taken them to task more than I have over the years. As I mentioned before, I will be introducing a bill later this afternoon or Monday at the latest with $840 billion; that is not million, that is not three quarters of a billion, that is $840 billion in spending cuts.

I wanted all of you people who are worried about this $14 million to come out here and vote for that bill or even cosponsor it. Then you will show me some guts. In the meantime, looking at this appropriation report, there is $14 million appropriated. Let me read you what it says. It says, Fort Myer Army museum land acquisition. It does not say anything about a particular piece of property.

I know the gentleman is sponsoring a resolution. He is a true deficit hawk and he means well. But we need to work this out with the Army. If we can find a better place or a cheaper place to do it, fine. The problem is, we want the war museum. We want those people who have died and sacrificed for their country to have their families be able to come here and look at those artifacts.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me mention this. It was mentioned why not build the museum on Fort Belvoir or Fort Myer. It is prohibited to build the museum or any museum on that. That is why we have to do it here.

□ 1330

Mr. SOLOMON. Let me just say that that gentleman is also from Missouri, Mr. Chairman. I have hanging on my wall a picture of one of the great Presidents of this country. His name was Harry S. Truman. I was in the Marine Corps at the time he was here in Washington. I was proud of him, and I was a Democrat at the time. That is a good Democrat there. He would oppose this amendment.

Mr. VOLKMER. Harry Truman would never have built this museum.

Mr. SOLOMON. Yes, he would, Mr. Chairman.

Mr. HERGER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I wish I could resolve the issue of how Mr. Truman would have voted on this particular proposal. I am not confident of Mr. Truman's vote.

Mr. Chairman, I would like to bring this body's attention back to the question of how do we balance this budget, and how do we set our priorities as a country. I would like to refer the body to legislation that was passed in 1994. It was the fiscal year 1995 defense authorization report that accompanied that legislation, and was signed by the President. It includes in it a guideline that was developed in the U.S. Senate.

The Senate developed a 5-part test for whether or not military construction projects ought to be approved. The Porkbusters Caucus in the House of Representatives has adopted that test.

Mr. Chairman, I would like to read one part of that test: "We should not appropriate money for military construction unless the project is necessary for reasons of the national security of the United States."

Regardless of what our opinion ought to be of museums, I submit, Mr. Chairman, that we should not be including in military construction, funds for museum sites and museums. We have the Smithsonian Institution. Certainly it can operate museums in the District and in the neighboring territory. We do not have to include this in our military construction budget, especially when we are trying to care for the needs of the men and women in the Armed Forces, and we have heard about the deplorable conditions in housing and the need for military construction in a variety of other ways.

Mr. Chairman, I urge this Chamber to respect this principle that has been developed and signed into law by the United States, that emphasizes that we only spend money in military construction for reasons of national security.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I think we need to remember here what we are talking about is, and the chairman would understand this, Mr. Chairman, being from Nebraska, what we are talking about is planting seed. We are talking about $14 million here that is the seed to go into the ground, to grow and flourish to become a beautiful plant that we can all be proud of somewhere down the line.

The question is, Do we believe that museums to honor our heritage and our history are important? I happen to think they are important, so I am opposed to this amendment.

Mr. Chairman, I have gone to many of the Army museums around the country that have been mentioned here today. They are little divisional museums of one kind or another, and I am excited about them. I am the kind of guy that can get emotional walking up and down the historic Halls of this building. I go on the battlefield and I can smell the smoke and hear the guns. I love that kind of thing.

Yet, here we have a nation, the only nation in the world, only major nation in the world, that does not have some kind of an Army museum; not a dozen divisional museums, or 40 divisional museums, but a museum for the Army of our Nation.

Mr. Chairman, I fly in every week, practically, into Washington, DC. When I come into National, many of the Members have had this experience, when I come into National, if I am on the left-hand side of the airplane I look out and I see the wonderful monuments honoring the freedom and liberty and history of this country: The Washington Monument, the Lincoln Monument, Jefferson Memorial, all the way up to the Capitol of the United States.

However, if I am on the right side of the airplane, I see acre after acre of stark white tombstones. What this tells me is what I have on the left-hand side of the airplane was bought with a price from what is on the right-hand side of the airplane. I think that is what the Army museum is all about. It is telling us the price that was paid for this country's freedom and liberty.

I think we ought to honor it. I think we ought to support that museum. It is a small portion of the $72 million that will be raised privately. It is a partnership between the seed that we put in and the private money which comes. Support the Army museum. Vote against this amendment.

Mr. HERGER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, we are coming down to the vote. Let us lay out here what we have. We could have debated this earlier this week when we were talking about the authorization bill, about this museum and whether we needed to spend this money. I had an amendment which would have sent this money to military family housing. That amendment for some strange reason was not made in order, so this body could not debate it.

What we have now is an opportunity to answer this question in a very simple way: Do we want to spend $14 million on this project? The Army generals, the Army brass, want this project. They have figured out sticking it in here, running it through with a good package, a good package that both sides have worked on, stick it in, run it through, nobody can stop it.

Mr. Chairman, we have to stop it. We have to decide what we are going to do, send this message to them, tell them to come back next year and let us debate this issue on this floor, and we will make that decision. I am sure we will make the wise decision. However, right now the wise decision is to support this amendment, and let us debate this at a later time.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I had 2 minutes. I am glad I am getting up now, or I would end up with none.

Mr. Chairman, I oppose the amendment. I would like to say that our country is still a young nation compared to Europe. Do we realize that freedom really does not come easily? What is wrong with honoring freedom by having this museum? Russia is. They are honoring those who kept the German Panzer divisions out of Russia. They are building a wonderful museum that costs three times more than what we are trying to do here today.

Mr. Chairman, I am told that a million Americans will visit this Army museum. Some of them will be young Americans. They will be impressed. They will join the Army. This is a good recruiting tool. Mr. Chairman, let me say that the military is in trouble on recruiting. They are not meeting their goals. Anything that can help the military to get young men and women into the service, that is what we need. Part of this museum will be dedicated to the National Guard and Reserve. I will point out that the National Guard, 29th Division of World War II, landed at Omaha Beach. They lost 2,000 young men from one State fighting at Omaha Beach. That will be shown, what sacrifices have been made by Americans who were in the Army. I totally oppose this amendment, and hope the Members will, too.

Mr. Chairman, I rise in opposition to the amendment and in support of funding for the National Museum of the U.S. Army.

The bill provides $17 million for land acquisition, but the rest of the cost will come from private donations.

This museum is expected to draw more than 1 million visitors a year to see the great history of our Army and the role it has played in the development, and in the defense, of our country.

One thing I especially like is that it in addition to covering the achievements of active duty Army soldiers since 1775, it will also have a section devoted to the National Guard and Reserves.

I would point out that at the invasion of Normandy 51 years ago this month, the 29th division of National Guardsmen stormed onto Omaha Beach as part of the expeditionary force. They lost 2,000 young men on D-Day.

That event, as well as other stories of bravery and sacrifice over the years, will be on display at the Twin Bridges site. This comprehensive look at the Army, from then until now, will provide future generations of Americans a chance to see the realities of war and the effect it has had not only on the soldiers, but on their loved ones as well.

The Army is the only service branch not to have a national museum. Yet, the U.S. Army is 220 years old—older than the country itself.

This museum will be a deserving tribute to that storied history and worthy recognition to all those who have served in the U.S. Army. It will also help educate the American people about military life, in wartime and in peace. It is a worthy project. I hope we will reject the amendment and keep the funding for the museum.

Mr. HERGER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding time to me.

Mr. Chairman, I want the body to know that I rise in support of this amendment. I do so with some very serious sensitivity, because I am getting all kinds of messages from a variety of Members of the House, but I have heard the arguments from the top brass in the Army, how this museum would be a national treasure to commemorate the hard work of every enlisted man and women in the Army.

Therefore, I decided last night to call some of my own folks who happen to be in the military services. Their message was entirely different. I spoke with 6 different soldiers in 4 different Army commands in my district, which is the place where the National Training Center for the Army is located.

I let them know that today we would be considering the military construction bill, legislation which provides funds for military housing, base improvements, and other quality of life needs. I asked them specifically, would they like to have $14 million of these funds set aside to buy the land for a National Museum for the Army in their honor in Washington.

Each and every one of the 6 of them said they would rather have those funds go to housing or other quality of life items which they desperately need. I told each and every one of them that there was a large amount of additional funding already in the bill for housing. Our chairman has done a great job. It did not matter to any of them. A national museum in their honor was not on their priority list.

I told one soldier that this was a priority to the Army Command in Washington. He responded "That is because they do not have to live in the housing that we do." He told me that he has men living in temporary barracks that were constructed during World War II. His room is 11 by 12 feet in space, with temporary walls, and one of the bigger rooms. He also said that he has men and women driving 40 miles to work every day because there is not adequate housing.

Mr. Chairman, to say the least, while I have mixed emotions about this, this is not a priority to the men and women who are currently in the Army in my district in California.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentlewoman for yielding me the time. I really regret I do not have enough time to say nearly everything I want to say.

Mr. Chairman, I want to say that I absolutely, absolutely oppose this amendment. I regret that the amendment is even on the floor. We resoundly defeated this amendment in our subcommittee in the Committee on National Security earlier. In fact, to me it represents a great disdain for the heritage of those who have served the U.S. Army. We are not fighting the issue of quality of life.

This bill added $813 million extra for housing. We are dealing with the quality of life issue. However, Mr. Chairman, my experience is not in the Army, it is in the U.S. Air Force. Whenever the Nation called me, I went. I left my family and I placed myself in jeopardy in defense of my Nation, and guess what? My Army colleagues have done that for 220 years. In fact, 470,246 members of the United States Army have died on the battlefield. Is it too much to ask for us to put a lousy $14 million in honor of those who have fallen? It is less than $20 a head.

Mr. Chairman, we would be making a giant mistake if we did not shut down this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment. I am reminded that we are told that one does not live on bread alone. Soldiers do not accomplish their mission on food and forage alone. There is something called spirit and something called morale. My only regret is that this country has not provided the initiative to go forward with a museum honoring the soldiers of this U.S. Army much earlier.

The time has come, Mr. Chairman, We should not accept this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to this amendment. There is an old adage in the infantry that battles are won and wars are won on things other than money. If this amendment is adopted, we will not put one more nickel into housing, recreation, or anything else. But if this amendment is rejected, the U.S. Army is going to have something that will help all of us who served in previous wars.

Point to what it is that the Army has done. The Army is the only service that has no museum of this kind, and this is the only country of which I am aware of where no such museum exists to remind our veterans and our people of what it is that was done. Veterans say "We would like to you to remember what we did, and we would like you to remember why we did it." A museum will help Americans to understand that.

Mr. Chairman, I urge that the amendment be rejected. Remember, wars are won by morale. Service is enhanced by morale. Look at the British Army. They are all manner of curious troops, and they all serve enthusiastically. Why? Because of loyalty to their service.

Mr. HERGER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I believe the main point of this amendment has been missed. I find it quite ironic that I find myself in virtual complete agreement with those who are speaking against this amendment. I also favor the museum. I also favor our military. I favor us honoring those who have fought bravely for our military and for our country.

□ 1345

That is not the purpose of this amendment. The purpose is, why should we as taxpayers be spending an additional $14 million to purchase more land to build a museum on when we have land already available? Are we not closing down several departments? Are we not downsizing here in Washington?

Do we not have Pentagon property, Fort Myer property, adjacent to this property that the Federal Government and the taxpayers already own? Do we have to go out and buy more property? Do we have to go out and spend, I feel unwisely, more taxpayer dollars?

That is the issue. Again, I support the museum, but I support it being built on presently owned taxpayer property which is in the same area.

I urge an "aye" vote on this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

The CHAIRMAN. The gentleman from Virginia is recognized for 1 minute.

Mr. MORAN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I regret that we have run out of time, but I do rise in opposition to this amendment.

I have served as a member of the Committee on Appropriations for 25 years. I have offered and supported many amendments to reduce spending. I will take a back seat to no one on cutting and reducing unnecessary spending. I spent 23 years in Army service.

There is a time when we must act. There are those today who believe that the Army does not need and should not have a national museum. The oldest service of the uniformed services should have. We should have taken action to build a museum years ago.

If you believe, as I do, that we should have a museum, then we must act now or the site will be lost to a commercial use, and we will build it sometime at an even greater cost here in our Nation's Capital, or build it in a cornfield someplace where few will ever have the opportunity to enjoy it.

We are all concerned with quality of life for the young people we are asking to serve in defense of freedom. Pride and esprit de corps are also important to these people of whom we are so proud.

Defeat this amendment.

Mr. MORAN. Mr. Chairman, I yield to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I oppose this amendment. As I travel toward the District, more Hispanics have received the Congressional Medal of Honor than any other ethnic group. They would like to be included in this museum so that they can display their history of bravery. At this moment I have to oppose my good friend and oppose his amendment.

Mr. MORAN. Mr. Chairman, sometimes we focus so much on the cost of things, no matter how small, that we lose sight of the value of things, no matter how great.

The National Museum of the U.S. Army is a vision to create at the gateway of Washington, a site that will no longer remain if we don't act now, a tribute to the American soldier. At a time when our Armed Forces are being cut every year, we have to tell the story of the citizen soldiers that have served this Nation, and we must inspire patriotism among our entire society.

That is the purpose of this. That is the purpose. There could be no greater purpose. I urge my colleagues to defeat this amendment and to support the bill.

Mr. PORTER. Mr. Chairman, I rise in strong opposition to the amendment.

I know a little bit about this subject since the land to be acquired for the purposes of building a national Army museum was originally part of the planned land swap for a portion of Fort Sheridan in my district. Several years ago the Army wished to trade the Fort Sheridan land, plus cash, for the property in Arlington then, and perhaps still, owned by Equitable. While that trade was blocked in the Senate, it was clear that this was a priority for the Army and one that I thought then, and still do now, deserved our support.

A nation's history is contained in its institutions. As a former Army enlisted man, I know the meaning of the traditions and history of the Army to those who don the uniform. The Army has never had a proper place to house and display its history and this land is deemed a very suitable site. There is no money in the bill for construction and that would come only when budgetary times are more propitious.

But if the land cannot be acquired now, it would undoubtedly be sold to others and developed and would be lost for the purpose of an Army museum. While the price may seem high, we thought, from the value of the Fort Sheridan land, that it would likely be even higher than the sum contained in the bill. We should reject the gentlemen's amendment and allow this land acquisition to go forward.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HERGER].

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

REORDED VOTE

Mr. HERGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 137, not voting 36, as follows:

[Roll No. 388]

AYES—261

Allard	Franks (NJ)	Myrick
Andrews	Frelinghuysen	Nadler
Archer	Frisa	Neal
Armey	Funderburk	Nethercutt
Bachus	Furse	Neumann
Baesler	Ganske	Ney
Baker (CA)	Gilchrest	Norwood
Baldacci	Gillmor	Nussle
Barcia	Goodling	Obey
Barr	Gordon	Olver
Barrett (WI)	Goss	Orton
Barton	Graham	Owens
Bass	Greenwood	Paxon
Becerra	Gunderson	Payne (NJ)
Berman	Gutknecht	Peterson (MN)
Bilbray	Hall (OH)	Petri
Blute	Hall (TX)	Pombo
Bono	Hamilton	Pomeroy
Brewster	Hansen	Portman
Browder	Harman	Poshard
Brown (OH)	Hastings (WA)	Pryce
Brownback	Hayworth	Quinn
Bryant (TN)	Heineman	Radanovich
Bunn	Herger	Rahall
Bunning	Hilleary	Ramstad
Burr	Hilliard	Rangel
Burton	Hobson	Regula
Calvert	Hoekstra	Reynolds
Camp	Hoke	Richardson
Canady	Horn	Riggs
Cardin	Hostettler	Rivers
Castle	Houghton	Roberts
Chabot	Hutchinson	Roemer
Chenoweth	Inglis	Rogers
Christensen	Istook	Rohrabacher
Chrysler	Jackson-Lee	Roth
Clement	Jacobs	Roukema
Coble	Johnson (CT)	Roybal-Allard
Coburn	Johnson (SD)	Royce
Combest	Jones	Rush
Condit	Kanjorski	Sabo
Conyers	Kaptur	Salmon
Cooley	Kasich	Sanders
Costello	Kennedy (MA)	Sanford
Crapo	Kennelly	Sawyer
Cremeans	Kildee	Scarborough
Cunningham	Kim	Schiff
Danner	Klug	Schroeder
Deal	Knollenberg	Schumer
DeFazio	LaFalce	Seastrand
DeLauro	LaHood	Sensenbrenner
Dellums	Largent	Shadegg
Deutsch	Lazio	Shaw
Dicks	Leach	Shays
Dixon	Levin	Shuster
Doggett	Lewis (CA)	Slaughter
Doolittle	Lincoln	Smith (MI)
Dreier	Lipinski	Smith (NJ)
Duncan	LoBiondo	Smith (WA)
Dunn	Lofgren	Souder
Durbin	Longley	Stark
Ehlers	Luther	Stearns
Ehrlich	Maloney	Stenholm
Engel	Manzullo	Stockman
English	Markey	Studds
Ensign	Martinez	Stupak
Eshoo	Martini	Talent
Evans	McCarthy	Tate
Ewing	McCollum	Tauzin
Fattah	McCrery	Thomas
Fawell	McDermott	Thompson
Fields (LA)	McInnis	Thornberry
Fields (TX)	McIntosh	Thurman
Filner	McKeon	Tiahrt
Flake	McKinney	Torricelli
Flanagan	Meehan	Towns
Foley	Menendez	Upton
Forbes	Metcalf	Velazquez
Ford	Meyers	Vento
Fowler	Mfume	Visclosky
Fox	Minge	Volkmer
Frank (MA)	Mink	Waldholtz
Franks (CT)	Moorhead	Walker

Wamp	White	Woolsey
Watt (NC)	Whitfield	Wyden
Weldon (PA)	Williams	Zeliff
Weller	Wise	Zimmer

NOES—137

Abercrombie	Gonzalez	Ortiz
Barrett (NE)	Goodlatte	Oxley
Bartlett	Green	Packard
Bateman	Gutierrez	Pallone
Beilenson	Hancock	Parker
Bentsen	Hastert	Pastor
Bereuter	Hefley	Payne (VA)
Bevill	Hefner	Peterson (FL)
Bishop	Hinchey	Pickett
Bliley	Holden	Porter
Boehlert	Hoyer	Quillen
Boehner	Hunter	Reed
Bonilla	Hyde	Ros-Lehtinen
Bonior	Johnson, E. B.	Saxton
Borski	Johnson, Sam	Schaefer
Boucher	Kelly	Scott
Brown (FL)	Kennedy (RI)	Serrano
Bryant (TX)	King	Sisisky
Callahan	Kingston	Skaggs
Chambliss	Klink	Skeen
Clinger	Kolbe	Skelton
Coleman	Lantos	Smith (TX)
Collins (GA)	Latham	Solomon
Collins (MI)	LaTourette	Spence
Cramer	Laughlin	Spratt
Crane	Lewis (GA)	Stump
Cubin	Lewis (KY)	Tanner
Davis	Lightfoot	Taylor (MS)
de la Garza	Linder	Taylor (NC)
DeLay	Livingston	Tejeda
Diaz-Balart	Lowey	Torkildsen
Dingell	Lucas	Torres
Dornan	Manton	Traficant
Doyle	Mascara	Vucanovich
Edwards	McDade	Walsh
Emerson	McHale	Ward
Everett	McHugh	Waters
Farr	McNulty	Watts (OK)
Fazio	Molinari	Waxman
Foglietta	Mollohan	Wicker
Frost	Montgomery	Wilson
Gejdenson	Moran	Wolf
Gekas	Morella	Wynn
Geren	Murtha	Young (AK)
Gibbons	Myers	Young (FL)
Gilman	Oberstar	

NOT VOTING—36

Ackerman	Coyne	Mica
Baker (LA)	Dickey	Miller (CA)
Ballenger	Dooley	Miller (FL)
Bilirakis	Gallegly	Mineta
Brown (CA)	Gephardt	Moakley
Buyer	Hastings (FL)	Pelosi
Chapman	Hayes	Rose
Clay	Jefferson	Stokes
Clayton	Johnston	Thornton
Clyburn	Kleczka	Tucker
Collins (IL)	Matsui	Weldon (FL)
Cox	Meek	Yates

□ 1411

The Clerk announced the following pair: On this vote:

Mr. Ballenger, with Mr. Mineta against.

Messrs. CLINGER, KENNEDY of Rhode Island, and WYNN, and Mrs. CUBIN changed their vote from "aye" to "no."

Messrs. BRYANT of Tennessee, KANJORSKI, COMBEST, FRISA, THOMAS, RICHARDSON, EHLERS, RANGEL, STOCKMAN, FORD, FORBES, WALKER, NADLER, BURTON of Indiana FOLEY, DREIER, and BAKER of California changed their vote from "no" to "aye."

So the amendment are agreed to.

The result of the vote was announced as above recorded.

Mrs. VUCANOVICH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill, H.R. 1817, and that I may include tabular and extraneous material.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. FAZIO of California. Mr. Speaker, I ask for this time in order to request of the majority leader information about next week's schedule.

I yield to my friend, the gentleman from Texas [Mr. ARMEY], if he would be willing to inform the Members about what we have to look forward to.

Mr. ARMEY. I thank the gentleman from California for yielding.

Mr. Speaker, the House will meet in pro forma session on Monday, June 19. There will be no recorded votes on Monday.

On Tuesday, the House will meet at 9 o'clock a.m. for morning hour and 10 o'clock a.m. for legislative business.

After 1-minutes, we plan to take up the rule for H.R. 1854, the fiscal year 1996 legislative branch appropriations bill.

If a recorded vote is ordered on the rule, that vote will be postponed until later in the day.

□ 1415

After debate on the legislative branch rule we will take up House Resolution 168, legislation implementing Corrections Day procedures for the House. Upon completion of this legislation we will hold the recorded vote on the rule accompanying the legislative branch appropriations bill, if a vote was ordered. We then plan to finish H.R. 1817, the fiscal year 1996 military construction appropriations bill and begin debate on the legislative branch appropriations bill. Members should be advised that recorded votes may come as early as 12 noon on Tuesday.

On Wednesday and Thursday the House will meet at 10 a.m. to consider two appropriations bills: H.R. 1868, the fiscal year 1996 foreign operations appropriations bill, subject to a rule; and the fiscal year 1996 energy and water appropriations bill, subject to a rule.

It is our hope to have Members on their way home to their families and their districts by no later than 6 p.m. on Thursday. There will be no recorded votes on Friday.

Mr. FAZIO of California. If the gentleman could help us on a matter relating to the Committee on Rules, I understand the Committee on Rules will be meeting on Monday to prepare to bring to the floor on Tuesday some of the rules that the gentleman has alluded to. I am wondering if we could determine what time the Committee on Rules will be meeting. I am one concerned. I will be flying back from California Fathers' Day, Sunday, and I have an interest in the legislative branch bill, of course, along with the gentleman from California [Mr. PACKARD].

Mr. ARMEY. If the gentleman will yield further, if I may make a comment, in the original schedule for the month, Monday was to have been a day on which we would have had votes. Because of so many considerations, we did manage to relieve all of the Members at large of votes on Monday, but the Committee on Rules must necessarily meet at 2 o'clock on Monday, and I appreciate that it is an inconvenience in the gentleman's personal life, but hopefully it will be helpful to the rest of the Members we were able to do that.

Mr. FAZIO of California. I am hopeful I will be able to get here by 3:30 or 4, the first plane out. Do you expect the Committee on Rules to have completed its work and filed its rules by 4 o'clock? I do not know what the urgency is, but I gather there is some. Is that right?

Mr. ARMEY. If the gentleman will yield further, the Committee on Rules hopes to file by 6 but they would expect to conclude testimony before the committee by about 4:30.

Mr. FAZIO of California. I may be able to get here just for the latter part of that testimony, and I appreciate my friend with his assistance from the standpoint of the staff of the committee.

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

Mr. FAZIO of California. I yield to the gentleman from Maryland.

Mr. CARDIN. I would hope the majority leader might be able to give us some indication whether the privileged resolution that was rumored to be taken up this afternoon concerning waivers of the number of committees that a Member is permitted to serve on was going to be brought to the floor. We understand it is not being brought

to the floor today. My question is: Do we anticipate a resolution will be brought up next week? If that is the case, can the leader assure us that we will have some opportunity to debate that issue? It is a major concern to many of us, the reforms of the House, as to how many committees a Member can serve on.

Mr. ARMEY. If the gentleman will yield further, we believe it is possible we may bring that up next week, and, of course, it is subject to an hour for debate in accordance with the rules of the House.

Mr. CARDIN. If the gentleman will continue to yield, I appreciate that. I would ask the leader if he would consider giving us some notice before that is brought to the floor and yield the customary time to the opponent of that type of a resolution in order that we can have a full debate on the floor of the House.

Mr. ARMEY. We will, of course, do our best to give you good notice, and we will, of course, examine the time constraints and certainly take your request under consideration.

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

Mr. FAZIO of California. I yield to the gentleman from Kentucky.

Mr. WARD. If I might ask the gentleman from Texas, in looking at next week's schedule, I wonder if you would expect to bring up the billionaire expatriate tax loophole bill.

Mr. ARMEY. I thank the gentleman for your inquiry.

No, I do not anticipate that coming up next week. I have not talked to the Committee on Ways and Means yet, and I do not have any time scheduled for that at this point.

Mr. WARD. Well, if I might ask further, do you think that you could give us notice? I have many constituents who are interested in this bill, many constituents of other Members who have inquired, and if I could ask and seek the leader's help in getting some advance notice so we may know when to anticipate that bill.

Mr. ARMEY. Again, if the gentleman would yield further, we would certainly give you as much advance notice as you may need. You may want to go to the Committee on Rules, any number of things. I have not begun consideration of that bill yet from the Committee on Ways and Means, but certainly will give you every bit of notice we can.

Mr. WARD. I thank the gentleman.

Mr. FAZIO of California. Could the gentleman tell us when we would be completing our business on Tuesday and Wednesday?

Mr. ARMEY. Each night next week at this point we anticipate being able to be out of here by 6 or 6:30.

Mr. FAZIO of California. No evening next week would normally be expected to be here later?

Mr. ARMEY. If I may tell the gentleman, I have great expectations and an enormous amount of optimism, but as you might guess, I can give no hard and fast guarantees. If I had a dinner date for Tuesday night at 6:30, I would feel very comfortable with it.

Mr. FAZIO of California. I appreciate the gentleman's optimism. Let us hope it becomes reality.

ADJOURNMENT TO MONDAY, JUNE 19, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT,
Washington, DC, June 15, 1995.

Hon. NEWT GINGRICH,
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 that my Committee has been served with a subpoena issued by the United States District Court for the Eastern District of Pennsylvania.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

NANCY L. JOHNSON,
Chairman.

FRENCH NUCLEAR TESTING

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

Mr. FALEOMAVAEGA. Mr. Speaker, let me cry out: "Shame on you the government of France. * * *"

Mr. Speaker, 27 million people in the Pacific cry out: "Shame on you the government of France * * * for your arrogance to explode eight nuclear bombs in the South Pacific starting this September."

Mr. Speaker, the 178 countries who signed the Nuclear Non-Proliferation Treaty cry out: "Shame on you France * * *."

Mr. Speaker, may I suggest to President Jacques Chirac, if he wants to develop France's nuclear bomb trigger device for computer simulation technology, then develop it on a computer—not in the South Pacific, not on people and not on mother Earth. Explode your eight nuclear bombs in Paris and along the rural and farm areas of France, and see if the citizens of France will support you.

Mr. Speaker, the Government of France currently has:

The world's third largest stockpile of nuclear bombs;

The fourth largest navy in the world; and

Twenty years of experience in conducting nuclear bomb explosions in the atmosphere and under water in the South Pacific. Mr. Speaker, let me tell you about the trigger device that the French Government wants to develop for its nuclear bomb explosions. The nuclear trigger is a nuclear bomb itself and is 100 times more powerful than the nuclear bombs dropped on Hiroshima and Nagasaki. If the nuclear bomb trigger is 100 times more powerful than what was dropped on Hiroshima and Nagasaki, can you imagine, Mr. Speaker, the nuclear explosion that will come after that? What madness, Mr. Speaker.

Why not drop your eight nuclear bombs under the Arc de Triomphe—a prided possession for the people of France, because, the island nations of the South Pacific are the prided possessions of the 27 million people who live, eat, drink, and swim in that part of the world.

I say to the military establishment of France and to the President of France—in the words of Bernard Clavel, the popular novelist, "You are the shame of France * * * you are the shame of France."

Mr. Speaker, I include the following newspaper articles for the RECORD:

[From the Samoa News, June 15, 1995]

SOUTH PACIFIC CONDEMNS DECISION TO RESUME NUCLEAR TESTING

SYDNEY, AUSTRALIA.—Countries of the South Pacific today sharply condemned France's decision to resume nuclear weapons testing in the region in September.

New Zealand Foreign Minister Don McKinnon bitterly accused French President Jacques Chirac of "Napoleonic-De Gaulle arrogance."

An angry Prime Minister Jim Bolger complained that France had directly insulted his country which sent troops to fight two world wars on French soil. "New Zealanders left the South Pacific to defend France and to

help France reclaim its land," Bolger said in a vitriolic attack in Parliament. "Is that our thanks—the fingers sign because the French military want bigger playthings?"

Bolger said France and New Zealand had been "friends for generations and in one act today France decided to hell with the friendship." "It is not too late for France to reconsider its position. There is a great deal at stake," Bolger said. Both Australia and New Zealand said they will downscale or freeze defense links with France in protest.

Japan's Foreign Minister Yohei Kono also criticized the French decision to resume testing, saying it violates the trust of the non-nuclear community. Kono expressed his disapproval in a telephone call to his French counterpart.

The Philippines and Indonesia joined other Asia-Pacific critics of France's decision.

[From the New York Times, June 15, 1995]

France Planning Nuclear Tests Despite Opposition, Chirac Says

(By Craig R. Whitney)

PARIS, JUNE 13.—President Jacques Chirac of France, defying international opposition to resumption of French nuclear testing in the South Pacific, said tonight that France would resume underground weapons tests in September but would stop them once and for all by the end of May 1996.

Mr. Chirac's predecessor, François Mitterrand, declared a moratorium on nuclear tests in April 1992.

"Unfortunately, we stopped a little too early," Mr. Chirac said, on the eve of a trip to Washington and New York to confer with President Clinton and Secretary General Boutros Boutros-Ghali of the United Nations.

In a news conference in Élysée Palace, Mr. Chirac described his decision as "irrevocable." He said the eight planned tests would have "no ecological consequences" and would complete a series, interrupted three years ago, intended to calibrate equipment that would allow computer simulations in future tests of the reliability of the French independent nuclear deterrent.

Mr. Chirac had been telegraphing his decision for some time, but it could influence the debate in the United States. Some military experts in Washington would like the Clinton Administration to make a few more tests before a permanent ban in a treaty that France, the United States and other countries have pledged to sign next year.

Adm. Jacques Lanxade, the French armed forces chief of staff, reported to Mr. Mitterrand a year ago that the military needed to make a few more tests to insure the reliability of France's nuclear deterrent, according to Defense Minister Charles Millon. But Mr. Mitterrand declined to lift the moratorium.

Mr. Chirac, a conservative who succeeded Mr. Mitterrand on May 7, denounced Mr. Mitterrand's action in 1992 as "a unilateral disarmament decision."

France's independent nuclear deterrent, largely submarine-based, has been the keystone of its independent national defense strategy since the early 1960's, when Gen. Charles de Gaulle decided that dependence on the United States nuclear deterrent was unacceptable.

CONGRATULATING NAVAL ACADEMY CLASS OF 1995

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

Mr. HOYER. Mr. Speaker, as a member of the Naval Academy Board of Visitors and a Member of Congress who has three of the greatest Naval installations in the country in my congressional district—the Patuxent Naval Air Station, the Indian Head Naval Surface Warfare Center, and the Naval Research Laboratory—I was extremely honored to join this year's graduation exercises at the U.S. Naval Academy.

Last year President Clinton in speaking to the graduates said that "I came here today because I want America to know there remains no finer Navy in the world than the U.S. Navy, and no finer training ground for naval leadership than the U.S. Naval Academy."

Mr. Speaker, I could not agree more with the words of our Commander in Chief.

This year, the graduation speaker was Secretary of the Navy John Dalton, who spoke of the timeless traits of leadership, traits I believe as Members of this body and as a nation we should practice in our everyday lives. I would like to submit the address by Secretary Dalton for the RECORD and close with one of his quotes to the outstanding graduates of the U.S. Naval Academy's Class of 1995:

This institution is unique because its mission is to ensure that in your hearts you are unique. . . . That foremost and everywhere the defense of American liberty will remain your task . . . whether in the Naval service or elsewhere.

My congratulations to the graduates of the class of 1995.

Mr. Speaker, I include Secretary Dalton's address for the RECORD:

TIMELESS TRAITS OF LEADERSHIP

(By Secretary of the Navy, John H. Dalton)

Thank you, Chuck [Admiral Larson]. I want to congratulate you on the outstanding job you have done here at the Academy. One of the decisions I am most proud of was my decision to make Admiral Chuck Larson Superintendent of the Naval Academy. He has stepped in and demonstrated once again his extraordinary leadership ability. I thank you, the Academy thanks you, the Naval Service thanks you, and, above all, America thanks you for producing such outstanding young officers as we have graduating here today.

I am very pleased today to have two people—who are very special to me—here with us. . . . First of all, my claim to fame—the first lady of the Navy, my wife, Margaret . . . and sitting with her is a young man who graduated with honors last year from Davidson College and taught for a year at a Peace Corps-related service in Jamaica—teaching kids in the third world . . . and who is going to be entering Officer Candidate School this August to become a Naval Officer of the United States Navy: my son John.

We are also very pleased to have with us today an outstanding Member of Congress, who has been a strong supporter and friend of the naval service, Congressman Steny Hoyer.

I have a letter I would like to read to you from our Commander-in-Chief. He wanted to be here today, but was called to that other Academy out in Colorado. I took the first prize and came here. The letter reads:

Congratulations to the class of 1995 as you complete your studies at the United States Naval Academy. You can take great pride in the skills and character you have developed, knowing that you are well prepared to meet the tremendous challenge of leadership. Through the past 150 years, more than 60 thousand Naval Academy men and women have helped to keep our nation great.

Today, America looks to you to maintain this tradition of excellence. I am confident that you will be equal to the task. As you establish new standards of able performance and lead the Naval and Marine Corps into the 21st Century, you will stand as a beacon of liberty and democracy for nations around the world. On behalf of all Americans, thank you for your dedication to the idea of freedom and your commitment for defending the Constitution of the United States. Best wishes to each of you for every future success. Signed. Bill Clinton

It is simply not possible to describe what a great honor and privilege it is for me to be the principal speaker at the sesquicentennial graduation ceremony of this great institution that I love. I'm proud to be a graduate of the United States Naval Academy, and I know how proud and excited you are today because I remember so well how I felt as I sat where you now sit on graduation day in 1964. The speaker was Congressman Carl Vinson, Chairman of the House Armed Services Committee. Due to the day's excitement, I remember very little of what he said.

Three decades from now, you probably won't remember much of what I say either. But, I hope that you get the main point. Actually, in preparation for this speech I went back to review Carl Vinson's text. He said, "during your Navy careers there not only will continue to be Secretaries of the Navy, but these Secretaries will also continue to shoulder heavy responsibilities." Those words did not have any significance to me at that time. They certainly do now! Paul Nitze was Secretary of the Navy then and handed me my diploma as I will have the honor to present yours to you today.

At graduation last year President Clinton said, "I came here today because I want America to know there remains no finer Navy in the world than the United States Navy, and no finer training ground for naval leadership than the United States Naval Academy." I could not agree more. Today, I want to talk to you about naval leadership and my experience here as a midshipman.

When I was a sophomore at Byrd High School in Shreveport, Louisiana, we had a guest speaker who said that in his opinion the finest overall education that anyone could get in our country was at the United States Naval Academy. My mother always taught me to "hitch my wagon to a star," so I decided right then the Academy was where I wanted to go. That was the only place I applied, but in the spring of my senior year, I learned that I had not been accepted. I was devastated! So, I went to LSU for a year, which I enjoyed, but my heart was still set on the Naval Academy. The next year I was admitted into the Class of 1964.

I got off to a rocky start as a plebe and continued to have some painful and humbling experiences. I wanted to row crew, but got cut plebe summer. The first time they published an unsat list for academics my name was on it. I wanted to fly, but my eyes deteriorated. I competed for a Rhodes Scholarship and was not selected.

But, I also had many great and memorable experiences here. I marched with the whole brigade in John F. Kennedy's inaugural parade. Sadly, I later led a special honor company that marched in his funeral procession

to Arlington National Cemetery. I spent first class summer on a foreign exchange cruise with Her Majesty's Royal Navy in Singapore. I had the privilege to serve as a striper in one of the truly great classes ever to graduate from here. For four years in a row, we "beat Army" in football . . . and I am confident that come the first Saturday in December, we are going to start that habit one more time!

The greatest lesson I learned came from our Superintendent, Rear Admiral Charles C. Kirkpatrick. He repeatedly told us, "You can do anything you set your mind to do, and don't you forget it." I pass that on to you. You can do anything you set your mind to do, and don't you forget it.

I know that right now your minds are on the end of your long voyage here . . . and the pride and joy you feel in what you have accomplished. Your family and friends share that pride and so do I. But along with the celebration, this is also a moment for each of you to think seriously about the challenges you will face in the future.

As you move forward in life, the one thing you will always need is a framework on which to base your approach to leadership. I have given much thought over the years to my own framework. It helped me with the leadership challenges I faced—as a midshipman, an active duty submarine officer, a Naval reservist, a community leader, and government official.

Recently an acquaintance of mine, a theologian from California, sent me a list of eight specific leadership traits that he drew from chapter 27 of the book of Acts in the Bible. In a succinct way, he has caught traits essential to my leadership framework. Now I'm not a preacher and this is not a sermon. But you certainly don't have to be a religious person to appreciate the value of these traits, and you don't have to be a Biblical scholar to interpret them.

These traits have stood the test of time. The list is as follows: A leader is trusted, a leader takes the initiative, a leader uses good judgment, a leader speaks with authority, a leader strengthens others, is optimistic and enthusiastic, never compromises absolutes, and leads by example.

This list can be exemplified by predecessors of yours from this Academy who have captured the essence of these leadership traits.

The first trait is trust. I am told by Admiral Larson that your class admires President Jimmy Carter, Class of 1947, and so do I. He personifies trust. He was successful with the Camp David Accords and the Middle East Peace Treaty, and he continues to serve the cause of peace in the world, because he is so honest and straightforward that he is genuinely trusted.

As plebes, you memorized a great example of trust. At the Battle of Manila Bay, Admiral George Dewey (Class of 1859) turned to the captain of his flagship and said, "You may fire when ready, Gridley." This Academy teaches trust and Admiral Dewey trusted each captain and crew to fight without need for his personal direction.

A leader takes the initiative. "Carpe Diem" Latin for "seize the day" has always been a fundamental tenet of leadership.

I find inspiration in this regard in the deeds of Vice Admiral Jim Stockdale, a classmate of President Carter, who took command of his fellow Prisoners of War in Hanoi at the height of the Vietnam conflict. Admiral Stockdale initiated and led cohesive resistance to torture and abuse despite the daily uncertainty of his own fate.

Good judgment is also critical to good leadership. Good judgment is not just evident in success, it can be most evident in defeat and disappointment.

In the Battle of the Coral Sea, the carrier USS *Lexington*—one of our few assets following Pearl Harbor—took multiple hits that caused her to list and burn. Rear Admiral Aubrey Fitch (Class of 1906), commander of the carrier group—and later a Superintendent of the Naval Academy—calmly assessed damage control efforts. He then turned to the *Lexington's* captain and said, "It's time to get the men off this thing." Twenty-seven hundred lives were saved by that one judgment call. A good leader needs to make tough decisions especially when things are going wrong.

The next trait is at the heart of a leader's personality. A leader speaks with authority. A leader needs to have sufficient confidence in what he is saying so that potential followers will be convinced. The best way to convince people is to speak with authority. And if that authority is matched by knowledge then the chances for leadership are greatly enhanced.

The development of the concept of amphibious warfare was initiated by Marine Corps Commandants who combined authority with conviction and knowledge. From its origins during the tenures of Commandants John Lejeune, Wendell Neville, and Benjamin Fuller, through the establishment of the Fleet Marine Force under General John H. Russell, all Naval Academy graduates, the development of the Marine Corps as America's expeditionary force was the result of leadership. It was backed by the experience of campaigns in the Caribbean, Central America, the Pacific and China. These leaders spoke with authority in directing new ideas because they had experienced the old ideas and borne the scars.

Likewise, when Chief of Naval Operations Admiral Arleigh Burke (Class of 1923) began the project to build the first fleet ballistic missile submarine, he needed to convince both the civilian leadership and the Navy itself that the program required top priority. The authority of his presentation was fortified with his combat experience—and his reflections about the deterrence implications of that experience.

A leader strengths others. A good leader does not seek to impose his or her own attitudes or solutions on others. Rather, the leader provides the support and guidance that prompts others to have confidence in their own abilities and decision-making.

When Fleet Admiral Chester Nimitz (Class of 1905) arrived to take command of the remnants of the Pacific Fleet at Pearl Harbor, his first effort was to renew the confidence of the staff and the commanding officers that they could go on to victory. Rather than making heads roll, he made them think. Rather than emphasizing the mistakes, he convinced his subordinates that they were the ones to overcome the past. Those who served under him recalled that his very "presence" seemed to give confidence wherever he was. He strengthened others to believe their abilities could achieve the crucial victory that they sought.

A leader remains optimistic and enthusiastic. To lead effectively, see the glass as half-full, not half-empty. Believe, every morning, that things are going to be better than before. Attitudes are infectious. Optimism and enthusiasm overcome the greatest challenges.

Captain John Paul Jones captured this idea with the immortal quote, "I have not yet begun to fight." I have a painting of that famous battle between the Bonhomme Richard and Serapis hanging in my office and it inspires me every day. John Paul Jones's spirit of optimism and enthusiasm has been a part of our Navy since the American Revolution.

A leader never compromises absolutes. Defense of American freedom and obedience to the Constitution of the United States are two absolutes the Naval Service lives by, and for which our Sailors and Marines may face death.

Admiral Hyman Rickover (Class of 1922), the father of the nuclear Navy—by whom I was interviewed for the Navy's nuclear program—vividly demonstrated this commitment to absolutes. He wanted to ensure there was no compromise in the safety of our submarines. And he did this by setting an example. Most Americans don't know that Admiral Rickover went on the first trial dive of every nuclear submarine the Navy built. He knew that it wasn't enough to simply certify on paper that a new submarine was safe. If Sailors were going to trust their lives to an untested submarine, he would go with them. If something seemed like it was going wrong during the dive, he would calmly go to the compartment where the problem appeared and sit to watch the crew handle it. How could you be afraid when this small, wrinkled old man was not? How could you treat safety as anything but an absolute.

This leads to the final quality on this list of traits: example. The best leaders need fewer words than most, because they lead with their lives. In the sports world, example is not just ability, but both the willingness to lead and the humility to support a team effort that is stronger than one skilled individual. Roger Staubach class of '65 and David Robinson class of '87 are competitors who set the example as both leaders and teammates.

Among today's Naval leaders, Rear Admiral Anthony Watson, class of 1970, has set an example that many young Americans have decided to follow. Raised in a public housing project in Chicago, he was a recognized leader in every position from midshipman to Commanding Officer to Deputy Commandant here, and became the first African-American submariner to make flag rank. He takes over soon as Commander of the Navy Recruiting Command, a position that demands a very public example.

And finally, I want to mention an academy graduate who exemplifies the fact that women in the Navy and Marine Corps no longer face any limits to their dreams. Since the age of ten, LCDR Wendy Lawrence, class of 1981, dreamed of becoming an astronaut. Three years ago she fulfilled that childhood dream. She became the first female naval aviator chosen by NASA for the astronaut program and was a mission specialist on the shuttle Endeavour's last mission. LCDR Lawrence demonstrates that what matters to the Naval service, above all else, is your performance as an officer. Man or woman, you will rise as high as your abilities will take you.

These eight traits of leadership provide a path, a course that has been marked for almost two thousand years.

There is a long line of Naval heroes before you . . . men and women tried by history. Your turn has come. That's what you were trained for. That is why the Naval Academy has existed for 150 years. Not just to educate . . . not just to train you in the arts of war . . . not just to provide competent officers. But to instill you with a commitment and tradition of service and leadership that will remain with you forever.

In character and in deed, you will always be the ones to set the example. This institutional is unique because its mission is to ensure that in your hearts you are unique . . . that foremost and everywhere the defense of American liberty will remain your task . . . whether in the Naval Service or elsewhere. Those people behind you are counting on you. When you shake hands with me as you receive your diploma, let's regard it as a pact—a bond between two graduates of this extraordinary institution—to be as worthy as we can possibly be of those who have gone before us . . . of those who march with us today . . . and of those who will follow us. In a few moments, your diploma and our handshake will seal that bond. And then the real challenge will begin.

God bless you. God bless the United States Navy and United States Marine Corps. And God bless America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

IN OPPOSITION TO FRANCE'S RESUMPTION OF NUCLEAR TESTING IN THE SOUTH PACIFIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, as a Member from the Pacific Islands, I rise again in strong protest of France's decision to resume detonating nuclear bombs in the South Pacific on French Polynesia's Moruroa Atoll.

French President Jacques Chirac claims that the eight atomic bomb explosions planned—about one a month between this September and next May—are completely safe to the environment. I am not persuaded.

The people of the Pacific know from firsthand experience the horrors associated with nuclear bomb explosions and testing. As an American, I am not proud of the legacy of the United States testing program of the 1940's, the 1950's, and the 1960's on Bikini and Rongelap Atolls in the Marshall Islands. Even now, a half-century later, that bitter legacy is still being felt in the Marshall Islands.

In particular, I have long believed that when the United States detonated the "Bravo Shot" on Bikini Atoll—a 15-megaton thermonuclear bomb, a 1,000 times more powerful than the Hiroshima bomb—the Marshall Islanders residing on nearby Rongelap and Utirik Atolls were deemed expendable. These Pacific islanders justifiably believe they were used as "guinea pigs" and test subjects for nuclear radiation experiments conducted by our Nation. People there have not forgotten memories of the offspring of Pacific islander women infected by radiation from the nuclear explosions—where babies were born dead and didn't look human and were sometimes called "jelly babies."

Although our country, decades ago, stopped its nuclear testing in the Pacific, our Nation is still mired in the process of facing responsibility and making financial reparations for the devastating impact that our nuclear bomb explosions had on the Pacific people of the Marshall islands.

France has detonated over 200 nuclear bombs already, with almost all of those nuclear explosions taking place in the South Pacific. After sustaining the incomprehensible destructive energy unleashed by these bombs, French Polynesia's Moruroa Atoll has been described by scientific researchers as a "Swiss cheese of fractured rock." Leakage of radioactive waste from the underground test sites to the surrounding waters and air has been predicted and is inevitable; this embodies the environmental nightmare that the people of the South Pacific have long dreaded.

According to the international physicians for the prevention of nuclear war, underground nuclear tests, such as those at Moruroa Atoll, cause radioactivity to leak out into the sea and reach human beings through the food chain. Previous nuclear explosives in the South Pacific have resulted in a number of epidemic-like outbreaks in surrounding communities, where symptoms included damage to the nervous system, paralysis, impaired vision, nausea, and diarrhoea. I do not find it surprising that reports of increased cancer rates among Tahitians have surfaced. The damage to the marine environment can only be imagined.

Political leaders in French Polynesia, including French Polynesia's President Gaston Flosse, have registered strong objection to resume nuclear testing in their homeland. A hostile reaction from the Tahitian public is generating and efforts to discourage violence are being undertaken. Understandably, the people of French Polynesia are greatly disturbed by the rebirth of the nuclear monster in their midst and the nuclear poison to be spawned.

I and many other Pacific islanders have the greatest respect for French oceanographer Jacques-Yves Cousteau, who over the years came to the shores of many South Pacific islands for research and while there gained a special sensitivity for the pacific lifestyle and our vital dependence on the sea. Jacques Cousteau, in my mind, is the leading international spokesman for protection of the environment and conservation of all forms of marine life.

I am gratified to learn that Jacques Cousteau has condemned his Government's decision to resume exploding nuclear bombs in the South Pacific. In a statement from Paris, Cousteau stated his regret that France has given in to outdated arguments, as great wars are of the past. Cousteau declared that today's wisdom makes it necessary to outlaw atomic arms.

With French opinion polls documenting Jacques Cousteau as the leading popular figure in France, I would urge him to take up the fight with the good people of France to stop their Government's resumption of nuclear bomb detonations in French Polynesia. Jacques Cousteau, perhaps more than anyone else, has a unique and keen appreciation of how nuclear bomb explosions constitute the ultimate rape of the South Pacific's fragile marine environment.

□ 1430

Mr. Speaker, I say to the good people of France, your Government has already exploded over 200 nuclear bombs and yet it seeks to further pollute the South Pacific with eight more nuclear bomb detonations. With the world moving toward agreement that nuclear weapons should be outlawed, France's action encourages the exact opposite. By dismissing criticism of additional tests with the excuse that France has tested less than other nuclear powers, France opens a Pandora's box that may undermine negotiation of a comprehensive test ban treaty. This also leaves the door open to justify China's nuclear testing program and the fact that China has only tested 34 nuclear detonations, so by this reason let us allow China to test 174 times or explode 174 more nuclear bombs, and then in addition to that let us allow China to explode 900 more nuclear bombs to catch up with the United States.

What madness, Mr. Speaker. What madness.

Mr. Speaker, I submit for the RECORD the following article:

[From the New York Times, Mar. 21, 1995]

CHIRAC, THE OLD NEO-GAULLIST, IN THE LEAD

(By Craig R. Whitney)

TOURS, FRANCE, March 21.—Jacques Chirac, the Mayor of Paris, who has run for the French presidency and lost twice, now looks set to win on his third attempt, unless every public opinion poll is wrong or some surprise turns up before the runoff on May 7.

Mr. Chirac surged past his fellow conservative, Prime Minister Édouard Balladur, a month ago to become the favorite to succeed President François Mitterrand, a Socialist, who has been in office 14 years.

How Mr. Chirac, a 62-year-old conservative politician, has managed to make himself the image of change incarnate is the phenomenon of the 1995 presidential campaign.

His supporters say he has done it by patiently cultivating the grass roots since the summer of 1993 and listening hard to what voters say they want. With unemployment stuck at over 12 percent and French industries struggling under the burdens of an expansive welfare state, what many voters want is change, and Mr. Chirac has convinced a lot of them that he can deliver.

Although himself a graduate of the elite School of National Administration, Mr. Chirac says he wants to free France from technocrats and restore the egalitarian values that have given the country vitality for

200 years. He has promised job creation by making it less costly for businesses to hire new employees.

By now, Mr. Chirac is greeted by big crowds wherever he goes. Five thousands people—students and pensioners, farmers and workers—packed a fairgrounds hall outside Tours on Tuesday night to hear him explain how he would restore hope and unity to a country that he says is troubled by a lack of self-confidence.

"What I expect from him if he wins is a big reduction in unemployment," said Jean-Charles Paronnaud, a 28-year-old unemployed supermarket clerk.

Another supporter, Marie-Jeanne Avril, said: "I'm here because I'm an old Gaullist. For 45 years I've been voting for the general, even though he left us long ago, and this time I'll vote for Chirac."

Mr. Chirac founded his and Mr. Balladur's party, Rally for the Republic, in 1976 to perpetuate the legacy of President Charles de Gaulle, the founder of the Fifth Republic. He often shares the general's stubborn vision of France's destiny in a Europe of proudly separate countries rather than as part of a federal United States of Europe.

Given France's economic and financial problems, if he does win this spring Mr. Chirac may also need de Gaulle's ability to convince people that he knows what they want and then to carry through on it, whether they like it or not.

"Politicians all make promises, but this is the first time I've met one who actually seemed interested in listening to me," said Jacques Maurice, a 47-year-old homeless man from Pithiviers whom Mr. Chirac met on the way to Tours. "He'll get my vote," Mr. Maurice said.

Part of Mr. Chirac's appeal has been that, unlike the stiff Mr. Balladur, Mr. Chirac seems to enjoy rubbing elbows with voters and to be at ease with himself. On his campaign tour, he wore a dark green top coat over his suit, and his slicked-back hair looked almost as much in need of a trim as Mr. Maurice's.

But Mr. Chirac's personal image is carefully thought out, as is the impassioned delivery of his campaign speech—a crooning baritone that always recites a prepared text. Nonetheless, his hour-long stump speech here was often drowned out by cheers. "I refuse the idea that one France, more and more people all the time, is doomed to be left behind while the other is more and more heavily taxed to come to its aid with welfare instead of jobs," he told the crowd. "We have to break this vicious circle."

Audiences have also taken to his pro-Main Street, anti-Wall Street style. Capital should be at the service of the people it employs, he tells them, not parked in high-yield bonds.

More and more people are obviously convinced that he has the right answers. Two public opinion polls published on Tuesday showed Mr. Chirac pulling farther ahead of both his Socialist opponent, Lionel Jospin, and Mr. Balladur.

With at least four other candidates expected to be in the race, Mr. Chirac could win about 29 percent of the vote in the election's first round on April 23, the two surveys indicated, with as much as 22 percent for Mr. Jospin and 17 percent for the Prime Minister. A poll for the weekly magazine Express showed Mr. Chirac could handily defeat either candidate in the runoff between the two top vote-getters on May 7.

Though he served as Prime Minister under Mr. Mitterrand between 1986 and 1988, Mr. Chirac seldom mentions him by name. He ran against Mr. Mitterrand in 1988 for the presidency, and lost.

When the conservatives won the parliamentary elections in March 1993, Mr. Chirac chose to stay in city hall and let Mr. Balladur find out the hard way what it was like to be Prime Minister and run for President at the same time.

If he has been vindicated by that choice, Mr. Chirac also has some things to live down. One of them is what critics characterized as a chauvinist appeal to the nation made at the end of 1978, when he called for a disavowal of Mr. Giscard d'Estaing's pro-European policies, and spoke darkly of the menace of "the foreigners' party." Ever since, some politicians in Germany have questioned what relations with France would be like if Mr. Chirac became President.

German prowess remains very much on Mr. Chirac's mind. Speaking of the possibility of establishing a common European currency by the end of the decade, Mr. Chirac said he might call for a referendum to be sure France wanted to merge the franc with the German mark and other bills.

"The core of the problem, as General de Gaulle often said, is not whether we surrender this or that bit of sovereignty, but whether we do so on the same terms as Germany does," he said.

WE NEED ANSWERS

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I rise with some reluctance, but with some determination, to raise some questions about a very serious matter that occurred a short time ago. Together with Captain O'Grady we all thank God upon his return. It was, in fact, a miracle that he has been returned to us seemingly unharmed, and for that we are all very, very grateful, but I think some questions need to be asked about the circumstances under which Captain O'Grady had found himself in the air within the range of a SAM SA–6 missile.

In reviewing some news reports and some quotes of some individuals recently, I was prompted to go back to a report that the House Republican task force on terrorism and unconventional warfare issued in June of 1993 about issues related to this subject. In that month we issued a report, and I would like to read a part of it because it has a direct bearing on this issue.

Part of the report says the Serbian forces operate four SAM regiments, with the main concentration of Serb air defenses around the Banja Luka Air Base, including one SA–2 regiment, one battery of SA–6's, and one battery of old triple-A antiaircraft weaponry. Now this Banja Luka Air Base also has a facility located on it that repairs and upgrades SA–6 missiles. This was all confirmed in June of 1994 by a well-respected defense publication known as Jane's Defense Weekly when they confirmed all of the information we had in 1993. Unfortunately for us, I think, on June 2 General Shalikashvili, in being interviewed by the Senate Armed Services Committee, said, and I quote:

"We had absolutely no intelligence that Serb SAM's were in the area. For months," he said, "if not for years, there had never been detected an air defense site in that area," and he said the words "Banja Luka."

So I have very serious concerns about the fact that we knew this 3 years ago, that Jane's Defense Weekly reported it in 1994, and our top officials at the Pentagon seemingly had no idea that this in fact was the case, and so I think it raises some very, very important questions.

We read in the other news report more recently, June 13, after we released our report from 1993 just recently to the press, and that was reported that Ken Bacon, spokesman at the Pentagon, said at that time, "Finally, we were well aware of the Banja Luka facility where the Bosnian Serbs repair and maintain surface-to-air missile systems. The F–16 that Captain O'Grady was flying on June 2 was shot down outside of the area known as the threat envelope of the Banja Luka SAMs."

Now the F–16, as far as I can determine from news reports and from other information that we have been able to gather, was shot down less than 40 kilometers from Banja Luka. It is important to know that these SA–6's are track-mounted vehicles along with a second track-mounted vehicle which carries the radar which integrates into the system, travels 30 or 40 miles per hour, and so certainly it should have been considered, in my opinion, within the envelope that short distance from Banja Luka, and it seems to me that anyone making plans to carry out these missions should have taken that into consideration.

So I think this raises at least three questions, maybe more:

No. 1, what intelligence did the field commanders have at their disposal while making these very, very important and life-threatening decisions?

No. 2, what were the operational policies, and where were they made? What were the operational policies?

Our information is that there were 2 F–16's, and normally, if there is a threat of surface-to-air missiles, there are five aircraft, including radar jamming aircraft. I believe F–4's, known as Wild Weasels, would normally accompany our F–16's on these types of missions to guard against the type of events that actually happened.

No. 3, was it not reasonable to assume that Banja Luka, less than 40 kilometers away, was in fact part of the dangerous envelope into which these airplanes were flying?

So I would just conclude, Mr. Speaker, by saying this:

In 1993 we were able to gain information that said this was a danger. Jane's

Weekly reported in 1994 that this was a danger. Captain O'Grady was shot down proving that it was a danger, and we planned and carried out the mission anyway.

I would like answers to those questions. I have requested the same. I have requested Chairman SPENCE to hold hearings on this issue. I would like to know who is making these decisions, and where they are being made, and under what circumstances they are being made. We have other pilots, soldiers and sailors to think about. I believe this is a very serious issue.

CORRECTIONAL PEACE OFFICERS MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Speaker, today I attended the annual memorial service held at the Iwo Jima Memorial in Arlington, VA, sponsored by the Correctional Peace Officers Foundation, Inc., as part of National Correctional Peace Officers Memorial Week. This service was held to commemorate the sacrifice of those correctional peace officers who died in the line of duty and to honor their families. I should like to submit for the RECORD the names of those individuals honored, together with the circumstances surrounding the individuals' deaths.

Inspector Stephen Stewart, Texas Department of Criminal Justice, Huntsville, Texas. Killed on January 7, 1994. Surviving: Wife, Debbie Stewart and three children, Clayton—age 22, Casey—age 21, and David—age 11½. Mr. Stewart was a Correctional Officer prior to promoting to Inspector. While transporting an inmate work crew, his vehicle spun out in gravel overturning the vehicle. Inspector Steward was killed at the site.

Group Supervisor Arnold Garcia, Los Angeles County Probation Department, Dorothy Cirby Center Residential Facility, Downey, California. Killed on April 4, 1994. Surviving: Wife, Alma Garcia and four children, Christian—age 15, Fatima—age 11, Joseph—age 8, and Anthony—age 2. Supervisor Garcia was struck in the head with a desk leg and beaten to death by two wards who attacked him during the graveyard shift in the dormitory housing unit. The two wards were apprehended in a railroad yard trying to leave the area.

Correctional Officer Dennis Stemen, Allen Correctional Institution, Ohio Department of Corrections, Lima, Ohio. Killed on July 5, 1994. Surviving: Wife, Patty Stemen and four children, Elizabeth—age 9½, Johah—age 7½, Jordan—age 5, and Bethany—age 3. Officer Stemen was killed following a transportation detail of an inmate to a hospital for treatment. After dropping off the inmate at the hospital some hours from his institution, he and another correctional officer were asked to stay and work due to a shortage of correctional officers at the hospital. Later, they started the long drive back to their facility when the vehicle they were driving left the road causing Officer Stemen's death. He was killed when he was ejected from the State van.

Correctional Sergeant Marc Perse, Colorado Territorial Correctional Facility, Colorado Department of Correction, Canon City, Colorado. Killed on August 15, 1994. Surviving: Wife, Pam Perse. While a member of the S.O.R.T. TEAM, Sgt. Perse was killed during a rappelling training exercise which required him to rappel down a 90 foot tower. Sergeant Perse was killed when his equipment failed.

Warden Charles Farquhar and wife Doris Farquhar, State Cattle Ranch, Alabama Department of Corrections, Greensboro, Alabama. Killed on October 23, 1994. Surviving: Son Robbie and his wife Nita, and two grandchildren, Drew—age 11, and Charlie—age 5. Warden Farquhar and his wife Doris were assaulted by trustee inmates at the State Cattle Ranch, beaten to death and then burned in their house. Several inmates were also killed trying to come to the Farquhar's aid.

Correctional Officer Louis Perrine, Powder River Correctional Facility, Oregon Department of Corrections. Killed on November 17, 1994. Surviving: Wife, Marilyn and three children, Steven—age 29, Anthony—age 27, and Audra—age 25. Officer Perrine was killed during the supervision of an inmate work crew. During heavy winter storms, he was trying to clear an area with a tractor/grader when it flipped, rolling over on Officer Perrine and killing him instantly.

Senior Correctional Officer D'Atonion "Tony" Washington, Georgia State Penitentiary, Federal Bureau of Prisons, Atlanta, Georgia. Killed December 12, 1994. Surviving: Mother—Delphine and Father Frederick. Officer Washington was alone in a housing unit when he instructed an inmate to move to another area and the inmate assaulted him and beat him to death.

Lieutenant Robert Boud, Essex County Jail Annex, Department of Public Safety, Caldwell, New Jersey. Killed on January 8, 1995. Surviving: Wife, Kathy and four children, Katie—age 17, William—age 15, Matthew—age 10, and Kimberly—age 22. Lieutenant Boud died of a heart attack immediately following an inmate altercation/struggle.

Correctional Officer Leonard Trudeau, Metro/Dade County Department of Corrections, Florida. Killed on January 16, 1995. Surviving: Ex-Wife, Brenda and one child, Christina—age 12. Officer Trudeau was enroute home following his shift when he came upon a vehicle accident. While assisting the involved motorists as a good samaritan, another vehicle happened upon the accident at too high a rate of speed and while trying to avoid hitting the already involved vehicle, the second vehicle hit the guard rail and hit Officer Trudeau.

Mr. Speaker, we owe these people who have made the ultimate sacrifice and their families who must live with the consequences of that sacrifice an unparalleled debt of gratitude. Our hearts go out to the families—the spouses, children, siblings, and parents—and our prayers go up to God in their behalf. May we honor the deceaseds' sacrifice by so living our lives that we each may do our part to make this country a better place in which to live.

AFFIRMATIVE ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, in light of recent Supreme Court rulings that raise the hurdle of educational and economic opportunity for millions of minority citizens in America, I rise this evening to speak about the philosophical questions now facing this Nation with respect to affirmative action.

Many of us saw the headlines after Adarand was decided, and of course it behooves the national media to claim that affirmative action, or maybe equal opportunity, was dead. But let me begin with the general principles and philosophy of affirmative action by posing the simple yes or no question:

Does American society today provide all, all of its citizens, with an equal opportunity to succeed? I would imagine, if you were truthful, what your answer would be, and if you actually answer this question with a yes, you must be one of the following: unfortunately alarmingly uninformed, or maybe far less than forthright, or sadly a Republican Presidential candidate for office, or some of my Republican colleagues offering antidiscrimination legislation in this body.

How else could one deny that which we all know in our hearts to be true, and that is that, while we are all created equal, we, by no means, are treated equally in our society.

As initially conceived by the Johnson administration and as put in place by the Nixon administration, bipartisan Federal affirmative action programs were never intended as and have never been applied as a knee-jerk set of quota rules and regulations. Nor have affirmative action programs ever sanctioned the hiring or promotion of unqualified individuals over those who are eminently more qualified. Who would abide by that?

Affirmative action has always been and remains a good-faith effort to help historically underprivileged Americans compete on a more equal footing in the areas of education, business, employment, housing, and finance, simply attaining the American dream. For if we are to ever attain our American ideal of a colorblind society, which many would raise in debates all across this Nation, carrying the flag and suggesting that all they want is a colorblind society, which is where all men and women, boys and girls, are judged solely by the content of their character, not the color of their skin, first stated, by the way, by Dr. Martin Luther King, then clearly we must come to terms with our less-than-egalitarian past.

While we focus on our brutal 400-year legacy of slavery that ended merely technically only some 30 years ago, with the passage of our Civil Rights and Voting Rights Acts, or the "glass ceiling" that has kept women from achieving, like their male counterparts, in the American workplace, it is obvious that we must do more to include a wider variety of our citizens' talents, energies, and potential of all aspects of American life. The Bush administration established the Glass Ceiling Commission to keep track of

report on minority employment and trends in American business.

Mr. Speaker as most of my colleagues know, the Commission's February report told us that 95 percent of the top executive jobs in America's top 2,000 corporations are still held by white men, many of whom I have had the opportunity to dialog with, heads of these corporations who have said we are still working and striving to create diversity at the higher levels.

That information can logically lead us to two possible conclusions: Either majority males are naturally superior to all human beings and, therefore, rightfully merit their positions, or there is still troublesome and pervasive discrimination at work in our society.

There are all kinds of discrimination. Let us be realistic. Some is subtle, even subconscious, such as when a majority male executive—who happened to be hired by a majority male executive—has to decide between two similarly qualified job applicants, another majority male and perhaps a minority female.

By doing what statistics tell us he probably will; that is, hire the majority male, our executives have not necessarily engaged in overt, willful acts of discrimination, racism, or sexism. I am certainly saying and not suggesting that all majority male executives would do any of this. But the effect is the same. It occurs, it happens. Ninety-five percent of those positions are held by majority males.

And I should note, Mr. Speaker, as we all know, there are thousands of acts of overt and willful discrimination occurring every day, and we can bury our heads in the sand and pretend these virulent problems do not exist, or we can openly discuss our lingering racism and sexism in ways to improve and reform our affirmative action programs.

But rather than enter into a reasonable discussion of this critical national issue, many demagogs have chosen their scapegoats and now seek to exploit the economic anxieties of millions of Americans, and that is why the headlines, and the talk shows and the blame game.

The demagogs want Americans who are justifiably worried about a rapidly changing global economy to believe that the minorities are to blame for their economic woes.

They want us to believe that welfare mothers are to blame for all of America's troubles.

That hard-working legal immigrants should be distrusted.

And that all young African-American males are potential criminals and thus incapable of contributing to the strength of America.

This is shameless, this is nonsense. Mr. Speaker, I call upon this House, I call upon the Senate, I call upon the leadership of this Nation and all of the American people to answer the question of equality truthfully. Have we reached it? Absolutely not. Can we do it? Yes, we can. Can we do it together? Absolutely.

I challenge this society and America, Let's do it together and create a true equality for all Americans, real affirmative action.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes as the designee of the minority leader.

Mr. GONZALEZ. Mr. Speaker, serving in a body as unique as this is in the world, I believe the only such representative body in the world as our House of Representatives reveals, we still have the people exercising the ultimate decision as to whom they want to represent them in this most formidable and auspicious and important body known as our national legislative branch.

□ 1445

It used to be that even though you have open and free elections, the limitations were of such a nature that the general citizenry in a given sector had not too much choice between candidates, to a certain extent perhaps it is true today because of the horrendous cost in campaigning in modern day American politics and the consequent power behind the power going to those who have the money, directly or indirectly.

I rise as one of the most privileged persons, not only in the United States, but I think in the world. I have said this often and from the beginning. In no other country would the likes of myself, with no particular economic recourse, social position, or the like, have won election in an entire county with the most formidable opposition that could be developed, well monied, well prepared, and as an individual with no particular economic resources, but having had the privilege of serving in varying capacities since youth, had been in intimate contact and association with every sector, not just of my own neighborhood, but the county.

That, again, happened because of unique circumstances. I was one of the so-called first breakthroughs in that area of the country. But even at that dim age, it was considered quite a startling event that the then county judge, also serving as juvenile court judge, would have picked me to head the juvenile court staff in that county at that time. That is quite a number of years ago. It was my first exposure to the public matter. The last thing I ever thought would be that I would be engaged in seeking public office. I grew up in the context of the world that is long gone past, and structured so differently from today that there is no way I could bring to today's mind and evoke that period of time.

I rise because there are very important things happening that the average citizen is not going to know about, even after they happen, until he feels the impact or the effect, if at all it becomes that noticeable. This has been the sorry fate for some decades now. Instead of this being the most deliberative, considered body, with debate, full-blown debate, that has not been the case for quite some decades.

If I were to be asked after all these years and all of this what is the thing you think, it isn't any great accomplishment or anything, but I think the greatest thing I would say is that I did stimulate and create the conditions for debate, where there would be no escaping and sashaying with fine toe dancing out of the issues.

Now, next week the Committee on Banking and Finance, as it is known now, is expected to mark up what euphoniously is called a regulatory relief bill. The number of that bill is H.R. 1362. I say it should be 1313, because it is sure going to be unlucky for the consumers if it gets enacted. It is equally bad for bank safety, believe it or not, and a disaster as far as public beneficial and creative policy is concerned.

Some of it, of course, like most things, makes some sense. There are parts of the banking statute that impose needless burdens, and we enacted legislation last year that repealed a pretty good substantial number of duplicative or needless or outdated regulations. We did that last year. But, unhappily, the bill that the Committee on Banking and Financial Services is about to take up is a grab bag of banking, lobbyist-driven excesses. As reported from the subcommittee, the bill guts important safety and soundness regulations, rips the heart out of basic consumer protection laws, and grants legal protection for careless and crooked bank officers and directors.

It is unbelievable, yet we have got it. I feel it urgent enough for me to take time on this day, where normally I would be preparing to go home, in order to bring the attention of my colleagues, including those who are members of the committee, about this.

In addition to that, as bad as that is, the bill effectively prohibits the Justice Department from enforcing fair lending laws, which took years of struggle for us to finally have enacted some time ago. Oh, the lobbyists are celebrating greatly, but the bank customers and the taxpayers, my advice is you better check your wallets. You are about to be fleeced.

Here is an example. Under this bill a customer whose credit card is lost or stolen has his liability jacked up tenfold, tenfold. If an ATM card is lost or stolen, the customer's whole bank account can easily be wiped out, with no recourse.

What this means is that credit cards are about to become far riskier to customers, so much so that they might want to tear up their automatic teller cards and rely on old-fashioned transactions with bank tellers. But many banks are raising their fees, so customers, if they can find a bank in their neighborhood, may find it too expensive to do that.

The bill makes it a whole lot easier for banks to engage in discriminatory practices. Can you feature that? After all of this ado over these years about antidiscrimination fights and please, thanks to one especially zany amendment, the Justice Department is barred from investigating fair lending cases.

Another provision wipes out laws that provide the information and the data that can provide lending discrimination. Fully 35 percent of lenders are exempted from the Home Mortgage and Disclosure Act. Therefore, under this bill, even if the Justice Department wanted to investigate a case, it would not have access to lending data.

And that is not all. The bill wipes out any kind of case built on desperate impact theories, cases that attack situations that look fair but are in fact discriminatory in their result. This means about the only way a customer could win a fair lending case is for the lending officer to say flat out, "We do not make loans to your kind of people."

Banks will have nothing to fear, or if they want to engage in discriminatory lending, they can do so, as long as they are not just absolutely blatant about it.

This provision, in my book, makes the bill unacceptable on its own. But the bank lobby grab bag bill gets even worse. Bank officers and directors whose bank fails, mind you, here are banks, bank owners and directors who fail, either through incompetency or crookedness or what have you, will have the taxpayer pick up the tab. They will have a whole lot less to worry about under this bill. It is a rollback to what we have for years fought so much against in the past.

The Government will have to accept settlement offers or run the risk of having to pay the legal costs of the defendants. Defendants are given new defenses that the courts have refused to accept. A bank president with a bad business judgment gets off scot-free, because under this bill stupidity is made a valid defense against liability.

Oddly enough, if you can say that anything more could be odder, the vast new protection this bill grants the bank insiders come from the very party that regularly ridicules the Government for not recovering more money from the crooks and the incompetents who raided banks throughout the wild days of the eighties.

You would think that the party of rugged responsibility, and that is my opposition party, the so-called Republican Party, would want to demand that bank officers and directors be responsible. But far from it. They are making it far easier for incompetence and outright hooligans to rob a whole new generation of banks and customers.

One idea the Republicans had was to exempt the whole new class of banks from the requirement that the bank audit committee actually be independent and objective, not the captive management of management and insiders. But an outside audit committee is only required for a big bank, those of $500 million resources or more.

Thankfully, we may be able to preserve this protection. It sounds like a small thing, but the eighties taught us that a bank that does not have an independent audit committee has very little protection against a crooked management. If the majority changes its mind, the opposition party, and insists on gutting the independent audit committee requirement, my friends and fellow citizens, you better get ready for a fast increase in the number of banks that are robbed from the inside by their own management.

Inside robberies would be made easier by yet another provision of the bill that remains in place, a huge new increase in loans permitted for insiders.

Now, banks used to be chartered for a reason. In fact, that is still the basic law. This was the exact and single-minded purpose for the chartering of a bank. Public need and convenience. Those were the words of the statute as enacted originally. Public need, convenience, or necessity.

One thing you would like to have is a bank that makes loans to the community. We have a very simple law, and, incidentally, the banks hate it, to try to target that, the Community Reinvestment Act. Banks hate the idea of having to show that they are doing a service to the community. The administration has responded to legitimate concerns about complexity in compliance with community reinvestment. So a new regulation is now in place that should make life a whole lot simpler for everyone.

But lo and behold, the banks did not want a regulation that is sensible or easy to live with. They do not want anything that requires them to show they are serving the customers.

□ 1500

So the bill now in the Committee on Banking and Financial Services, true to lobby demands, would exempt 90 percent of all banks from having to comply with the Community Reinvestment Act at all and renders the law, consequently, meaningless and useless for the rest.

Still other parts of this nefarious bill apparently will enable banks to change their charges and fees without prior notice, without any notice, just arbitrarily. This, of course, will make banks one of the few businesses in the country that do not have to tell customers about price changes. It is absolutely unbelievable to me, a child of the depression era in which we saw, felt, and suffered the excesses of the banks then that are now being put back in. So I think anybody who knows me knows exactly that this is what I would be doing today.

Banks already do not have a list price on their main product; that is, loans. Most loans are tied to a prime rate number, but guess what, the great majority of loans are made well above or well below that price. Favored customers pay below the posted rate, but small businesses pay more, lots more. Of course, since there is no meaningful disclosure law, bank customers have a hard time finding the best deal. It is about to get harder for bank customers to know much about price changes or other bank services as well, check processing, credit card fees or whatever else, because this pending bill apparently strips away requirements that such price changes be disclosed.

Another provision of this bill wipes out any meaningful disclosure about interest payments on customer deposits. So when you understand this bill, you discover that the customer loses any ability to easily find out who offers the best deal on deposits and who offers the best deal on services. The customer also suffers huge new liabilities in the case of credit card or ATM loss or fraud. The bank regulatory relief bill may deny some lobbyist some way, a wish or a hope, but it is their relief bill still. I cannot think of a lobbyist that the bill leaves unhappy.

I have been around here some time, privileged to have been so by the constituents in the 20th Congressional District of Texas for a good period. Since my special election in 1961, to be precise. So I have been here long enough to know that whenever there is a feeding frenzy like this, it is the poor folks out on the beltway who will end up crying and gypped and stolen from.

No matter how you look at it, this legislation will make it difficult or impossible for customers to know what a bank is charging for loans and services. This is incredible to me, a child of that period of time in which it was obvious that the suffering demanded that there be regulatory imposition. And here, now, has moved full circle. So that it is impossible for customers to know what a bank is charging for loans and services and close to impossible to avoid huge losses in credit card or ATM card frauds, virtually impossible to win a case involving discrimination and very much likely to be paying more for bank fraud and mismanagement, which are bound to increase, of course, thanks to the way this bill shreds safety and the soundness requirements.

When this legislation reaches the floor, it will be called regulatory relief.

A better name is, customer grief bill. The lobbyists and the special interests have run amok, and if this bill is enacted, it will be a sad day for the customer and the taxpayer. Instead of marking up this bill next week, the Committee on Banking and Financial Services would be better advised to tear it up and to start all over.

I wish somehow and, in fact, pray that something happens in the interim in that we can prevail and perhaps do so. But the reality is that the chances of that happening are minimal and, therefore, I am reporting to my colleagues here on the record so that nobody can say that nobody told them so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY.) Visitors in the gallery should not express sentiment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DICKEY (at the request of Mr. ARMEY), for today, on account of attending his son's wedding.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT), for today after 12:35 p.m., on account of official business.

Mr. MINETA (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today after noon, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

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. WISE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, today.

Mr. DOOLITTLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. WARD.

Ms. DELAURO.

Ms. WOOLSEY.

Mr. ACKERMAN.

Mrs. MEEK of Florida.

Mr. TRAFICANT.

Mr. ENGEL.

Mr. COLEMAN.

Mr. TORRES.

Mr. DIXON.

Mr. MEEHAN.

Mr. LANTOS.

Mr. WYNN.

Mr. BARRETT of Wisconsin in two instances.

Mr. LAFALCE.

(The following Members (at the request of Mr. SAXTON) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. FIELDS of Texas.

Mr. SOLOMON.

Mr. CALLAHAN.

Mrs. ROUKEMA.

Mr. GILLMOR.

Mr. LIGHTFOOT.

Mr. HASTERT.

Mr. STARK.

Mr. LIPINSKI.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, June 19, 1995, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1063. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Germany for defense articles and services (Transmittal No. 95-28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1064. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in April 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 168. Resolution amending clause 4 of rule XIII of the Rules of the House to abolish the Consent Calendar and to establish in its place a Corrections Calendar (Rept. 104-144). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 1812. A bill to amend the Internal Revenue Code of 1986 to revise the income estate, and gift tax rules applicable to individuals who lose U.S. citizenship; with an amendment (Rept. 104-145). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant clause 5 of rule X the following action was taken by the Speaker:

H.R. 1062. Referral to the Committee on Commerce extended for a period ending not later than June 22, 1995.

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. FIELDS of Texas (for himself and Mr. MARKEY):

H.R. 1869. A bill to amend the Communications Act of 1934 to extend the authorizations of appropriations of the Federal Communications Commission, and for other purposes; to the Committee on Commerce.

By Mrs. MORELLA:

H.R. 1870. A bill to authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for Scientific and Technical Research Services and Construction of Research Facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, and for other purposes; to the Committee on Science.

H.R. 1871. A bill to authorize appropriations for the National Institute of Standards and Technology Industrial Technology Services for fiscal year 1996, and for other purposes; to the Committee on Science.

By Mr. BILIRAKIS (for himself, Mr. WAXMAN, Mr. BLILEY, Mr. DINGELL, Mr. HASTERT, Mr. WYDEN, Mr. UPTON, Mr. MANTON, Mr. KLUG, Mr. TOWNS, Mr. GREENWOOD, Mr. STUDDS, Mr. BILBRAY, Mr. BROWN of Ohio, Mr. GANSKE, Ms. FURSE, Mr. MOORHEAD, Mr. DEUTSCH, Mr. RUSH, Ms. ESHOO, Mr. STUPAK, Mr. GUNDERSON, and Ms. PELOSI):

H.R. 1872. A bill to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990; to the Committee on Commerce.

By Mr. BOUCHER:

H.R. 1873. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. BROWDER:

H.R. 1874. A bill to modify the boundaries of the Talladega National Forest, AL; to the Committee on Agriculture.

By Mr. COLEMAN:

H.R. 1875. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District; to the Committee on International Relations.

By Mr. EVANS (for himself, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. OLVER, Mr. HINCHEY, Mr.

GUTIERREZ, Mr. DURBIN, Mr. SERRANO, Mr. SHAYS, Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. VENTO, Ms. SLAUGHTER, Mr. JOHNSTON of Florida, Mr. MINGE, Mr. DEUTSCH, Mr. DELLUMS, Mr. BARRETT of Wisconsin, Mr. ABERCROMBIE, Mr. TORRES, Mr. BROWN of California, Mr. WYDEN, and Mr. CONYERS):

H.R. 1876. A bill to support proposals to implement the U.S. goal of the eventual elimination of antipersonnel landmines, to impose a moratorium on the use of antipersonnel landmines except in limited circumstances, to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX (for himself, Mr. CALVERT, Mr. BAKER of Louisiana, Mr. SCHUMER, Ms. MCKINNEY, and Mr. LATOURETTE):

H.R. 1877. A bill to amend title 28, United States Code, to allow suits against foreign states for damages caused by torture, extrajudicial killing, and other terrorist acts; to the Committee on the Judiciary.

By Mr. HOBSON (for himself and Mr. HALL of Ohio):

H.R. 1878. A bill to extend for 2 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under the Dayton Area Health Plan; to the Committee on Commerce.

By Mr. HORN:

H.R. 1879. A bill to authorize the Secretary of the Interior to participate in the Alamitos barrier recycled water project and in the Long Beach water desalination and reuse research and development project; to the Committee on Resources.

By Mr. LAHOOD (for himself, Mr. RUSH, Mr. REYNOLDS, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. FLANAGAN, Mr. HYDE, Mrs. COLLINS of Illinois, Mr. CRANE, Mr. YATES, Mr. PORTER, Mr. WELLER, Mr. COSTELLO, Mr. FAWELL, Mr. HASTERT, Mr. EWING, Mr. MANZULLO, Mr. EVANS, Mr. POSHARD, and Mr. DURBIN):

H.R. 1880. A bill to designate the U.S. post office building located at 102 South McLean, Lincoln, IL, as the "Edward Madigan Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. PETERSON of Minnesota:

H.R. 1881. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

H.R. 1882. A bill to consolidate the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, Science, International Relations, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself, Mr. BOEHNER, Mr. CHABOT, Mr. BROWNBACK, Mr. ARMEY, Mr. DELAY, Mr. COX, Ms. MOLINARI, Mr. PAXON, Mr. BARR, Mr. BONO, Mr. CHRISTENSEN, Mr. FORBES, Mr. FUNDERBURK, Mr. GRAHAM, Mr. HASTINGS of Washington, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. METCALF, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. RIGGS, Mr. SALMON, Mr. SOUDER, Mr. TALENT, Mr. BACHUS, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BARTON to Texas, Mr. BASS, Mr. BRYANT of Tennessee, Mr. BURR, Mr. BURTON of Indiana, Mr. CAMP, Mr. CALLAHAN, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CANADY, Mr. CRAPO, Mr. CHRYSLER, Mr. COBURN, Mr. CONDIT, Mr. COOLEY, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DREIER, Mr. DOOLITTLE, Mr. DORNAN, Mr. EMERSON, Mr. ENSIGN, Mr. FOLEY, Mr. GANSKE, Mr. GOSS, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOKE, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. KASICH, Mr. KING, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. MCCRERY, Mr. MICA, Mrs. MYRICK, Mr. NEUMANN, Mr. NORWOOD, Mr. PARKER, Mr. POMBO, Mr. RADANOVICH, Mr. REGULA, Mr. ROHRABACHER, Mr. SANFORD, Mrs. SEASTRAND, Mr. SHADEGG, Mrs. SMITH of Washington, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. STOCKMAN, Mr. STUMP, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WHITE, Mr. WHITFIELD, and Mr. WICKER):

H.R. 1883. A bill to strengthen parental, local, and State control of education in the United States by eliminating the Department of Education and redefining the Fedeal role in education; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on the Budget, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 1884. A bill to provide for school bus safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZELIFF:

H.R. 1885. A bill to limit the authority of the Secretary of Transportation to regulate light and medium duty commercial vehicles; to the Committee on Transportation and Infrastructure.

By Mr. DEFAZIO (for himself and Mr. DURBIN):

H.J. Res. 95. Joint resolution to amend the War Powers Resolution; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. SOLOMON, Mr. BAKER of California, Mr. BARTON of Texas, Mr. BONIOR, Mr. BROWN of Ohio, Mr. BUNNING of Kentucky, Mr. CONYERS, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DURBIN, Mr. EVANS, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. LANTOS, Mr. MARKEY, Ms. PELOSI, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. STARK, and Mr. TRAFICANT):

H.J. Res. 96. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

114. The SPEAKER presented a memorial of the General Assembly of the State of Indiana, relative to the Republic of China, Taiwan's, participation in the United Nations; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WYNN introduced a bill (H.R. 1886) for the relief of John Wesley Davis; 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. 44: Mr. BEVILL, Mr. YOUNG of Alaska, Mr. SCOTT, Mr. MOLLOHAN, Mr. LAZIO of New York, Ms. WOOLSEY, and Mr. GALLEGLY.

H.R. 65: Ms. LOFGREN, Mr. KILDEE, and Mr. TAYLOR of Mississippi.

H.R. 72: Mr. SHAW.

H.R. 73: Mr. SHAW.

H.R. 103: Mr. BARCIA of Michigan and Mr. SERRANO.

H.R. 109: Mr. TAYLOR of Mississippi.

H.R. 112: Mr. JOHNSTON of Florida.

H.R. 188: Mr. KENNEDY of Rhode Island.

H.R. 218: Mr. JACOBS and Mr. BARRETT of Nebraska.

H.R. 246: Mr. MCCOLLUM, Mr. SCHAEFER, Mr. COOLEY, Mr. LINDER, Mr. BAKER of Louisiana, and Mr. PACKARD.

H.R. 303: Ms. LOFGREN and Mr. TAYLOR of Mississippi.

H.R. 311: Mr. LEWIS of Georgia, Mr. JACOBS, and Mr. POSHARD.

H.R. 359: Mr. FALEOMAVAEGA, Mr. ENGEL, and Mr. LEWIS of Kentucky.

H.R. 447: Mr. KLINK, Mr. DELLUMS, and Mr. REYNOLDS.

H.R. 497: Mr. ZELIFF, Mr. WALSH, Mr. BROWNBACK, and Mr. HAMILTON.

H.R. 499: Mr. BARCIA of Michigan.

H.R. 559: Mrs. MORELLA and Mr. MANTON.

H.R. 733: Mr. MCCOLLUM and Mr. ENGLISH of Pennsylvania.

H.R. 734: Mr. ENGLISH of Pennsylvania.

H.R. 743: Mr. DREIER, Mr. COMBEST, Mr. CRAPO, and Mr. CRANE.

H.R. 782: Mr. DEFAZIO and Mr. RIGGS.

H.R. 789: Mr. EHLERS.

H.R. 863: Mr. GEJDENSON and Mr. VISCLOSKY.

H.R. 864: Mr. LEWIS of Georgia, Mr. SENSENBRENNER, Mr. GILCHREST, Mr. REYNOLDS, and Mr. BATEMAN.

H.R. 868: Mr. SOLOMON, Ms. BROWN of Florida, Mr. BARCIA of Michigan, and Mr. HASTINGS of Florida.

H.R. 882: Mr. OBERSTAR, Mrs. MEYERS of Kansas, Mr. GALLEGLY, Mr. BURR, Mr. FRAZER, and Mr. GUNDERSON.

H.R. 883: Mr. BROWN of California, Mr. FRANK of Massachusetts, Mr. FATTAH, Mr. COYNE, Mr. FARR, Mr. CONYERS, and Ms. ROYBAL-ALLARD.

H.R. 899: Mr. POMBO, Mr. ZELIFF, Mr. SHAW, Mr. ABERCROMBIE, and Mr. WILLIAMS.

H.R. 1023: Mr. LONGLEY.

H.R. 1024: Mr. BAKER of Louisiana.

H.R. 1085: Mr. OLVER.

H.R. 1090: Mr. FOX and Mr. NORWOOD.

H.R. 1091: Mr. LEACH.

H.R. 1099: Mr. NEAL of Massachusetts, Mr. CAMP, Mr. ENGLISH of Pennsylvania, Mr. GEPHARDT, Mr. CARDIN, and Mr. HANCOCK.

H.R. 1114: Mr. WHITFIELD, Mr. ZIMMER, Mr. NETHERCUTT, and Mr. CRANE.

H.R. 1119: Mr. MATSUI.

H.R. 1172: Mr. MASCARA, Ms. HARMAN, Mr. CREMEANS, and Mr. POSHARD.

H.R. 1204: Mr. ENGLISH of Pennsylvania, Mr. MANZULLO, Mr. LINDER, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mr. INGLIS of South Carolina, and Mr. KING.

H.R. 1227: Mr. MILLER of Florida, Mr. CHRISTENSEN, and Mr. CUNNINGHAM.

H.R. 1242: Mrs. MEYERS of Kansas.

H.R. 1402: Mr. MARTINEZ and Mr. REYNOLDS.

H.R. 1404: Mr. PICKETT, Mr. WARD, Mrs. MORELLA, Mr. GALLEGLY, and Mr. MATSUI.

H.R. 1459: Mr. FRAZER, Mr. ENGEL, Mr. FROST, Mr. FATTAH, and Mr. BENTSEN.

H.R. 1552: Mr. FROST, Mr. MATSUI, Mr. LAUGHLIN, Mr. BEREUTER, Mr. WATTS of Oklahoma, Mr. PARKER, Mrs. SEASTRAND, Mr. RIGGS, Mr. CRAMER, Mr. BAKER of Louisiana, Mr. LAHOOD, Ms. JACKSON-LEE, Mr. THOMPSON, and Miss COLLINS of Michigan.

H.R. 1568: Mr. LIPINSKI, Mr. BAKER of Louisiana, and Mr. REYNOLDS.

H.R. 1580: Mr. ENSIGN, Mr. ALLARD, Mrs. CUBIN, Mr. COOLEY, and Mr. THORNBERRY.

H.R. 1594: Mr. HOEKSTRA, Mr. BASS, Mr. FOX, Mr. ROYCE, Mr. GUTKNECHT, and Mr. CHRYSLER.

H.R. 1608: Mr. REYNOLDS.

H.R. 1627: Mr. SPENCE, Mr. PARKER, Mr. LEWIS of California, Mr. STOCKMAN, Mr. DAVIS, Mr. MCKEON, Mr. WICKER, Mr. TIAHRT, Mr. HILLIARD, and Mr. THOMPSON.

H.R. 1662: Mr. JEFFERSON, Mr. JACOBS, Mr. SABO, Mr. FRAZER, Mr. WARD, Mr. OBERSTAR, Mr. GINGRICH, and Mr. CARDIN.

H.R. 1678: Mr. CLINGER, Mr. SPENCE, Mr. SHAYS, Mr. FRANK of Massachusetts, Mr. RIGGS, Mr. INGLIS of South Carolina, Mr. UNDERWOOD, Mr. DAVIS, Mr. SCARBOROUGH, Mr. GOSS, Mr. UPTON, Mr. FRELINGHUYSEN, Mr. NEY, Mr. BRYANT of Tennessee, Mr. HORN, Mr. GENE GREEN of Texas, Mr. BAKER of Louisiana, Mr. LATOURETTE, Mr. HEINEMAN, and Mr. ZIMMER.

H.R. 1684: Mr. DINGELL, Mr. WHITFIELD, Mr. GILLMOR, Mr. STUPAK, Mr. FROST, Mr. LIPINSKI, Mr. BURR, and Mr. GUNDERSON.

H.R. 1686: Ms. DUNN of Washington.

H.R. 1768: Mr. GUTKNECHT.

H.R. 1801: Mr. ROHRABACHER, Ms. MOLINARI, Mr. PAXON, Mr. KASICH, Mr. NEUMANN, and Mr. BARTLETT of Maryland.

H.R. 1807: Mr. CRAMER, Mr. BOUCHER, and Mr. DAVIS.

H.R. 1818: Mr. BAKER of California, Mr. LIVINGSTON, and Mr. PAYNE of Virginia.

H. Con. Res. 23: Mr. MATSUI and Mr. JOHNSON of South Dakota.

H. Con. Res. 42: Mrs. KELLY.

H. Con. Res. 45: Mr. REYNOLDS and Mr. FALEOMAVAEGA.

H. Con. Res. 47: Mr. MILLER of California, Mr. FORBES, Mr. GEJDENSON, Mr. MOAKLEY, and Mr. TALENT.

H. Con. Res. 50: Mrs. KELLY.

H. Con. Res. 62: Mr. ENGEL and Mr. REYNOLDS.

H. Con. Res. 63: Mr. PORTMAN, Mr. CLAY, Mr. ENGEL, and Mr. SENSENBRENNER.

H. Res. 19: Mr. REYNOLDS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1817

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 9: At the end of the bill, add the following new title:

TITLE —DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND; DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 126. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Deficit Reduction Trust Fund" (in this title referred to as the "Fund").

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1996 through 1998, the Secretary of the Treasury shall transfer to the Fund the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs (below the allocations for those programs for each such fiscal year under section 602(b) of the Congressional Budget Act of 1974) resulting from the provisions of this Act, as calculated by the Director.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

(e) DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the adjusted discretionary spending limits (new budget authority and outlays) as set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1996 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays transferred to the Fund under subsection (c) for such fiscal year, as calculated by the Director.

H.R. 1817

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 10: On page 5, line 4, strike "$72,537,000", and insert "$69,914,000".

H.R. 1817

OFFERED BY: MR. HORN

AMENDMENT NO. 11: Page 3, line 3, insert "(less $99,150,000)" before ", to remain".

AMENDMENT NO. 12: Page 3, line 3, strike "$588,243,000" and insert "$489,093,000".

H.R. 1854

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 1: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND; DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 401. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Deficit Reduction Trust Fund" (in this title referred to as the "Fund").

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1996 through 1998, the Secretary of the Treasury shall transfer to the Fund the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs (below the allocations for those programs for each such fiscal year under section 602(b) of the Congressional Budget Act of 1974) resulting from the provisions of this Act, as calculated by the Director.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

(e) DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the adjusted discretionary spending limits (new budget authority and outlays) as set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1996 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays transferred to the Fund under subsection (c) of such fiscal year, as calculated by the Director.

H.R. 1868

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 1: At the end of the bill, add the following new title:

TITLE VI—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND; DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 601. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Deficit Reduction Trust Fund" (in this title referred to as the "Fund").

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1996 through 1998, the Secretary of the Treasury shall transfer to the Fund the aggregate amount of estimated

reductions in new budget authority and outlays for discretionary programs (below the allocations for those programs for each such fiscal year under section 602(b) of the Congressional Budget Act of 1974) resulting from the provisions of this Act, as calculated by the Director.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

(e) DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the adjusted discretionary spending limits (new budget authority and outlays) as set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1996 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays transferred to the Fund under subsection (c) for such fiscal year, as calculated by the Director.

H.R. 1868

OFFERED BY: MR. SANDERS

AMENDMENT No. 2: On page 5, line 14, delete "$26,500,000" and insert "0".

On page 5, line 23, delete "$79,000,000" and insert "0".

AMENDMENT No. 3: On page 5, line 14, delete "$26,500,000" and insert "1".

On page 5, line 23, delete "$79,000,000" and insert "1".

EXTENSIONS OF REMARKS

SCHOOL BUS SAFETY ACT OF 1995

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. TRAFICANT. Mr. Speaker, every schoolday in our country approximately 418,000 schoolbuses carry 24 million schoolchildren to and from school and school-sponsored activities covering 4.5 billion miles. Schoolbus safety is an issue that certainly deserves the attention of the American people and the Congress. Between 1988 and 1993 approximately 400 people were killed, and 67,900 people were injured, as a result of schoolbus accidents. In my State of Ohio, there were 475 people—426 of them students—injured in schoolbus accidents in the 1992–93 school year.

Without question the schoolbus is the safest mode of transportation on America's roads today. My goal is to improve on existing technologies to maximize safety. Today, Mr. Speaker, I am introducing a bill to do just that. The School Bus Safety Act does a number of things that will ensure the safe travel of our most valuable resources: our children.

My bill directs the U.S. Department of Transportation to set national proficiency standards for schoolbus drivers. It also directs the Administrator of the National Highway Traffic Safety Administration to develop guidelines on the safe transportation in schoolbuses of children under the age of 5. Currently, today's buses are designed to transport and provide maximum safety for children above the age of 6. It would apply the Federal Motor Carrier Safety Regulations [FMCSR] to interstate schoolbus operations. Presently, schoolbuses owned and operated by school districts, regardless of the type of operation involved, are not covered by FMCSR because the school districts are exempt governmental entities. My bill mandates a national criminal history background check system to enable local education agencies, or contractors, to check the criminal background of any person they are considering for employment as bus drivers. In addition, the bill calls for the establishment of construction, design, and securement standards for wheelchairs used in schoolbuses. Finally, my bill directs the DOT study the usage of seat belts on schoolbuses, the extent to which public transit vehicles are engaged in schoolbus operations, and the contracting out of schoolbus operations.

Mr. Speaker, as a senior member of the U.S. House of Representatives Transportation and Infrastructure Committee, I have long championed Federal measures to promote transportation safety. My bill jets forth a reasonable plan for improving schoolbus safety and safeguarding the lives of schoolchildren. I urge all my colleagues to support this legislation.

REMEMBERING OUR VETERANS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, one of my constituents, Thomas J. Boulet, sent me a poem "Remembering" which honors the service of the men and women who have served their country in the Armed Forces. I think this poem gives all of us an opportunity to reflect on their sacrifice and valor.

REMEMBERING

(By Thomas J. Boulet, September 10, 1980)

Yes, the poppies still blow in Flanders Field
But over here, who still cares—?
People have forgotten Wars I and II
That made Veterans of men so true.

For God and Country—they did their duties
Against high odds—they went forward:
Striving, fighting men—now forgotten
They gave their all, let them rest—Their battles done.

Today, we here, must say a Prayer
To remember the "Peace of the Dead"
Hoping that our Prayers are not in vain
That while this World lasts—no war again.

The "Torch" that was cast to us living
Must be "Held up high"—or die;
"Tis our time now to push and strive
For Peace; then we can hold that torch up high.

We must not forget what war can do,
A shattered family—of men so true;
Helping the helpless that did come back,
To work on in life with a joyous knack.

LEGISLATION TO AUTHORIZE A LAND TRANSFER BY THE CLINT AND FABENS INDEPENDENT SCHOOL DISTRICTS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. COLEMAN. Mr. Speaker, I rise to announce that I am introducing legislation to remove from existing Federal law an obstacle which prevents two school districts from making important decisions regarding land which they were granted by the Federal Government 38 years ago. Through minor changes in existing legislation, this Congress can give the Fabens and Clint independent school districts the power to determine how to make the most effective use of land they have been capably utilizing for almost four decades.

Since 1957, Clint and Fabens independent school districts in Texas have used federally bestowed land to enhance their agricultural and vocational curriculum. Placing an educational farm on land which the Federal Government had previously ignored for 23 years, the Clint school district has been able to add another dimension to their educational programming, and teach valuable skills to their students.

Over the years, however, getting students to the educational farm has grown increasingly problematic. Located 2 miles beyond the outermost boundaries of the Clint independent school district, school officials and teachers must daily confront the difficulties and dangers of getting students safely from Clint schools to a farm which now lies in another district. Students and teachers must hope that a considerable trip through busy streets will not tragically alter the progress these students are making. It would make sense, some argue, for Clint to sell the land and use the proceeds to enhance its other vocational and technological programs. Unfortunately, such a sensible course of action is not allowed by current law.

As existing law is written, the ability of the school districts to make decisions in regard to that land have been bracketed by a reversionary clause in the law. This clause states that any attempt to dispose of the land would result in making the land property of the Federal Government once again. Clinton and Fabens are, therefore, confined by a 38-year-old straitjacket. They can either keep the land no matter how greatly local circumstances change, or they can surrender it to the Government and leave their students with even fewer vocational resources than they currently possess.

At a time when we are all appreciating the complexities and virtues of a Federal system that gives localities important decisionmaking powers, I am confident that most of my colleagues on both sides of the aisle understand the importance of letting school districts decide how to best utilize property that has been under their supervision for close to 40 years.

Therefore, today I am introducing legislation which would waive the reversionary right stipulated in Public Law 85–42, and untie the hands of Fabens and Clint. Passage of this legislation would signal that this Congress is capable of recognizing instances when we can help our schools and students by intelligently scaling back the reach of the Federal Government.

Before the 85th Congress granted these districts the right to use this land, the Federal Government said for 23 years that it would soon build something on the land. After those two decades of inactivity, Clint, Fabens, and the Congress finally realized that the people of the community could make better use of the land than the Federal Government had. I urge my colleagues not to return to those years of inactivity and require the land to disappear into the labrynthian maze of Federal bureaucracy.

Waiving the reversionary right is a simple and straightforward way to help the young people in my district in Texas. The language in the proposed legislation is narrowly tailored to ensure that any proceeds which come from

any sale of land go to improving the education of students in two school districts. Moreover, by passing this bill, Congress can demonstrate that empowering localities is not a blind leap of faith, but a definite process which requires the Members of this body to be sensitive to local realities and local solutions. I urge my colleagues to support this legislation.

THE CRUSADE FOR CHILDREN: OUR COMMUNITY AT ITS BEST

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. WARD. Mr. Speaker, year after year, the WHAS Crusade for Children shows us what a community working together can achieve. The crusade did it again this past weekend.

Rick Larkins, the chief of the Highview Fire Department, summed up the crusade when he said, "We're like a collection point for the goodness of everyone in Jefferson County."

The Crusade for Children has collected that goodness for 42 years. I know of no other cause which, year in and year out, brings together so many volunteers, working long hours, to truly make a community statement that we will stand behind children and families with special needs.

The volunteer fire departments of my community have made the crusade their cause. In doing so, they have given all of us a concrete example that a real community is people helping people.

My thanks and commendations go to the men and women of WHAS, the volunteer firefighters, the churches, the veterans' groups, and so many individuals who give their time and energy to this annual endeavor to help children.

I'm proud to represent in the U.S. Congress a community which really cares about people, and the Crusade for Children is one of the best statements of our caring.

THE 50TH ANNIVERSARY OF BELVIDERE AMBULANCE CORPS INC.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Belvidere Ambulance Corps Inc. on the 50th anniversary of its dedicated service to the people of Belvidere, NJ. I am certain you realize how difficult it is to find people who are willing to invest their time and energy to become an emergency medical technician, answer calls at all hours of the day and night, and keep up with the continuing education required for this skill. Yet the men and women of the Belvidere Ambulance Corps have accepted this challenge and perform their arduous duties gladly. They truly care about the fellow members of their community.

The history of the Belvidere Ambulance Corps is one that began with a sad, unfortunate, and avoidable tragedy. On June 28, 1945, Belvidere merchant Matthew Hains was pushing his stalled car when he became pinned between the door and a utility pole and was seriously injured. A local doctor rushed to the scene and immediately called for an ambulance, but it took more than an hour for one to arrive from out of town. Mr. Hains made it 15 miles to the Easton [Pennsylvania] Hospital but died 2 days later. Belvidere had lost one of its most valued young citizens for lack of an ambulance.

The citizens of Belvidere responded swiftly. On July 2, 1945—only 4 days after the accident—the mayor appointed an ambulance fund committee and an ambulance was shortly in service. Over the years, the ambulance service has grown considerably, gaining its own building in 1946, a crash truck and boat in 1963, a jaws-of-life tool in 1976, Med-Evac helicopter flights in 1983 and 911 emergency calling in 1994.

Since that fateful day in 1945, the Belvidere Ambulance Corps has answered roughly 27,000 calls, an average of 11 a week, put in more than 115,000 person hours, an average of 45 hours a week, and put nearly 700,000 miles on its vehicles—the equivalent of crossing the United States 224 times. These figures do not include time spent on education, drills, or equipment maintenance.

The ambulance corps will celebrate its 50th anniversary with a parade on Saturday. More than 1,000 participants and spectators are expected to participate and show ambulance workers their support. I wish them continued success in their next 50 years.

RECOGNITION OF MAYOR ROBERT PHINNEY AND POPULACE OF SOUTH GLENS FALLS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. SOLOMON. Mr. Speaker, every day when I'm home I have the privilege of driving through one of the most appealing communities on my way to and from my house in Glens Falls and main district office in Saratoga.

One important community between those two cities is the Village of South Glens Falls, which will celebrate its centennial this year. It's a village with an interesting heritage and, at the same time, all the resources needed for an equally exciting future. I'd like to say a few words this morning about South Glens Falls.

Like the city across the river, South Glens Falls takes its name, and has built its life, around the falls in a bend of the Hudson River. There, also, is the site of the famous cave mentioned in James Fenimore Cooper's "Last of the Mohicans."

And like many other communities in the area, the birth of South Glens Falls was intimately tied to the lumber and paper-making industries. Its official beginning as a distinct entity was on August 8, 1895. Voters petitioned the formation of the village to find a source of wholesome water for its inhabitants. Funding was approved by a local bond vote in early 1896, and the village began building a water system fed by a series of springs, pumps, standpipes, and distribution piping.

A new sewer system was constructed during the twenties and thirties, but more stringent regulations in the seventies and eighties led to major reconstruction projects.

The village is justifiably proud of its success in cleaning up the Hudson River for future generations to enjoy. Adding to the quality of life was the inclusion of a walk/bike trail along the river and refurbishing the old brick treatment plant into a museum, which will be dedicated this summer.

The village is also known for its excellent school system, and other amenities that enhance living, but it has never lost its small-town character. Mr. Speaker, the character of America was forged in exactly such small towns and villages, where such virtues as thrift, hard work, and care for one's neighbors abound.

All summer long those small-town virtues and 100 years of existence will be celebrated in South Glens Falls. The highlight will be the week of August 7 to 13, featuring a parade and museum dedication.

Mr. Speaker, I ask all Members to join me in saluting Mayor Robert Phinney, other village officials, and the entire populace of South Glens Falls, with all our best wishes toward a second century of growth and prosperity.

SPECIAL TRIBUTE TO MR. W.C. HELVESTON

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. CALLAHAN. Mr. Speaker, I am here today to pay special tribute to a man who has for years been a dedicated and faithful public servant in Mobile County, AL. This gentleman is only the second person to have served as administrator of Alabama's second largest county in more than 70 years, and is owed an enormous debt of gratitude by the people of that area. Mr. Speaker, it is for this reason that I, on behalf of the citizens of Mobile County, recognize Mr. W.C. Helveston.

Mr. Helveston was educated in the Mobile County public school system. He then went on to attend the University of Alabama and Spring Hill College, graduating with a degree in business administration. Mr. Helveston worked for a period of time with the Louisville and Nashville Railroad before becoming an administrative assistant with the Mobile City Commission in 1961. It was 10 years later that W.C. Helveston made his entrance into local government as the administrator of Mobile County.

During his tenure in this office, Mobile County has flourished beyond expectation, and Mr. Helveston has made a very important contribution to this growth. He has seen the county's general fund budget go from $4 million in the early seventies to more than $104 million today. He has overseen a highway construction program that is one of the largest and best in our State. In addition, through untiring efforts with the U.S. marshall service,

Mr. Helveston secured $1 million in Federal funds for the construction of the Metro Jail.

Mr. Speaker, I could go on for hours listing W.C. Helveston's various accomplishments and contributions to Mobile County. However, it is his undying commitment to make county government professional and responsive to the people that has been his greatest gift to the people of this county.

Mr. Helveston's commitment to Mobile County has always reached far beyond his position as administrator. At a time when many find it difficult to make time to give something back to the community, W.C. Helveston has been an outstanding exception. One of his most notable areas of community involvement has been with the Mobile County Mental Health Association, where he served on the executive board. The gentleman is a civil servant in the truest sense.

Oftentimes, many in this great Nation are eager to point the finger of blame or find fault with our leaders. Rarely do we take the opportunity to recognize the dedicated and faithful public service of many of our officials. It is for this reason that I take such great pleasure in honoring one such outstanding individual, W.C. Helveston, for all he has given to the citizens of Mobile County, AL.

TRIBUTE TO DR. ERWIN HOWARD BRAFF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dr. Erwin Howard Braff, who passed away on May 21, 1995. He was 71 years of age.

Dr. Braff was director of communicable diseases in San Francisco when the AIDS epidemic reached the Nation's consciousness. In fact, Dr. Braff supervised the individual who first alerted the gay community to the public health threat of AIDS. Erwin Braff served the department of health for 29 years until his retirement in 1984, as director of communicable diseases. Later, Dr. Braff played a leading role in passage of an anti-HIV/AIDS discrimination ordinance in Tiburon.

Erwin Braff served in the Army Air Corps during World War II, attended the University of California, Los Angeles, and began medical school at the University of California, San Francisco. After finishing medical school, he received a master's degree in public health from Johns Hopkins University and worked for the department of health in Tacoma, WA.

Erwin Braff was an active volunteer on the American Civil Liberties Union's San Francisco Hotline; a member of the California Democratic Central Committee; a member of the Health Council of Marin; Marin AIDS Advisory Commission; American Jewish Committee; and Marin Interfaith Council; board member of the Jewish Community Relations Council and treasurer of the Marin AIDS Political Action Committee. He was twice nominated for the Human Rights Commission's Martin Luther King Award.

Mr. Speaker, Marin County, and this Nation owes a great deal of gratitude for the tireless efforts of Dr. Erwin Howard Braff over the years. He was a friend and will be missed by all of us who knew him. I extend my condolences to his wife, Janet and his two sons Mitch and David.

HAPPY ANNIVERSARY TO BARBARA AND NICK CARTER

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. WYNN. Mr. Speaker, I would like to take this opportunity to congratulate a very special couple who will celebrate a milestone wedding anniversary on June 26, 1995.

In these turbulent times, it is so wonderful to recognize Barbara and Nick Carter, a couple who have honored their vows to each other for 50 years.

Their romance began at Blair High School in Silver Spring, MD. He was a football star; she was a cheerleader. After Nick served in the Army Air Force during World War II, where he was a prisoner of war, Nick and Barbara wed on June 26, 1945.

In 1969, they left many family and friends in Maryland and moved to Elkins, WV, where Nick managed the Davis & Elkins College Bookstore. In 1975, Nick became city clerk, a position he held until his retirement in 1988. Barbara also worked at Davis & Elkins College, in the admissions office, for 18 years. They are now retired and enjoying their hobbies. They are avid bridge players. Nick enjoys golfing while Barbara enjoys gardening and tole painting.

They are also devoted to their children and grandchildren. They raised four children: Denise Carter O'Gorman of San Diego, CA; Melanie Carter-Maguire of Catharpin, VA; Lauren Cater Campbell of Brattleboro, VT; and Ernest (Tad) Carter III of New York City. They are the proud grandparents of Andrew, Alison, Katherine, Ian, and Colin. their family and friends, many of whom live in my district, will gather on June 24 to wish them well.

I would like to add my best wishes to this special couple for the years to come and to commend them for their inspiring life together.

CONGRESS SHOULD SUPPORT "SAFE COPS" PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. TRAFICANT. Mr. Speaker, earlier this week I had the pleasure of speaking at a Capitol Hill press conference to endorse a new police protection program called Safe Cops. I would like to take this opportunity to urge all my colleagues to support this excellent initiative.

The program is being sponsored by Eques Publishing Corp. of Freehold, NJ—publishers of Wanted magazine. Eques Publishing will offer a $10,000 reward to any person providing information that leads to the arrest and conviction of anyone who discharges a firearm at a law enforcement officer anywhere in the United States. Wanted is a new monthly publication that profiles America's most dangerous fugitives.

The "Safe Cops" program has the strong endorsement of the National Police Defense Foundation [NPDF], the Law Enforcement Alliance of America [LEAA], and the Guardian Angels. I would like to thank Shannon Williams of Eques Publishing, Joseph Occhipinti of the NPDF, Jim Fotis and Steve Chand of the LEAA, and Curtis Sliwa of the Guardian Angels for their strong support of this program and America's law enforcement officers. I would also like to thank my colleagues SUSAN MOLINARI, SCOTT MCINNIS, and ROBERT DORNAN for attending the press conference and expressing their support for the program.

As a former sheriff, I have seen first hand the sacrifices America's law enforcement officers have made in the fight against crime. Every day of the year some 600,000 Federal, State, and local law enforcement officers put their lives on the line to protect our communities and homes. Tragically, some 150 law enforcement officers are killed in the line of duty every year. Thousands more are injured. It is a tough, dangerous and all too often, thankless job.

Eques Publishing should be commended for their commitment to protecting our Nation's law enforcement officers. Their new reward program deserves the support of every Member of Congress and every American. I am proud to support the "Safe Cops" program.

HONORING PORSHIA MARIE ZABALA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize Porshia Marie Zabala, a 13-year-old student from West Covina, CA.

Like most young adults, Marie enjoys playing sports, roller skating, and being among friends. Marie is uniquely blessed with an extraordinary talent to write poetry. Her poetry is inspired by a childhood filled with mixed messages of love and divorce, happiness and loneliness, and life and death. Her mother, Irene Zabala, and her grandparents are the pillars of support that motivate her creative spirit. Her letter to me conveyed the bond of love and devotion she has for her family.

Part of her family included her godfather, Nino Arthur. Porshia spent many hours by his bedside before he died of AIDS in 1991. His death was hard on her and inspired the following poem:

(By Porshia Marie Zabala)

Sometimes I want to cry.
Sometimes I want to scream.
And sometimes I'm just not me.
All my troubles seemed so-so-far away.
Now they're all here to stay.
Just so suddenly
I'm not the girl I used to be.
Now there's a shadow hanging over me.
There's no way I could get you to stay.
God just wanted to take you away.

I never knew what to say, when you were dying. Sick in bed.
And when I helped brighten your life, your smile helped brighten mine, in many different ways.
But, now that you're gone, those three words I had to say never really came out the right way.
So now I'll just say, I Love You, in that very special way.

Mr. Speaker, I ask my colleagues to join me in congratulating Porshia for nomination as Poet of the Year for 1995 by the International Society of Poets. I wish Porshia continued success with her poetry and future endeavors.

FIFTH ANNUAL DAY OF THE AFRICAN CHILD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the Fifth Annual Day of the African Child. Nineteen years ago today, a terrible tragedy ensued in Soweto, South Africa. June 16, 1976 marks the beginning of a 5 day riot during which South African police massacred almost 200 protestors, many of them children. The Day of the African Child is dedicated to their memory. By commemorating this day, we are also promoting cross-cultural awareness and celebrating Africa's progress in meeting the needs of its children.

Unfortunately, there are still many impediments to further progress. Violence still ravages the lives of many African children. In the past decade, 2 million African children died as a result of armed conflict, 4 to 5 million were rendered physically disabled, and over 17 million were driven out of their homes. In addition, some 200,000 children under the age of 15 were forced into service in various African armies.

Let us use this day, and all those after, to focus on the desperate situation of children in Africa. Let us all contribute to a better world for our children, where they can expect to live a life free of violence, and receive the benefits of education, good health care, and safe shelter.

Although there is quite a distance to go, there have been some remarkable achievements in the last 35 years. In fact, U.S. development aid to Africa has been instrumental in helping millions of children live healthier and safer lives. For example, the death rate of children under 5 has been cut in half since 1960. The average life expectancy in Africa has risen to 54 years, an increase of 13 years since 1960. African governments provided safe water and adequate sanitation to an additional 120 million people during the 1980's, and now over 80 percent of the children living in urban areas have access to safe water. In addition, about 69 percent of African girls are now enrolled in primary school, up from 44 percent in the 1970's.

But this is still not enough. We must get behind this momentum of change we helped create and not stop until we have accomplished what we originally set out to do: to make this a safer world for our children. Mr. Speaker, I urge my colleagues to join me in commemorating today as the Day of the African Child. But, I also urge them to take one step further. Children are the world's most priceless resources, and we should honor them every day of the year.

TRIBUTE TO THE LITTLE HAITI HOUSING ASSOCIATION

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mrs. MEEK of Florida. Mr. Speaker, today, I would like to recognize and honor a group of people who truly believe in creating a better Miami for all of its residents.

Mr. Speaker, the group of people I am referring to is the Little Haiti Housing Association, Inc. and Citibank, F.S.B., Florida. Together, they have forged a formidable, lasting partnership in the Little Haiti community. Recently, this partnership has received the Social Compact's 1995 Outstanding Community Investment Award. This award is bestowed upon a handful of unsung heroes and organizations who invest their creative efforts and talents in at-risk communities around the country.

In 1993, the Little Haiti Housing Association and Citibank launched the Affordable Home Ownership/Education Program. This program has enabled 21 very low-income families in Little Haiti to become proud home owners. This program has also equipped 62 additional families with the wherewithal to purchase their own homes.

By leveraging public money with private funds and support, the Affordable Home Ownership Education Program purchases abandoned or foreclosed properties, renovates them and later sells them to program participants. Participants of the program are asked to commit to a 6 month individualized Home Ownership Training Program. During these 6 months, participants attend personalized counseling sessions, workshops, and class. The training program specifically addresses issues which will prepare Little Haiti residents for all the responsibilities and concerns that accompany home ownership.

The role this program plays in this community is particularly important when one understands what it means to live in Little Haiti. Almost one out of every two people in Little Haiti lives in poverty; and the average income for a family of five is less than $14,000 per year. Further, 70 percent of family income, on average, is devoted to paying rent. And finally, nearly three-quarters of all available housing is available only on a rental basis. The residents of Little Haiti are hard working Americans. It is easy to see how discouraging it would be to complete an 8 hour or more workday and come home to a house that you do not even own. Home ownership will be an integral component in jump-starting this very proud community.

Because of the Affordable Housing Ownership/Education Program, the benefits currently accruing to this community are threefold: the conversion of abandoned dwellings into family housing beautifies the community, and increases stability and pride of the residents. The new home owners are role models. Their self-determination and belief in the betterment of their community is something we should all strive to emulate.

In an area which is beset by poverty and other problems, the Little Haiti Housing Association, Inc. and Citibank of Florida have addressed a critical need within this community. These organizations as well as the individual participants of the program have demonstrated their commitment to delivering stability and a sense of community back to Little Haiti.

Mr. Speaker, the Affordable Home Ownership/Education Program in Little Haiti is clearly an example of what public-private partnerships are capable of achieving. To my colleagues, I believe that the Affordable Home Ownership/Education Program is an ideal way to recreate cohesive, strong communities, and may be an effective way to turning around communities within your own districts. Because of the partnership between the Little Haiti Housing Association, Inc. and Citibank of Florida, communities across the Nation are given a benchmark, a model—if you will—of what this country can do for those in need; and furthermore, what those in need are willing to do for themselves.

I would like to join the Social Compact in honoring this group of truly inspiring Floridians. I congratulate the Little Haiti Housing Authority and Citibank, F.S.B., Florida for creating an opportunity for residents of Little Haiti to own homes and build a stronger community. I also commend this program to my colleagues who are interested in promoting home ownership within their own communities.

A TRIBUTE TO JAMES SMITH OF METHUEN, MA FOR HIS OUTSTANDING CONTRIBUTION TO THE METHUEN PUBLIC SCHOOL SYSTEM

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to an outstanding educator, Mr. James Smith.

For over 30 years, Mr. Smith was a member of the Methuen, MA public schools family. He dedicated his life to teaching, coaching, and guiding young students at the Tenney Middle School.

Mr. Smith began his distinguished career in 1958 as a teacher in Plymouth, NH. Seven years later he moved to Methuen and began his long tenure in the Methuen public school system. Throughout his career, he has assisted countless numbers of students. Each of his students has been a recipient of his sincere kindness, care, and responsible guidance. His supervision and instruction have been significant factors in shaping young students and preparing them for the future.

In his role as principal, teacher, coach, and sometimes parent, Mr. Smith has provided emotional as well as educational support. He has made many invaluable contributions to the Methuen community. Unfortunately, our society often takes its teachers for granted. But,

when we consider the positive effects a teacher can have on the lives of children we begin to appreciate the value of the profession.

Mr. Smith's commitment is a lesson about teaching through example. He dedicated himself to improving his community and he succeeded. He is held in the highest esteem by all who know him. I know many parents, students, and colleagues are grateful to James Smith for his contributions. I extend my congratulations and best wishes to him on his retirement. I know that the Tenney Middle School will continue to benefit from Mr. Smith's involvement and contributions.

COMMEMORATION OF THE FIFTH ANNUAL DAY OF THE AFRICAN CHILD, JUNE 16, 1995

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. ENGEL. Mr. Speaker, I rise in commemoration of the fifth annual Day of the African Child. It was 19 years ago on this date that a massacre of schoolchildren took place in the town of Soweto, South Africa. Starting in 1991, the Day of the African Child has served as an annual awareness day, alerting the entire world of the continued progress and the daily plight of children throughout the African continent.

This year's campaign is particularly special because we explore the challenges and celebrate the progress encountered by children in armed conflict. It is chilling to realize that according to a recent study commissioned by UNICEF 75 percent of children interviewed in Rwanda had witnessed mass killings in multiple areas. Equally shocking is the reality that boys as young as 11 years old are being recruited to serve in the armed forces of Africa's war-torn countries.

The Day of the African Child is not just a time to recognize hardship but also an opportunity to dispel fallacy. It is important to realize that the continent of Africa is not a land of conflict-laden countries destined for decay and destruction. It is a place of potential growth and change, hope and progress.

Just in the last 35 years, the infant mortality rate has been cut in half and the average life expectancy in Africa has jumped 13 years to the age of 54. Over 80 percent of children living in urban areas have access to safe drinking water and African governments have provided safe drinking water and adequate sanitation to an additional 120 million people during the 1980's alone. In the area of education, over two-thirds of school age girls are enrolled in primary school. That's 25 percent more than in the 1970's.

While these advances are impressive they also vividly illuminate the daunting reality; African children have yet to even approach the basic humanitarian standards enjoyed by their counterparts in industrial nations. It is for this reason that we observe the Day of the African Child. And it is for this very reason that today and every June 16 we must remember not forget, recognize not sidestep, and reinvigorate not doom the plight and the promise of the children of Africa.

SEGALOFF LEADS U.S. ROWING TEAM TO GOLD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Ms. DELAURO. Mr. Speaker, I would like to congratulate the U.S. Rowing Team for its tremendous performance at the 1995 Pan American Games in Mar del Plata, Argentina. In 21 events, the national team won 18 medals, including 10 gold.

The men's four and eight boats were led to gold medal victories by coxswain Steven Segaloff, of New Haven, CT. I would especially like to congratulate Steven. He and his family have been friends of mine for many years and I have watched Steven develop from an exceptional local athlete to a world-class competitor.

At an early age, Steven devoted countless hours to practicing and preparing for rowing competitions. His career as a coxswain began at the Yale boathouse on the Housatonic River in Derby, where he filled in for regular varsity coxes when they missed practice. Steven continued his career as a coxswain for Cornell University's varsity crew team. Like his father, Jim Segaloff, a veteran coxswain of 30 years who still continues to race at the New Haven Rowing Club, Steven developed a drive and passion for rowing.

After graduating from Cornell with a degree in American Studies, Steven prepared for his intended legal career by working for Senator JOSEPH BIDEN as a staff assistant to the Senate Judiciary Committee in 1993. But when U.S. national rowing coach Mike Spracklen asked him to cox for the national team, Steven put his legal and polticial ambitions on hold to train and compete in the World Cup Regatta in Germany.

Since then, Steven has led our national crew team to numerous victories, including first place finishes at the 1994 World Rowing Championships, the 1994 Henley Royal Regatta in London, the 1994 Goodwill Games, and recently at the Pan American Games in Argentina.

Now, preparing for the 1996 Summer Olympics, Steven hopes to fulfill his dream of winning an Olympic gold medal in Atlanta. His hard work and sacrifice, and that of the national rowing team, have earned the team international recognition and made us proud. I would like to wish the best of luck to Steven and the entire team as they train and compete in preparation for the Olympics. Bring home the gold in 1996!

CELEBRATION OF THE FIFTH ANNUAL DAY OF THE AFRICAN CHILD

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to celebrate the fifth annual Day of the African Child, which commemorates the massacre of south African students in Soweto on this date in 1976.

These young students spoke out against apartheid, questioning the system that denied them equality. Who knew that their short lives would inspire their countrymen to alter the course of history in the years to come?

This tragic event was a critical moment in Africa's transition from crisis to hope. The commemoration of this day should remind us that the children of Africa are the true victims of that continent's many tragedies, but also that they will help lead Africa to a brighter future.

Although South Africa is successfully adjusting to its new democracy, other African nations continue to struggle. The horrible suffering in Rwanda has had a devastating impact on its children, with hundreds of thousands dead or homeless as a result of the senseless killing. We must work to prevent a repeat of this catastrophe.

I applaud the many dedicated volunteers and organizations who have worked tirelessly for the children of Africa. I believe Africa—a continent of the world's oldest civilizations and yet home to some of the youngest political states—will work to ensure a brighter future for its children and share the fruits of its hard work with those who nurture that goal today.

TRIBUTE TO BARBARA BLADEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. LANTOS. Mr. Speaker, I ask my colleagues to join me in commending Barbara Bladen, who retired from the San Mateo Times on December 11, 1994, after 39 years as an exemplary critic and writer. Her instinct throughout the years has led to a long and distinguished career in the San Francisco Bay area. In reading her reviews I have always admired her insight and eloquence. She has devoted the past 39 years to opening the door to the world of performing arts to many bay area residents.

Barbara, who is well-versed in the performing arts, had planned to make her career as a participant of the arts rather than as critic of them. She is schooled in tap, ballet, classical and jazz piano, modeling, and acting. She had planned to study acting in New York when she married the late painter-sculptor Ronald Bladen. After their move to San Carlos, she began acting locally with the Hillbarn Theater.

Shortly thereafter, she began her long and distinguished career with the San Mateo Times. She started off as the newspaper's librarian and worked her way up to arts critic, for which she was paid $7.50 for each review. From there she moved into the women's department, and began writing a daily "Lively Arts" column. As a daily columnist, Barbara Bladen found her niche reviewing theater, opera, dance, music, and film. Although it was difficult in the beginning, she continued to strive on and overcome all hurdles to become a revered critic.

Known as one to put her interviewees at ease, Barbara was successful in capturing

many celebrity interviews. She made use of her theatrical background interviewing Bette Davis, Clark Gable, Judy Garland, Jimmy Stewart, Omar Shariff, Peter O'Toole, Paul Newman, Lauren Bascall, Sophia Lauren, Lucille Ball, Jody Foster, and Kevin Costner to name a few. Not only did she dress and act accordingly for each star—in full skirts and flamboyant jewelry with a southern twang for country stars, in black leather and raw language for rock stars—she knew exactly what to ask and how to ask it. Barbara traveled extensively throughout her career, and reviewed the many different works she saw and heard from all over the world. She has given the bay area community a lifetime of her performing arts expertise.

Her forth-right manner and her charismatic style has been a great contribution to the arts arena in the bay area, and to the entire community. Mr. Speaker, Barbara Bladen's 39 years of dedication and commitment to sharing new works and discovering new talents has enlightened the entire San Francisco Bay area. On this day, when we celebrate her retirement, I ask my colleagues to join me in congratulating Barbara Bladen for her accomplishments and outstanding career.

TRIBUTE TO LESLIE H. "LES" MORGAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to Mr. Leslie H. "Les" Morgan on the occasion of his upcoming retirement from the city of Los Angeles after 30 years of outstanding service. In recognition of his dedication to the citizens of Los Angeles, Mr. Morgan will be honored at an appreciation dinner on July 20, 1995. It is a pleasure to share with my colleagues just a few of his many accomplishments.

Born in Arkansas on December 8, 1935, Mr. Morgan spent his formative years in Little Rock. After graduating from Dunbar High School, Les moved to California where he studied real estate and accounting at Compton College. Mr. Morgan completed his studies in real estate at East Los Angeles and Harbor City Colleges. After 19 years of continued education and experience in the field, he became a licensed real estate broker in the states of California and Nevada.

From 1965 to 1985, Mr. Morgan worked for the city of Los Angeles in a number of positions. In 1987, he became a real estate trainee in the general services department and by 1991 was advanced to real estate officer.

Mr. Morgan is an accomplished entrepreneur. He is a hair stylist for Morgan's Hair Styles, insurance broker, notary public, and owner of Morgan's Real Estate. When is not hard at work, Les enjoys Jazz, cooking, and travel.

Les has contributed his talents to the community through his active participation in community organizations such as the Western Association of Community Health Centers and the National Association of Community Health Centers. He served as treasurer of the Watts Health Foundation, as well as chairman of the organization's board of directors from 1972 to 1978. Dedicated to community health, he played an integral role in the negotiations and completion of the $7 million health center in 1978.

In appreciation of his service and dedication to the community, Les has received several awards and commendations. He is the recipient of certificates of appreciation bestowed by the Crippled Children's Society for his volunteer efforts and by the Volunteer's Auxiliary of the Watts Foundation for his contributions to the community. He was listed in "Men of Achievement," as well as the first edition of "Who's Who Among Black Americans." He has also been recognized for his dedication to public health by both the Los Angeles City Council and the Los Angeles County Board of Supervisors.

A devoted father of four sons, Gerry, Claude, Frederick, and Vincent, Les was married to Jewel Hall for 35 years. Jewel passed away in 1991, and he has since married the former Sandra Garrett. After Les retires, he looks forward to spending time with his family.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in saluting Mr. Leslie H. Morgan on his many years of dedicated service to the city of Los Angeles. It is a pleasure to join his family, friends, and colleagues in recognizing his distinguished career and congratulating him on his well-deserved retirement.

DAY OF THE AFRICAN CHILD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I rise to note that this day, the 16th day of June, has been declared the "Day of the African Child" by the Organization of African Unity.

Founded in memory of the uprising and massacre of school children in Soweto, South Africa, it is a day that we pause to remember the plight of children all over Africa, and what we as citizens and legislators can do to create a better environment for them. It is a day that provides us with a forum to celebrate the achievements Africa has attained in meeting the needs of its children, and provides us with the opportunity to renew our commitment to providing greater resources to aid in this struggle.

In light of the recent defeat of the Hastings amendment to the foreign aid reauthorization bill regarding the restoration of the $802 million level for the Development Fund for Africa, we need to remind ourselves of the impact of this important part of our foreign aid bill that provided funds to help the malnourished, the illiterate and impoverished.

Through foreign aid provided by America and other countries:

The death rate of children under five has been halved since 1960.

African governments provided safe water and adequate sanitation to an additional 120 million people during the 1980's and now over 80 percent of the children living in urban areas have access to safe water and adequate sanitation.

African girls face many obstacles in obtaining an education but now approximately 69 percent of African girls are enrolled in primary school, up from 44 percent in the 1970's.

While there has been progress over the last three decades, there were several setbacks in the 1980's, such as a falling off of school enrollment by 7 percent.

This setback has been largely caused by the increasing civil wars with Africa. Armed conflict continues to afflict sub-Saharan Africa where fighting persists in Sudan, Liberia, and Sierra Leone. The potential for renewed outbreaks in Rwanda, Burundi, and Somalia is high, and other countries like Zaire and Nigeria, are at risk. Most of the nations where these wars occur have been victims of our former cold war policy.

The condition that these countries find themselves in today is largely due to our policy of containment of communism in the cold war days. As proper as that may have been during that period, the truth is these countries are suffering today because of the divisions this policy created in their societies.

Children of Africa have suffered due to this policy and this should concern the American people so that we strive harder to right these wrongs.

It is important that this year's Day of the African Child campaign will explore the theme of children in armed conflict. A study commissioned by UNICEF found that 75 percent of the children interviewed in Rwanda had seen mass killings in many areas. Moreover, in several African countries, boys as young as 11 years old have been recruited into military training.

The recent war in Rwanda is only one example of the atrocities committed where children have been the greatest victims. Thousands have been killed in the most brutal way by hacking away arms and limbs. On June 14 of last year, militia members of the majority Hutu tribe abducted up to 40 children of the minority Tutsis from a church complex in the government-held part of the Rwandan capital. The militia headed them off to almost certain death.

Enormous strides have been made in providing basic services for children caught in conflict. I was proud of the pharmaceutical industries in the New Jersey and New York area that responded to my call to help the children of Somalia through providing quality drugs through UNICEF.

On this now fifth annual Day of the African Child, please think of the children in each of the 56 countries of Africa and help in your own personal way to continue this good work.

Thank you, Mr. Speaker.

TRIBUTE TO ROLLING MEADOWS CHAMBER OF COMMERCE 1994 HONOREES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. CRANE. Mr. Speaker, I would like to honor five very special business leaders in my district who were recognized and honored on May 11, 1995 by the Rolling Meadows Chamber of Commerce for their contributions to the community.

David Hill, Jr., chairman and president of Kimball Hill, Inc., was honored as the 1994 Business Leader of the Year. Having grown to become one of the 50 largest homebuilders in the United States, Kimball Hill Homes collectively delivered over 1,000 homes in 1994 alone. In addition, Mr. Hill has been involved in national housing policy efforts and has testified before Congress on housing finance issues. Moreover, he has been an extremely active participant in a number of local and regional planning, affordable housing, and charitable organizations.

Dr. Arvind Goyal, of Family Doctor, Inc., was honored as the 1994 Community Leader of the Year. Aside from having served residents for 16 years as a family doctor, Dr. Goyal has belonged to a wide range of local, State, and national organizations, such as the American Medical Association and the American Cancer Society. Other activities that have benefited the community include his public presentations and testimonials on health and other issues before a number of community institutions. Finally, Dr. Goyal has actively lobbied State and Federal legislators on such issues as smoking restrictions in business places, prevention of domestic violence, and health care reform.

Helene Curtis Industries, Inc., was honored with the 1994 Business Beautification Award. This respected Fortune 500 company which has been headquartered in Chicago for years completely renovated their building at 3100 Golf Road. The Rolling Meadows Chamber has obviously taken note of the marked improvement in appearance.

McMinn & Troutman was honored as Small Business of the Year. Having moonlighted as my campaign treasurer for the past 25 years, I am pleased to see Billy McMinn recognized for all the dedicated time and effort that he and his partner, Larry Troutman, have put into their business. Aside from their exceptional skills within the office, McMinn and Troutman have been longtime civic volunteers, as each are also active members of the Rolling Meadows Rotary Club, their respective churches, and many other civic institutions within the community.

Mr. Speaker, I would like to congratulate these five business leaders of Rolling Meadows for their hard work and dedication.

Rolling Meadows and the Eighth Congressional District of Illinois is a better place to live because of them.

THE FLAT TAX AND CRIMINALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. STARK. Mr. Speaker, advocates of sales taxes and value added taxes say that their proposals will eliminate the underground economy and tax avoidance by the criminal element and pretty much make the IRS unnecessary.

Personally, I've been very skeptical of this argument, but the following letter, received by members of the Ways and Means Committee, indicates that the Republican tax revolution may indeed bring a revolution to criminal thinking.

ROBIN, GYPUM, & STEEL, P.C.,
Springfield, VA, June 7, 1995.

Chairman BILL ARCHER,
Committee on Ways and Means, 1102 Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: We serve as legal representatives of the United Drug Dealers of America and the Organized Families Mutual Benefit Association. On behalf of our clients, we were pleased and excited to hear your opening statement of June 5, 1995, detailing how the United States of America might abolish the IRS and move to a transaction or sales tax system. As you indicated, this would abolish the problem of the underground economy and the problem of noncompliance with the nation's tax laws.

On behalf of our clients, we heartily endorse this move. Our clients are patriotic Americans who want to contribute to the nation's tax base.

We do have, however, a number of technical questions as to how the sales tax system would work, and we hope you can provide guidance to the entrepreneurs we represent.

1. To reduce the paperwork associated with millions of dollars worth of marijuana, heroin, cocaine, LSD, etc., sales, can we pay the tax just once at the point of entry? If so, can we pay to an authority other than the U.S. Customs Service (whose personnel seem to have an unprofessional "attitude" problem toward our clients)? Or could you abolish the Customs Service, too?

2. Many of our clients build a customer base near centers of education by the use of free samples. Later, much later, the customer pays. Can the cost of free samples be netted against the profits of later sales?

3. Sometimes a client/customer will make an offer that can't be refused, and a refund for a below par product is in order. If our client has already paid the sales tax, whom do they apply to for a refund?

4. In the execution of our business, a contract is frequently let for disposing of a family of problems. Half the payment is made at the time of the contract, half on the completed contract method of accounting. If, however, the contractor is himself/herself indisposed before half the job is completed, can we receive a refund for a business loss?

5. Because of the high rate of disease and disability in our clients' professions, we are very interested in qualifying for Social Security disability payments as soon as possible. Will we be able to qualify after six quarters of employment in the event of hostile fire? If there is no IRS, who will keep track of our Social Security and Medicare payments? Or would you recommend that we advise our clients to switch to State Workmen's Compensation programs?

6. It is reported you might exempt medical expenses from the sales tax. Client customers who use drugs for stress-reducing purposes—can they be exempt? We have a number of clients who provide dysfunctional sexual counseling services. Will that be an exempt medical expense?

7. Lastly, for our interstate gambling clients, will there be a source tax? For example, if a bettor in Virginia wins at a New York track, will his bookie have to withhold for New York State taxes?

Thank you for your help and guidance on these questions. Like other Americans, we will probably have more as we think through your proposal.

Sincerely,

DEWEY CHEATEM, Esq.

PERSONAL EXPLANATION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. LAFALCE. Mr. Speaker, Wednesday, I missed several rollcall votes in order to attend my son's graduation ceremony in Buffalo. Had I been present, I would have voted "yes" on Roll Calls 370, 371, 372, 373, 374, 375, and 377, and "no" on Roll Calls 378 and 379.

SUPPORT EFFORTS FOR A JUST PEACE IN GUATEMALA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to urge the administration and my colleagues in Congress to support important efforts which are underway to establish a just peace in the friendly Central American Republic of Guatemala. This country has suffered through 34 years of a prolonged terrorist campaign, conducted by elements of the communist URNG, which has provoked violent military responses to its attacks and assassinations. Approximately 100,000 Guatemalans have been killed by both sides during this period. Even a former U.S. Ambassador, Gordon Mein, and a number of United States and other foreign embassy personnel have been assassinated by terrorists groups.

The disappearance of the U.S.S.R., the electoral demise of the Sandinistas and the impoverishment of Castro have left the guerrillas with little financial support other than Norway and a lame cause which has never commanded a popular following in Guatemala. The URNG has agreed to negotiations with the Government following its signing of a Comprehensive Human Rights Accord in 1994. Considerable progress has been made, and Guatemala's respected former Human Rights Ombudsman, Ramiro Leon Carpio, has become the nation's President, with a strong commitment to peace. He has sustained the peace talks and signed six agreements with the URNG since January 1994. These have included agreements on the protection of human rights, the establishment of a historical

clarification commission to address past human rights abuses by both sides once the peace has been finalized, as well as agreements to protect Guatemala's Indian people, refugees and other displaced persons who have been victims of this bloody and protracted conflict.

To prove good faith, the Guatemalan Government has implemented its Human Rights Agreement and has agreed to the presence of a United Nations Peace Mission to Guatemala. I know of no other nation which has been so forthcoming about improving its human rights situation absent a peace agreement and in the face of on-going URNG provocation—police assassinated, numerous kidnapings.

As a society, Guatemala still suffers from residual violence and societal problems which prolonged conflict and unequitable wealth distribution have sustained since colonial times. Nevertheless, as a country, I believe that Guatemala has come farther, from a semi-feudal, conflict-torn and institutionally violent land, ruled by the military in the 1970's and 1980's, to a strong sustained effort toward democratic status. Against all expectations, Guatemala has sustained two democratic elections, which included transfers of power between political parties in 1986 and 1990, and elections of a fully empowered, multiparty legislative branch.

The largest remaining and unresolved Guatemalan problem remains the need for a better legal and police system. Impunity or corruption of the legal branch and untrained and susceptible police, has restrained the advancement of complete democratic process in Guatemala. Yet, in spite of the progress which I have only been to sketch out for you here, Guatemala now faces substantial threats including one from the United States.

The source of this extraordinary problem is an American woman who has become the public affairs front for the URNG. Jennifer Harbury, the widow of URNG Commandante Bamaca, has blitzed the United States for the URNG against Guatemala and has pilloried it in the court of media opinion, over the torture and death of her spouse who appears to have been killed in 1992. Now Harbury and a growing chorus of former supporters of the Sandinistas, and the El Salvadorean FMLN, are clamoring for a cut off of United States aid. What makes this implausible situation even worse is the fact that the terrorist URNG controls no territory, has fewer than 500 men under arms, and lives on war taxes extorted from kidnappings and intercepting local farmers and persons on busses going to market. Harbury has so focussed world opinion on past violent measures used by the Guatemalan armed forces in the face of terrorist assault, that the URNG has continued on its violent course today, with apparent impunity.

Mr. Speaker, I hope that you will join me in calling for the United States to refrain from the short-sighted actions called for by those seeking to cut off assistance to Guatemala at this pivotal time in its history. They would have us break with the Guatemalan armed forces, thereby aligning ourselves with the terrorist URNG in the peace process. The United States must assist Guatemala in the development of civilian controlled and staffed alternatives to the armed forces for law enforcement, and in the reform of a residually corrupt and discredited legal system. These are small items in the balance of a 34 year struggle, and of the Guatemalan people's wish for democracy and freedom from violence.

The United States can offer Guatemala invaluable and inexpensive assistance and constructive criticism, but the media driven opposition to needed democratization-related aid, and demonization of the country and of its government are driven by Harbury's effective campaign. The fact speak for themselves and loudly in favor of the peace process and the restraint of Guatemala's government. I hope the special treatment accorded to Harbury can be postponed until the peace accord has been signed, and all of the victims or casualties of this horrible episode can be accounted for.

We must do what can to encourage a just and lasting peace in Guatemala. This will enable that government to complete its remarkable transition to full democracy, implementing needed internal reforms necessary to create a system of justice that will bring criminals to justice.

TRIBUTE TO IRWIN WEINBERG

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. KANJORSKI. Mr. Speaker, this summer Irwin Weinberg of Wilkes-Barre, PA, an internationally known stamp collector and dealer, is celebrating 50 years in philately. At one point in his splendid career he owned the most expensive stamp in the world, the British Guiana one-cent magenta of 1856. He toured the world to exhibit this stamp and later sold it for a record setting sum. Christies in New York regularly asks him to provide stamps for consignment to enhance certain of their auctions. This is a man who has reached the highest level of success in his field.

But it is not his unparalleled success in philately that I as his Congressman and friend would like to celebrate today. It is the philosophy of this man that I commend you, the philosophy of this constituent who with his wife, Jean, lives in Kingston, PA, a town neighboring mine.

In this day when to call oneself a liberal is to be under attack from many sides, when even the term itself is used as an epithet, Irwin Weinberg is proud to call himself a constitutional liberal. Since childhood he has been interested in liberal causes, especially civil rights. I had the honor of taking him as my guest to the White House to meet Nelson Mandela, the great liberator of South Africa, a man whom Irwin counts along with Martin Luther King and Ghandi, as his hero.

As Irwin describes himself, being a constitutional liberal means coupling the defense of human rights as understood by President John Kennedy with the conservative strictures of the Ten Commandments, the Sermon on the Mount, and the American Constitution. And not just understanding and loving these precepts, but living by the truths and codes of conduct they demand of us.

To deal in stamps is to traffic in history. Each stamp is a distillation of a single, significant moment, a freezing of time to mark it for mankind. Irwin Weinberg has collected stamps since he was 12 years old. When he was 18 he issued his first weekly price list which he still publishes the same way, on an old mimeograph machine. He is a sole practitioner, handling each transaction without the aid of a computer, a copier, a fax machine or even a secretary. In this business he is respected throughout the world. Not unlike the delicate stamps themselves, Irwin Weinberg has maintained the integrity of the moment. It is an honor for me to celebrate him.

TRIBUTE TO RICK DIAZ CHANTENGCO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor a great friend, veteran, business entrepreneur, and civic leader who passed away on June 2, 1995—Rick Diaz Chantengco.

Rick was a living proof of just how fine a person can be! His life exemplified kindness and inspired emulation. His untimely departure brought emptiness to places which he filled with energy and enthusiasm in the Filipino-American community.

In 1957, Rick enlisted in the submarine force of the U.S. Navy in which he served during the Bay of Pigs Conflict, Cuban Missile Crisis, and Vietnam war. In 1969, he was a Chief Petty Officer when he received an honorable medical discharge.

Rick graduated from San Diego City College with a Bachelors Degree in Business and Real Estate Law in 1969. Armed with his military experience and knowledge in real estate business, he founded Chantengco Realty, serving as president and broker. He also was the board chairman of the Pacific Rim Century, a hotel real estate investment corporation.

Rick used his expertise to help the community in which he lived. He assisted in the purchase of a permanent building for the Union of Pan Asian Communities, the largest social service agency in San Diego County. He was the founder and charter member of the Filipino-American Democratic Club of San Diego County, the first such Filipino club in California. He organized and chaired fund-raising campaigns for numerous candidates for political offices.

We all come across a small number of special people, those who touch our minds, hearts, and souls with their optimism and dedication to making everyone's life richer. Rick was one of those chosen few who won the respect and admiration of his family, friends, and community for his unwavering commitment to hard work, community involvement, and a sincere belief that one person can make a difference. This world needs more people like Rick Diaz Chantengco, who will be sorely missed.

My thoughts and prayers go out to his wife, Tess, and his children, J.R., Jacqueline, and Jeanne.

According to Rick's son, J.R. de Jesus Chantengco, he wanted to be remembered in the following way:

As a father, one you can always look up to and rely on. He must lead a very full and God-fearing life. He must set a good example to his wife, his children, and his friends.

As a friend, one who never asks for accolades but through his actions, many people will respect him.

As a business colleague, one who was charged with authority and the highest ethical standards.

As a professional, one who has always strived to be the best and whose business motto is Service is Our Business.

And as a person, one who continually helped others unselfishly, strived for social and political justice, and did them with much enthusiasm.

He wants to be remembered as the man who measures his success by how proud he is of the success of his children; by the most supportive and loving wife he will always have, and by the many friends' lives he has enriched by his helping hand and his caring smile.

WACHOVIA BANK OF GEORGIA WINS AWARD

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. KINGSTON. Mr. Speaker, I would like to take this time to congratulate the Wachovia Bank of Georgia, N.A., Savannah, for their recent receipt of the Outstanding Community Investment Award. Wachovia Bank of Savannah and the Neighborhood Housing Services of Savannah Inc. [NHS], are one of six partnerships to receive this prestigious award from the Social Compact, an organization which fosters cooperation between financial institutions and American neighborhoods. They are being recognized for their joint efforts in pioneering a model strategy for transforming vacant, abandoned properties into quality single-family homes for first-time homeowners and, in the process, infusing vulnerable neighborhoods with the strength of new stakeholders.

Wachovia Bank of Georgia and NHS of Savannah began their partnership in 1993. Their pioneer program, the NHS Home Auction, represented the first time in the Nation that a city government, in partnership with a neighborhood-based organization and local financial institutions, conducted an affordable housing auction of dilapidated, city-owned properties for sale to first-time home buyers. The 1993 auction resulted in the rehabilitation and sale of 31 homes to lower income buyers, representing an investment of $1.5 million in the community. The 1994 auction sold 52 homes valued at $3.8 million.

This achievement represents innovation in urban renewal for both the city of Savannah and the Nation as a whole. Many American cities suffer both socially and economically from problems caused by aging inner-city housing. For years, city leaders and urban planners have searched for ways to turn these houses into assets rather than liabilities. Wachovia Bank and NHS of Savannah have done just that by transforming formerly vacant and dilapidated properties into quality homes which are securing—rather than threatening—the surrounding homes. The new stakeholders and increased investment is infusing fragile Savannah neighborhoods with a new lease on life. For the first time, these neighborhoods are being viewed as neighborhoods of choice, and they are growing as economically diverse and viable areas.

These victories would not have been possible without this partnership approach which maximized the strengths of each partner. By joining forces, the city, NHS, and Wachovia were able to stretch limited public sector resources while maximizing opportunities for private sector involvement. A key challenge to any urban renewal program is financing the very costly process of either replacing or renovating aged housing. The combined rehabilitation and purchase costs significantly exceed neighborhood market values, conventional loan terms, and the mortgage carrying capacity of the lower income borrowers. The partners in this program used creative financing approaches to help assure long-term affordability while providing financial incentives for the new home buyers to remain in the community.

Wachovia provided essential leadership to NHS for establishing the organizational capacity to undertake such a complex and resource-intensive venture. By pioneering mortgage programs for lower income buyers, providing revolving lines of credit essential for property acquisition, and financing the rehabilitation of the properties following purchase, the bank played a key role in this housing program. The city of Savannah and Wachovia should be congratulated for their partnership which not only helps the city itself but can also serve as a national model for urban renewal cooperation between cities and private business. The Outstanding Community Service Award recognizes their many achievements.

I would once again like to congratulate the individuals involved in this program. It is an honor and a privilege to represent them.

TRIBUTE TO DR. ARTHUR S. FLEMMING, FORMER SECRETARY OF HEALTH, EDUCATION AND WELFARE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. NADLER. Mr. Speaker, I rise to pay tribute to Dr. Arthur S. Flemming, former Secretary of Health, Education and Welfare, as well as former Commissioner on Aging, on the occasion of his receiving an award of distinction from the Joint Public Affairs Committee for Older Adults [JPAC], a social action coalition of older adult representatives from over 120 senior centers and community groups throughout metropolitan New York.

Arthur Flemming served as Secretary of the Department of Health, Education and Welfare in the late 1950's. His critical role in the adoption of the Medicare Program began in the early 1960's, with his chairmanship of a special commission that offered proposals for a national program to meet the health needs of older Americans.

The 1971 White House Conference on Aging, with Arthur Flemming as its chairman, adopted significant recommendations later adopted into law, including the establishment of the Supplemental Security Income Program [SSI], support to build housing specifically designed for the elderly, and nursing home reform. He served as Commissioner on Aging from 1973 until 1978. Arthur Flemming's commitment to public service included his role as chairman of the U.S. Civil Rights Commission.

In the 1980's Arthur Flemming again showed his extraordinary leadership as co-chairman of Save Our Social Security [SOS], a coalition of 120 national groups devoted to stave off threatened cuts in Medicare and Social Security. He continues to be a forceful voice in efforts to achieve a program of affordable and accessible health care for all Americans.

Generations to come will remember Arthur S. Flemming as someone who has always spoken out with courage, has translated his values into action. In so doing he has made a difference in the lives of millions of people across this country. His energy and ideas continue to inspire many to join in the quest for a more just society. Mr. Speaker, I ask my colleagues in the House of Representatives to join with me in paying tribute to Arthur S. Flemming.

TRIBUTE TO M. EDWARD KELLY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. HASTERT. Mr. Speaker, I rise today to honor an outstanding civic leader of Illinois' 14th Congressional District, M. Edward Kelly, on his forthcoming retirement.

Ed Kelly has served since December 1976 as the executive vice president of the Elgin Area Chamber of Commerce. The list of accomplishments during his long career are many, and there are many States across this Nation that are better for his service there. Born and raised in Parkersburg, WV, he graduated from Marietta College in Marietta, OH and entered the field of organization management in 1955. He began his professional career with the Benton Harbor-Saint Joseph's Chamber of Commerce in Michigan, and managed chambers in Oshkosh, WI and Springfield, MO before settling in Elgin, IL.

Mr. Speaker, Mr. Kelly has been a valued member of the Elgin community for years, and his list of civic and professional activities is a long one. A former director of the YMCA Corporate Board, Miss Illinois Scholarship Pageant, and Elgin Sesquicentennial Committee, he is also a past president of the Rotary Club of Elgin. To this day he serves as a member of the American Chamber of Commerce Executives, as an ex officio member of the Center City Development Corp. and as a trustee of the Northwest Suburban Mass Transit District.

Mr. Speaker, I ask you and my colleagues to join me in honoring this dedicated man, for his commitment to this Nation's businesses and to the Elgin community. I wish my friend the best in his retirement. His experience and dedication have served the people of Elgin well.

THE FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1995

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. FIELDS of Texas. Mr. Speaker, today I join with my colleague from Massachusetts, Mr. MARKEY, the ranking minority member of the Subcommittee on Telecommunications and Finance, in introducing the Federal Communications Commission Authorization Act of 1995. The bill authorizes appropriations in the amount of $186 million for the FCC for 1 year only, fiscal year 1996. That figure is the same as the House authorized last year.

These are exciting times in the world of telecommunications. We are seeing new technologies, and the convergance and blurring of traditionally distinct businesses. We are also seeing new alliances being formed as we begin to build the information superhighway.

The House will soon be considering a major telecommunications reform bill which brings the 60-year-old communications statute up to date to reflect the dramatic changes in telecommunications. The Subcommittee on Telecommunications and Finance will be holding comprehensive hearings in the near future to consider the reduced role that the FCC will play in a competitive marketplace. That endeavor will be a challenge as well. In the meantime, however, we must authorize appropriations for the FCC so that it can fulfill its obligation as Congress intended.

The bill is substantially the same as legislation ordered reported by the Committee on Energy and Commerce last year and approved by the House. Unfortunately, the other body failed to act so we must again consider these proposals.

The bill includes a number of provisions that should allow the Commission to operate more efficiently, reduce regulatory burdens on industry, save agency resources, and privatize certain of the Commission's responsibilities.

The bill also provides that a substantial portion of the appropriated funds may be raised from application and user fees. It establishes procedures for tighter budget planning so that authorizing committees will have adequate time to review future proposed increases or adjustments to fee schedules.

In addition, this legislation allows the Commission to waive individual licensing requirements for maritime radio services. This provision should relieve boat owners from the burden of unnecessary fees. The bill also provides for more efficient and flexible inspection of ship radio equipment.

Among other things, the legislation clarifies the Commission's authority to reject tariffs and its authority to order refunds resulting from carrier rule violations. It also adjusts the statute of limitations for forfeiture proceedings against common carriers to conform with the Commission's accounting procedures. This provision reflects an agreement worked out between the FCC and the telephone industry. In addition, the bill authorizes the Commission to use outside consultants. This provision would save the FCC permanent staffing resources by allowing it to offer competitive compensation to temporary, outside experts and consultants.

This bill was developed with bipartisan support and reflects a number of proposals supported by the Federal Communications Commission. I urge my colleagues to support it as it proceeds through the legislative process.

TRIBUTE TO CRESCENT MANUFACTURING COMPANY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an out-standing company in Fremont, OH. Cresent Manufacturing Co. was founded in 1898 as a disposable blade manufacturer and has operated continuously in Fremont since that time.

The firm makes 1.5 million steel blades a day for use in the medical, industrial, and other specialty fields. In March 1995, the owners of the company were nominated for Entrepreneur of the Year. This honor recognizes the tremendous effort performed by the management and staff of Crescent in bringing their company through a chapter 11 bankruptcy process. Their story reflects the spirit of enterprise that has made our Nation strong.

After taking over the company in 1990, the directors decided the debt which Crescent owed was too big and filed for protection under chapter 11. The very next day after obtaining controlling interest in the stock, changes were made. Costs were cut, customers were brought on-line, employees assisted in productivity enhancements and the company operated successfully through the bankruptcy process. The company exited chapter 11 on June 19, 1991, just thirteen months after filing for its protection.

Loyalty from customers, suppliers, and in particular, employees got Crescent through tough times. In every year since, sales have increased reaching $10.1 million in 1995. Crescent employs 150 people and has a payroll of $4.5 million annually. Their success has been Fremont's success.

Mr. Speaker, I ask my colleagues to join me today in recognizing the achievements of the staff and management of Crescent Manufacturing Co. and encourage them to continue to uphold what has become the standard of excellence in Ohio.

STATEMENT OF H.R. 1561, THE AMERICAN OVERSEAS INTERESTS ACT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1995

Mr. REED. Mr. Speaker, during the week of June 12, the House of Representatives considered H.R. 1561, the American Overseas Interests Act. Although this bill is not perfect, I voted in favor of this legislation because it includes several important provisions which I have historically supported.

HUMANITARIAN ASSISTANCE

H.R. 1561 included language from the Humanitarian Aid Corridor Act which restricts U.S. aid to any country that prohibits or restricts the transport or delivery of U.S. humanitarian assistance to other countries. I strongly believe that we should not allow humanitarian assistance to be used as a political weapon while innocent victims are deprived of food, fuel, and medical supplies.

STREAMLINING GOVERNMENT

The consolidation of USAID, ACDA, and USIA into the State Department in H.R. 1561 was one of the most contentious issues during debate. While I support the work of these agencies, I also believe that we must remain committed to streamlining government. Secretary of State Christopher proposed a similar consolidation earlier this year. The Department of Defense is now more efficient and productive due in part to the consolidation.

I supported Representative ACKERMAN'S amendment which would have required the Congressional Budget Office and the Office of Management and Budget to conduct a cost-benefit analysis prior to the implementation of this bill. Regrettably, this failed. Congress has been considering cutbacks and elimination of virtually every Federal agency, and, as such, none should be immune from efforts to reduce Government spending.

COMMITMENT TO ISRAEL AND EGYPT

H.R. 1561 also recognizes the United States' ongoing commitments to Egypt and Israel and maintains critical funding for the Middle East. As our steadfast ally in the Middle East, Israel has served as a leader in the efforts to bring stability to the region. We are sending a strong message of support to this region, but we are also acting in our own national self-interest to support a strong and democratic Israel. This region was once considered to have the potential to initiate a major world war. Today, we are witnessing the development of a lasting peace. To withdraw our moral and practical support at this point in the peace process would preempt what we have accomplished thus far.

THE U.S. ROLE IN THE UNITED NATIONS

H.R. 1561 also attempts to redefine our Nation's role in the United Nations. This is not to say we should abandon the basic principles of the U.N., but this bill would make the U.N. more accountable for its programs and practices. By extending current law, H.R. 1561 ensures that the United States maintains a voice in the U.N. budget process by allowing the President to withhold up to 20 percent of appropriated funds for the U.N. if it fails to effect consensus-based decisions. The bill will also give greater authority to the inspector general [IG] of the U.N.. H.R. 1561 withholds 20 percent of the U.N. budget and 50 percent of the peacekeeping budget until the President certifies that the U.N. has increased the powers of the IG, and has given the IG access and sufficient resources to conduct investigations and protect the identity of whistleblowers.

Having witnessed firsthand peacekeeping operations in Somalia, Bosnia-Herzegovina, and Haiti, I believe we must reevaluate the position of the United States within the United

Nations, and define the role in which the United States can best serve not only the interests of the U.N.s but also those of the American people.

EAST TIMOR

There are provisions in this bill which I do not support. H.R. 1561 authorizes the resumption of International Military and Education Training [IMET] for Indonesia. The IMET Program was eliminated for Indonesia in 1992 due to flagrant human rights abuses by the military in East Timor. This bill authorizes funding for this program, yet there has been no significant improvement in cases of human rights violations. I had planned to introduce an amendment to H.R. 1561 which would have eliminated the authorization of U.S. funding for military training in Indonesia. This issue is not about the efficacy of American military training and the value of exposing foreign military personnel to the professional and ethical standard of the American Armed Services. Rather, it is whether we will ignore continuous human rights abuses and use our dollars to pay for this training.

Unfortunately, time constraints prevented me from bringing my amendment to the floor. I believe that American taxpayers should not be asked to pay for this. We should not tolerate human rights abuses by the military in East Timor and I will continue to work in the appropriations process to help the people of East Timor.

BOSNIA

I voted against lifting the arms embargo against Bosnia-Herzegovina because I believe it would have a detrimental effect in the absence of a larger, more coherent strategy. Although the intent is to strengthen the Bosnian Muslims' position in the field, I am concerned that if the embargo is lifted, a large scale offensive would be initiated by the Bosnian Serbs against highly populated urban centers. The health and safety of civilians, as well as U.N. peacekeeping forces, would be put at greater risk.

Ending the arms embargo could also force the evacuation of U.N. forces. Both the Administration and the House Republican leadership have stated that this would require a commitment of U.S. troops. I believe we need to pursue a more comprehensive strategy to address the situation in Bosnia and reach a negotiated and enduring peace. Implementing only one aspect of an inherently complicated plan will only result in further suffering of the Bosnian people.

AFRICA AND LATIN AMERICA

Finally, I hope two issues will be addressed during the appropriations process as well as when the Senate considers its version of the reauthorization. H.R. 1561 cut assistance to Africa and Latin America far below the administration's request. I voted in favor of two amendments to increase funding for the Development Fund for Africa by $173 million and to increase assistance to Latin America and the Caribbean by $9 million. While both amendments failed, an engaged debate brought to light the concerns over drastic cuts to these regions which are certain to be addressed again during the appropriations process.

CONCLUSION

I anticipate many changes to this legislation as it progresses to the conference report. I hope that the conference report represents a continuing commitment by the United States to play a leadership role in the world while recognizing the profound changes in the world and the many demands, both at home and abroad, on our resources.